

**Milwaukee County Transit Plus
On-Time Performance and Customer
Satisfaction Generally are Good
But Better Oversight of Vendor
Complaint Resolution Efforts is Needed**

December 2013

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December 19, 2013

To the Honorable Chairman
of the Board of Supervisors
of the County of Milwaukee

We have completed the audit report titled *Milwaukee County Transit Plus On-Time Performance and Customer Satisfaction Generally are Good, But Better Oversight of Vendor Complaint Resolution Efforts is Needed (December 2013)*.

The attached audit report is in response to a budget directive calling for an analysis of Transit Plus' quality of service and effectiveness of program controls to prevent fraudulent billing for services. As detailed in the report, a customer satisfaction survey conducted by the Audit Services Division generally reflected a high level of satisfaction with Transit Plus paratransit van services. The report also describes how continuous monitoring and a revised administrative fee structure have effectively eliminated detectable levels of fraudulent overcharges for paratransit taxicab services, but has increased administrative costs to the program.

The report provides recommendations to address specific issues noted during the audit.

A response from the Milwaukee County Department of Transportation (MCDOT), with input from Milwaukee Transit Services, Inc. (MTS, which manages and operates the Transit Plus program) is included as **Exhibit 4**. We appreciate the cooperation extended by staff and management from MCDOT and MTS during the course of this audit.

Please refer this report to the Committee on Finance, Personnel and Audit.

Jerome J. Heer
Director of Audits

JJH/DCJ/cah

Attachment

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Milwaukee County Board of Supervisors
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Don Tyler, Director, Department of Administrative Services
Brian Dranzik, Director, Department of Transportation
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Milwaukee County Transit Plus On-Time Performance and Customer Satisfaction Generally are Good But Better Oversight of Vendor Complaint Resolution Efforts is Needed

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Summary

The Milwaukee County Department of Transportation (MCDOT) provides public transit services through the Milwaukee County Transit System (MCTS). Management of the transit system, including paratransit services, is provided by Milwaukee Transport Services, Inc. (MTS), a private, non-profit corporation. MCDOT administers the management contract between the County and MTS. Transit Plus is the name of the program under which MTS provides accessible transportation services for those persons whose use of an MCTS fixed-route bus is limited due to a qualifying disability under the Americans with Disabilities Act (ADA). Paratransit operations include the provision of client orientation to transportation services as well as demand responsive transportation. There are two forms of transportation provided under the Transit Plus program, taxicab service, for more ambulatory clients, and van service for more physically challenged clients. Operating expenses for 2013 are budgeted at \$19.0 million. Program revenue for 2013 is budgeted at \$17.6 million, resulting in budgeted tax levy support of approximately \$1.3 million.

This audit is in response to a budget directive calling for an analysis of Transit Plus' quality of service and effectiveness of program controls to prevent fraudulent billing for services. Based on prior audit work in this area and the relative volume of rides provided by van and taxicab vendors, we focused on customer satisfaction with van service and fraud controls over taxicab fares.

A customer satisfaction survey conducted by the Audit Services Division generally reflected a high level of satisfaction with Transit Plus van services.

Telephone contact was attempted with 413 clients; we successfully completed 121 surveys (29.3% response rate). The 121 respondents accounted for a total of 9,873 Transit Plus van rides in 2012. Following are highlights of the survey responses.

- 93% of respondents indicated they used van services the most and data show these respondents took a total of 9,663 van trips in 2012.
- 88% of the respondents indicated they were always satisfied or satisfied most of the time with their paratransit services. Data show these respondents took a total of 8,530 van trips in 2012.
- 82% of the respondents said they always or most of the time were able to schedule a pickup at the time they requested.
- Almost all of the respondents (93%) said they always feel safe when they use the paratransit services.

- 92% of the respondents said they were satisfied with their treatment by Transit Plus staff when they sought initial approval or renewal of their program eligibility.

Viewed in their totality, the results of our telephone survey of Transit Plus clients generally indicate a very high level of satisfaction with paratransit services.

Transit Plus van service vendors' on-time performance averaged 95.7% during 2012, exceeding contractual standards; proactive monitoring of compliance with ADA requirements for comparability with fixed-route bus service travel times could help ensure superior customer service.

Transit Plus van service is provided by two private vendors. Transit Express is the primary service provider for the northern portion of Milwaukee County, while First Transit is the primary service provider for the southern portion. MTS provided a downloaded data file, containing nearly 558,000 records, of all paratransit van trips booked for 2012. After adjusting the database for trip cancellations, rides for caretakers accompanying clients and some minor data entry errors, we analyzed 414,834 scheduled and provided rides in 2012. Data show Transit Express provided approximately 60% of the paratransit van service rides in 2012, while First Transit provided approximately 40% of the rides.

Transit Plus provides a 25-minute buffer for paratransit providers to be defined as 'on time' for a scheduled pickup. Federal guidelines permit a window of up to 30 minutes. Our analysis of the van service data showed:

- Collectively, the two van service providers exceeded the 25-minute timeframe in 18,032 of the 414,834 rides analyzed. This means that the two van service providers were late for pickups in 4.3% of the rides analyzed in 2012 or, conversely, met the on-time performance standard in 95.7% of the rides. Transit Express exceeded the 25-minute threshold in 5.0% of its rides, while First Transit exceeded the limit in 3.2% of its rides.
- Inclement weather conditions negatively impacted van service providers' on-time performance, but both van service providers met their contractual on-time performance standards throughout 2012. The data reflect that on-time performance was the lowest during the four months of December, January, February and March—typically among the most inclement of the year.
- Rides scheduled on a regular basis (subscription rides) had a better on-time performance record than those scheduled on an infrequent basis (demand rides). In 2012, approximately 54.5% of van service rides were regularly scheduled, routine trips known as subscription rides. Examples of subscription rides include clients going to work or to regularly scheduled appointments. The remaining 45.5% of trips (demand trips) are more ad hoc in nature, such as a medical appointment or social event. The on-time performance of regularly scheduled subscription rides was better than that of demand rides, with an average of 3.2% of subscription rides exceeding the 25-minute limit during 2012 compared to 5.7% of demand rides that exceeded the standard.

- Transit Plus van service providers met the program's overall ride duration standard (monthly average of 47-minutes) throughout 2012, but nearly one in five rides was one hour or more in duration. Compliance with an ADA fixed-route comparability standard is difficult to gauge. Transit Plus' monthly average standard appears sufficient to prevent or detect consistent excess travel times indicative of system capacity problems. However, Transit Plus should proactively monitor compliance with the ADA standard to help ensure superior customer service. The Americans with Disabilities Act requires that service levels for paratransit services must be comparable to those available to the public via fixed route service lines. We question the comparability of van rides that exceed fixed-route travel times by 15 minutes or more based on a 15–20 minute parameter suggested by federal guidelines. Our random sample of 50 paratransit van rides provided in October 2012 showed only one van ride (2%) that exceeded the maximum estimated fixed-route travel times by 15 minutes or more. However, from a separate random sample of 25 paratransit van rides drawn from rides that exceeded 60 minutes in travel time, nine van rides (36%) exceeded the 15 minute parameter. Currently, Transit Plus management reviews the comparability of paratransit van and fixed-route services in response to individual complaints. Reviews should be performed on a regular basis, include efforts to identify patterns, and could include soliciting input from affected clients when appropriate to identify extenuating circumstances.

Transit Plus needs a more proactive approach to ensure providers comply with contract requirements for complaint investigation/resolution processes.

Transit Plus provides several ways for clients to file complaints regarding paratransit services. These include direct phone numbers of transportation providers, a telephone number at Transit Plus, an e-mail address on the MCTS website, and a fax number for Transit Plus. The model of permitting service providers the opportunity to directly receive and resolve complaints from clients allows for the most efficient resolution of daily operational issues. In addition, the ability for clients to contact Transit Plus directly provides an outlet for clients whose complaints are not adequately addressed by providers. However, Transit Plus management has not met its oversight responsibilities to monitor providers' compliance with the complaint resolution contract requirements. Specifically, Transit Plus management was unable to provide any evidence of reviewing provider complaint records for completeness or timely investigation/resolution. To keep the number of complaints received in perspective, it should be noted that in 2012, there were 689 complaints recorded by Transit Plus, or less than two-tenths of one percent of the 572,146 total paratransit van and taxicab rides provided.

One complaint brought to our attention brings to light two important policy considerations regarding Transit Plus van service: video surveillance and wheelchair securement.

The complaint, detailed in this report, involved serious allegations related to van drivers' handling of issues concerning the safe securement and restraint of a wheelchair-bound client. There is significant divergence in the client's family members' description of events and those detailed in written incident reports and a subsequent investigation of the matter by MCTS and the Federal

Transit Administration. Lacking a video recording of the incident, a question as to which description most accurately characterizes key details of the incident cannot be answered conclusively. Unlike fixed-route buses, there is no continuous video monitoring of activity within the vehicle that can be retrieved at a later date. While no surveillance system is infallible, a policy of equipping paratransit service vans with active surveillance cameras would greatly enhance Transit Plus' ability to investigate and resolve disputed service incidents.

A second policy consideration involves how to properly address seemingly conflicting ADA standards relating to the safe transport of paratransit clients. ADA requires that paratransit service vans must be equipped with wheelchair securement and personal restraint equipment. Yet at the same time, drivers specifically are not permitted to deny transportation service based on an inability to properly secure a client's wheelchair. This latter provision appears to place paratransit programs such as Transit Plus in the position of potentially having to provide service in a clearly unsafe manner. While we note that ADA regulations permit transit agencies to adopt a mandatory securement policy, we were unable to identify a best practice that addresses this apparent conflict in the ADA requirements. Transit Plus management said it believes the current practice of advising clients that they must permit drivers to properly secure their mobility devices, and training drivers in doing so, is appropriate. We include a recommendation that MCDOT form a workgroup of appropriate stakeholders, including the Office of Milwaukee County Corporation Counsel, to review the appropriateness of Transit Plus policies, procedures and contract requirements related to compliance with ADA wheelchair securement, wheelchair bound client restraints, and legally defensible service denial protocols regarding client safety concerns.

Continuous monitoring and a revised administrative fee structure has effectively eliminated detectable levels of fraudulent overcharges for paratransit taxicab services, but has increased administrative costs to the program.

The potential variability of taxicab fares makes Transit Plus taxicab service a high-risk area for fraud. A strong fraud detection/deterrent control was implemented by Transit Plus in 2004. We confirmed the effectiveness of Transit Plus' Taxi Fare Checker system in July 2005 as part of an investigation of an Audit Hotline tip alleging paratransit taxicab fare overcharges. We reviewed the Taxi Fare Checker reports for the one-year period from July 1, 2012 through June 30, 2013 and noted that there were negligible overcharges identified. Transit Plus staff stated that there have been virtually no overcharges since Transit Plus started paying an administrative fee to American United in 2009.

There is no management control that can provide 100% assurance that a Transit Plus taxicab service client cannot be the victim of a fraudulent overcharge on a given trip. However, based on our past review of Transit Plus' Taxi Fare Checker system, management's continuous monitoring of that system, and the elimination of a past administrative fee structure that had the effect of encouraging overcharges, we conclude Transit Plus has effectively eliminated any widespread overcharging for taxicab services. We also conclude that any overcharges that occur are limited in number and in magnitude.

It should be noted that the per-ride administrative fees paid to American United by Transit Plus for paratransit taxicab service in 2012 totaled approximately \$370,000, while our review in 2005 indicated overcharges were being identified at an annualized rate of less than \$10,000. However, it is unlikely the paratransit taxicab service could have continued without the revised administrative fee structure. American United is currently the sole provider of Transit Plus taxicab service.

Transit Plus is operating within ADA guidelines relating to eligibility certifications and re-certification of eligibility at reasonable intervals. However, management has no formal procedure in place to help ensure consistency in judgments applied by individual assessors.

We reviewed documentation for 25 randomly selected clients whose assessment in 2012 resulted in approved eligibility. Appropriate forms documenting medical conditions and assessment/review processes were on file for all 25 clients reviewed.

Transit Plus records show there were 3,285 assessments completed in 2012. The data show that 14.9% of new applicants were denied eligibility for Transit Plus services in 2012. The approved clientele comprised a mix of persons with permanent and temporary disabilities. About 54% of the clients certified as eligible in 2012 were deemed persons with permanent disabilities, while 38% were deemed persons with non-permanent disabilities. The remaining 8% of clients whose eligibility was approved in 2012 were classified as having short-term disabilities. Eligibility certification periods ranged from less than one year to seven years, with nearly 20% judged to have permanent disabilities with no recertification required.

Given the considerable latitude provided individual assessors in determining appropriate re-certification intervals, as well as concerns expressed during our client focus groups with the frequency of some re-certifications, we believe a structured management oversight approach to help ensure consistent eligibility determination decision-making among assessors is warranted.

The two van service providers were in compliance with Transit Plus contract requirements for documented background checks and verifications of valid drivers' licenses on file for their employees.

We reviewed records for all 204 drivers employed by Transit Plus' two van service providers or their two subcontractor providers during 2012. Highlights of those record reviews include:

- **Valid Drivers' Licenses:** Each of the 204 drivers had valid State of Wisconsin drivers' licenses as well as valid Public Passenger Vehicle Licenses.

No more than three moving violations, convictions or license suspensions within the past three years: All but one driver reviewed was in compliance with this requirement. The lone exception was an individual convicted of participating in an armed robbery and serving time in the House of Correction with Huber work release privileges. Upon providing this information to the provider, the driver was terminated in August 2013.

- No convictions for DUI (Driving Under the Influence) or DWI (Driving While Intoxicated) in past five years and no more than one on record. There were no drivers with a DUI or DWI conviction within the past five years.
- Both providers had processes in place to regularly review the criminal and driving records of the drivers they employed.

The Transit Plus Advisory Council's membership has not been properly maintained under by-laws governing the entity.

In 1998, Milwaukee County established the Transit Plus Advisory Council (TPAC), a 13-member advisory board appointed by the Milwaukee County Director of Transportation (MCDOT). The TPAC mission is to serve as an advocate for persons with disabilities. TPAC by-laws reflect that members are appointed by the Milwaukee County Director of Transportation; that all appointments are for two-year terms; and that terms are staggered so that approximately half of the council is up for appointment each year. The by-laws also have a provision for TPAC to provide a list of potential appointments to the Director of MCDOT for TPAC appointments. However, the Director's Office of MCDOT could not produce any record of TPAC appointments, and could not recall the last time such appointments were made.

Recommendations are included to address each of the issues identified in this audit report. We would like to acknowledge the cooperation provided by MTS, Transit Plus providers and the MCDOT throughout the course of the audit. A management response from the Department of Transportation is included as **Exhibit 4**.

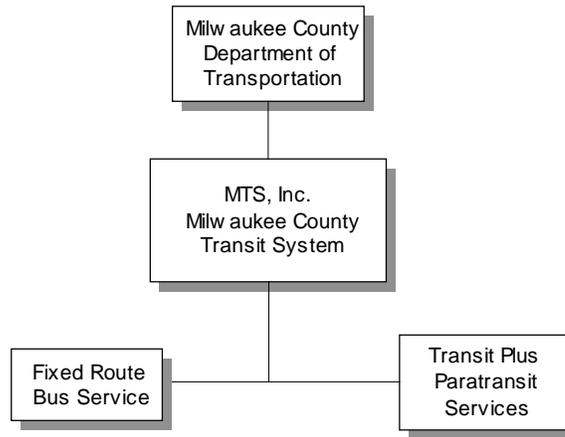
Background

The Milwaukee County Department of Transportation (MCDOT) provides public transit services through the Milwaukee County Transit System (MCTS). Management of the transit system, including paratransit services, is provided by Milwaukee Transport Services, Inc. (MTS), a private, non-profit corporation. MCDOT administers the management contract between the County and MTS.

The Director's Office of MCDOT provides County oversight as well as conducts various transit related studies, and prepares and administers federal and state transit grants. MCDOT personnel also facilitate the acquisition of capital equipment as well as provide design and construction services for capital facilities. Transit Plus is the name of the program under which MTS provides accessible transportation services for those persons whose use of an MCTS fixed-route bus is limited due to a qualifying disability under the Americans with Disabilities Act (ADA). Paratransit operations include the provision of client orientation to transportation services as well as demand responsive transportation. There are two forms of transportation provided under the Transit Plus program, taxicab service, for more ambulatory clients, and van service for more physically challenged clients.

Figure 1 shows an abbreviated organizational chart depicting the relationship between Milwaukee County and MTS in operating the Transit Plus program.

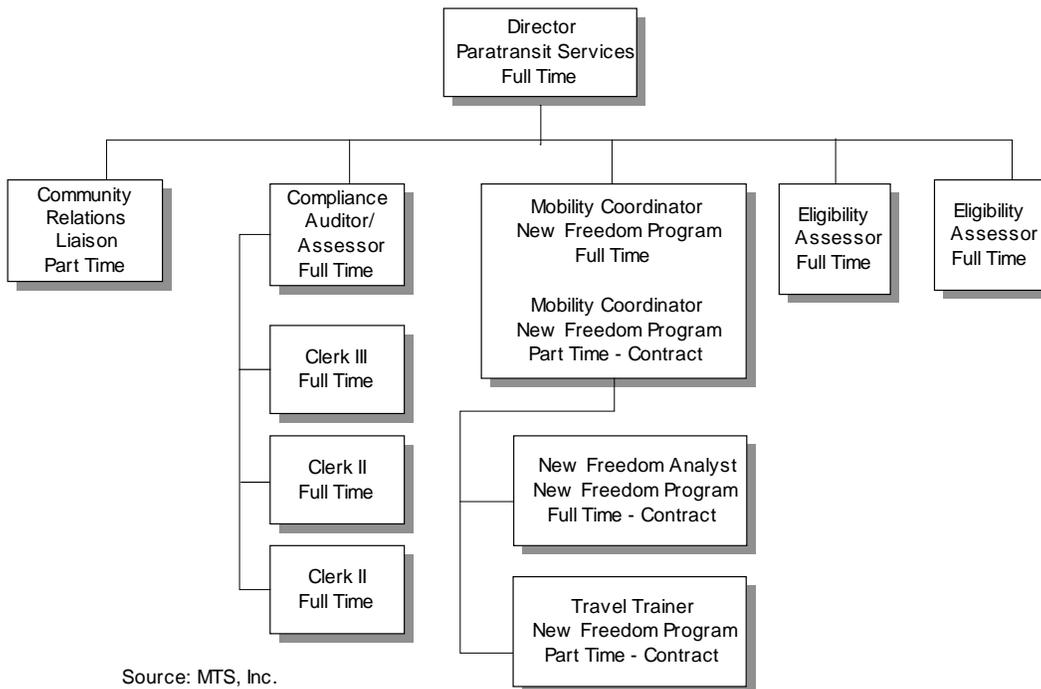
**Figure 1
Milwaukee County Transit System**



Source: 2013 Milwaukee County Adopted Budget and Milwaukee County Transit System Website

Transit Plus has a staff of 12 (nine full time and three part time). **Figure 2** shows the Transit Plus organizational chart as of October 2013.

**Figure 2
Paratransit Services**



Source: MTS, Inc.

Operating expenses for 2013 are budgeted at \$19.0 million, an increase of approximately \$3.1 million from 2012 actual expenses of \$15.9 million. Program revenue for 2013 is budgeted at \$17.6 million, a decrease of about \$1.2 million from the 2012 actual level of \$18.8 million, resulting in budgeted tax levy support of approximately \$1.3 million. Total gross paratransit trips for 2013 are budgeted at 679,429, an increase of 18.8% over the 2012 actual ride total of 572,146. Gross trips are defined as one-way rides from point of client pickup to point of client destination and count both clients and non-paying Personal Care Attendants. The gross trip totals cited include van service, taxicab service and van service trips provided to clients of Goodwill Industries under separate contract (agency trips).

Filtering the gross trip information to focus on individual client van rides shows that in calendar year 2012, the Transit Plus program provided 459,805 van rides to approximately 6,500 unique clients. During the same period, Transit Plus subsidized client fares for 71,505 taxicab rides.

This audit is in response to a budget directive calling for an analysis of Transit Plus' quality of service and effectiveness of program controls to prevent fraudulent billing for services. Based on prior audit work in this area and the relative volume of rides provided by van and taxicab vendors, we focused on performance and customer satisfaction with paratransit van services, and with fraud controls over taxicab fares.

Payments to vendors for van rides in 2012 totaled \$12.9 million, resulting in an average cost of \$28.03 per ride. Individual clients purchase tickets at the rate of \$4 per ride (reduced to \$3.50 for 2014) from the program, while institutional agencies purchasing tickets on behalf of their clients are charged \$16.55 per ticket.

Table 1 shows the trend in Transit Plus van rides during the six-year period 2008 through 2012. The data show that there were 43.4% fewer Transit Plus van rides in 2012 than in 2008.

<u>Year</u>	<u>Rides</u>	<u>% Change</u>
2008	812,409	
2009	874,416	7.6%
2010	832,136	-4.8%
2011	678,676	-18.4%
2012	459,805	-32.2%
Total Change, 2008—2012	-352,604	-43.4%

Source: Transit Plus program ridership data. Client rides only; does not include Personal Care Attendant or companion rides.

Two policy initiatives in recent years have contributed to a significant reduction in the number of van rides provided under the Transit Plus program:

- In 2009, MCTS began coordinating with the Milwaukee County Office for Persons with Disabilities and other County agencies to continue to provide free bus rides on the fixed-route system for eligible persons with disabilities through the Federal New Freedom Initiative. The County sponsored the New Freedom Pass, with the goal of continuing to expand mobility and reducing the need for paratransit service. Free rides tracked under the program increased from 69,696 in 2010 to 95,988 in 2012. According to Transit Plus management, this number is significantly understated because only passengers requiring mobility device securement are included.
- In 2010, Transit Plus substantially increased the price of van ride tickets to institutions that received Title 19 funding, such as the County’s Family Care program and Goodwill Industries. The rationale for this initiative was that Title 19 funding for those institutions includes a client transportation component. As previously noted, the ticket price for agency rides in 2012 was \$16.55 as opposed to \$4 per ride for Transit Plus clients. Prior to 2010, institutions paid the same price for van ride tickets as Transit Plus clients.

Under contracts that expired October 31, 2012, there were two van service providers. One provided service for clients in the northern portion of the County, while the other provided service for clients in the southern portion of the County. In a 2012 Request for Proposals (RFP) solicitation, MTS entertained proposals for each service area individually, as well as for serving Milwaukee County as a whole. Thus, the process could potentially result in either one or two vendors serving existing clientele for the new contract period. Due to the reduction in van service ridership, MTS reasoned that it potentially could be more economical for a single vendor to provide service for the entire County.

An appeal of an initial contract award decision and related management decisions led to the negotiation of separate three-year emergency contract extensions with the two existing van service vendors. Circumstances and decisions leading to the issuance of the three-year contract extensions were the subject of a separate audit report issued in April of this year.

Also in April 2013, MCDOT issued an RFP seeking competitive proposals for management of MCTS. In July, MCDOT issued a notice of intent to award a management contract to MV Transportation, Inc., effective January 1, 2014. As of the writing of this report, the contract award, which is subject to County Board approval, has been delayed pending appeals from MTS and another firm that submitted a proposal. The 2014 Adopted Budget included a one-year extension of the current contract, with a 90-day cancellation provision. The budget also contained a provision for a study of the potential advantages and disadvantages of directly managing and operating the MCTS as an internal department or division.

Section 1: A customer satisfaction survey conducted by the Audit Services Division generally reflected a high level of satisfaction with Transit Plus van services.

We obtained the assistance of advocacy groups in developing a methodology to survey Transit Plus customers.

A primary objective of this audit was to determine the general level of satisfaction among clients of the Transit Plus program. Given the special needs of the paratransit clientele, we obtained the assistance of advocacy groups in developing a methodology to survey Transit Plus customers. This included a preliminary meeting with officials from Disability Rights Wisconsin (DRW) and IndependenceFirst, two local, non-profit organizations. DRW is part of a national system of federally mandated independent disability agencies established to advocate vigorously on behalf of the human and legal rights of people with disabilities. IndependenceFirst, directed and controlled by persons with disabilities, facilitates empowerment of individuals with disabilities through education, advocacy and independent living services.

At that initial meeting, we obtained input on potential areas of client concern, as well as guidance on how best to structure a survey instrument for clients with special needs. The advocacy groups facilitated the formation of three focus groups of Transit Plus clients that we engaged to solicit customer feedback on service issues relevant to the consumers of the services. The purpose of the small focus groups was to identify potential issues of interest among Transit Plus clients for development and inclusion in a more structured customer satisfaction survey.

During the focus group sessions, a majority of the participants indicated they were pleased with the overall program. In addition, the following areas of concern were mentioned:

- Lateness in meeting scheduled pickup times.

- Miscommunication between user and provider causing clients to sometimes wait in the wrong places for pickup.
- Excessive wait times on the telephone to schedule rides.
- Excessive ride times in relation to trip distances.
- Rudeness of staff from both providers and Transit Plus.
- Limited accessibility to tickets (e.g., tickets must be purchased at Milwaukee County Transit Center, as opposed to local retail outlets).
- Complaints are not taken seriously or are not resolved.

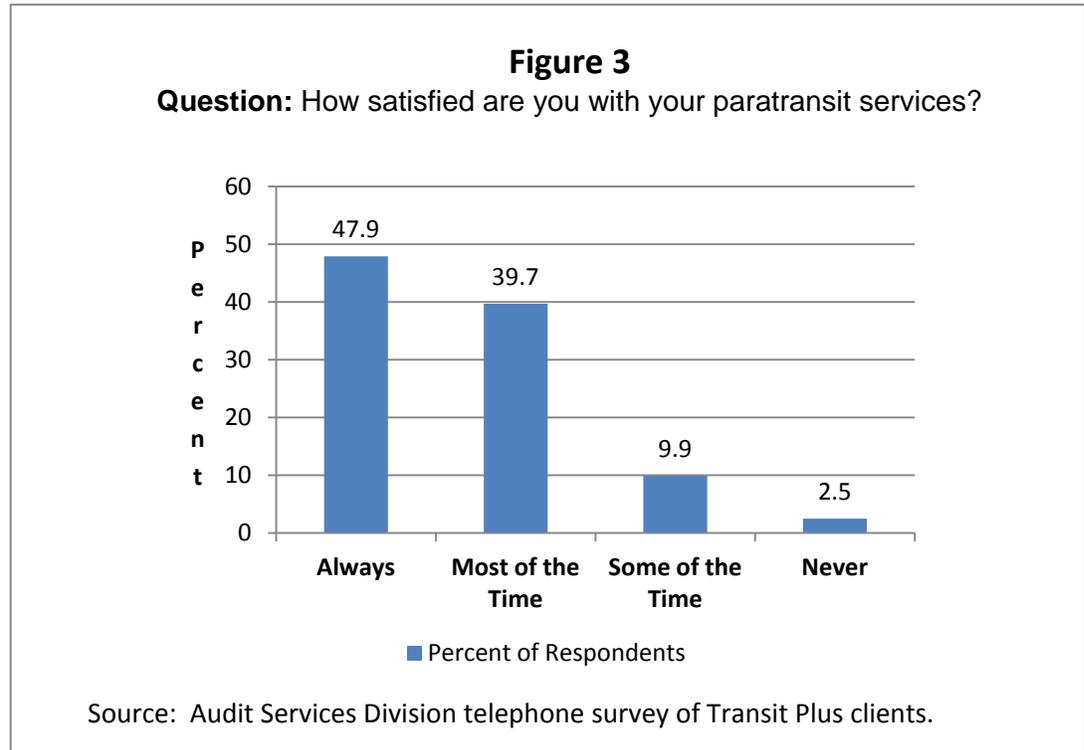
Based on the input of the focus groups and additional suggestions from the advocacy groups, we developed a survey instrument to gauge customer satisfaction from a broader sampling of Transit Plus consumers. The survey instrument used is attached as **Exhibit 2**.

Our survey sample was randomly drawn from a database of 557,722 paratransit trip records for 2012.

Anticipating a relatively low response to an open-ended telephone survey, we chose to forego a sampling methodology upon which a statistical inference could be made about the entire universe of Transit Plus consumers. However, our survey sample was randomly drawn from a database of 557,722 paratransit trip records for 2012. Coupled with separate reviews of trip data analytics and consumer complaint records, we believe the results of our survey provide a reasonable basis for assessing the general level of customer satisfaction with Transit Plus program services.

Telephone contact was attempted with 413 clients during the five business days from June 5 through June 11, 2013. From those calls, we successfully completed 121 surveys (29.3% response rate). The 121 respondents accounted for a total of 9,873 Transit Plus van rides in 2012. Following are highlights of the survey responses:

- 93% of respondents indicated they used van services the most and data show these respondents took a total of 9,663 van trips in 2012.

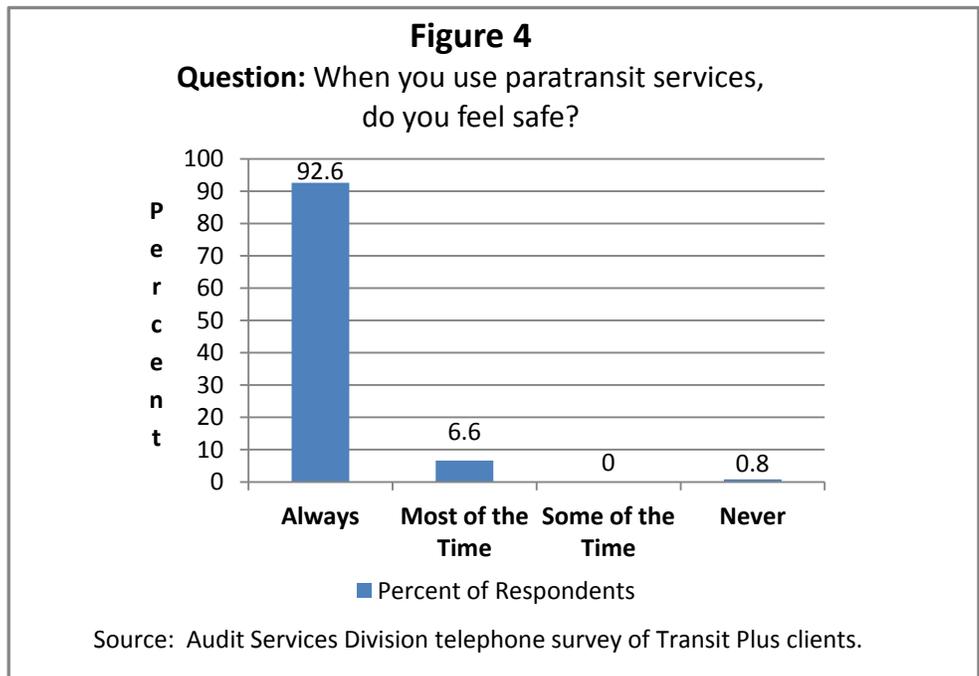


- As shown in **Figure 3**, 88% of the respondents indicated they were always satisfied or satisfied most of the time with their paratransit services. Data show these respondents took a total of 8,530 van trips in 2012.
- When asked “What do you not like about the paratransit services you have used?”
 - The most frequent response (44%) was “Nothing.” Data show these clients took a total of 4,831 trips in 2012.
 - One-third of the respondents (33%) indicated problems with timeliness of drop-offs/pickups or ride duration. These respondents took a total of 3,349 van trips in 2012.
 - Discourteousness was cited as a problem by 6% of respondents. A variety of other concerns relating to safety, scheduling, address problems and other issues, were identified by a total of 17% of respondents.
- When asked “What do you like best about the paratransit services you have used?”
 - A total of 86% of respondents had something positive to say about their experiences with paratransit services.

This included comments on: the courteousness of service providers (40% of respondents), on-time pickups and drop-offs (29% of respondents) and the convenience of service (13% of respondents). Data show those with favorable comments took 9,020 van trips in 2012.

82% of the respondents said they always or most of the time were able to schedule a pickup at the time they requested.

- 82% of the respondents said they always or most of the time were able to schedule a pickup at the time they requested and data show these respondents took a total of 8,857 van trips in 2012.
- Almost all of the respondents (93%) said they always feel safe when they use the paratransit services, as reflected in **Figure 4**.



- 19% of the respondents indicated that they have made a complaint regarding paratransit services. Of those lodging complaints, 39% indicated the complaint was resolved within 10 days; 9% said their complaints were resolved within time periods exceeding 10 days; but 44% said their complaints usually are not resolved at all. *[Note: We describe the results of our separate review of Transit Plus complaint resolution efforts in **Section 3** of this report.]* The 19% of respondents that said they filed complaints accounted for 3,582 rides in 2012.
- 53% of the respondents had a variety of suggested areas for improving Transit Plus services. The most frequently cited areas of improvement included scheduling (14.0%) and improved on-time performance (12.4%).

- 92% of the respondents said they were satisfied with their treatment by Transit Plus staff when they sought initial approval or renewal of their program eligibility.

Viewed in their totality, the results of our telephone survey of Transit Plus clients generally indicate a very high level of satisfaction with paratransit services.

Viewed in their totality, the results of our telephone survey of Transit Plus clients generally indicate a very high level of satisfaction with paratransit services.

In subsequent sections of this report, we conduct independent analyses of van service timeliness and consumer complaint resolution efforts by the Transit Plus program.

Section 2: Transit Plus van service vendors' on-time performance averaged 95.7% during 2012, exceeding contractual standards; proactive monitoring for compliance with ADA requirements for comparability with fixed-route bus service travel times could help ensure superior customer service.

Transit Plus van service is provided by two private vendors. Transit Express is the primary service provider for the northern portion of Milwaukee County, while First Transit is the primary service provider for the southern portion.

Transit Plus sets up all new clients in its Trapeze system (a software scheduling program licensed by Transit Plus, with provider access), and in its Oracle database. Oracle is a database used by MTS in its operation of the Milwaukee County Transit System. Transit Plus has the ability to modify clients' profile data at any time, and has read-only access to client trip schedules. While the two providers do not have the ability to set up or remove clients from the Trapeze system, each provider uses the system to schedule and log all rides. Drivers are required to log all pickup and drop-off times in a manifest. At the end of each day, all van drivers submit their manifests to their respective providers, where separate staff enter the data from the manifests into the Trapeze system.

We analyzed 414,834 scheduled and provided rides in 2012.

At our request, MTS provided a downloaded data file, containing nearly 558,000 records, of all paratransit van trips booked for 2012. After adjusting the database for trip cancellations, rides for caretakers accompanying clients and some minor data entry errors, we analyzed 414,834 scheduled and provided rides in 2012. **Table 2** provides breakouts of the rides analyzed by service provider.

**Table 2
Breakout of Rides Analyzed by Provider**

Provider	Rides	Percent
Transit Express (Northern Sector)	255,065	61.5%
First Transit (Southern Sector)	159,769	38.5%
Population Used for Trips Analysis	414,834	100.0%

Source: Transit Plus Oracle data file of 2012 paratransit van trips.

Transit Plus provides a 25-minute buffer for paratransit providers to be defined as 'on time.'

Transit Plus van service providers were within allowable ranges for on-time pickups in 95.7% of the rides analyzed in 2012.

Transit Plus provides a 25-minute buffer for paratransit providers to be defined as 'on time' for a scheduled pickup. Federal guidelines permit a window of up to 30 minutes. Collectively, the two van service providers exceeded the 25-minute timeframe in 18,032 of the 414,834 rides analyzed. This means that the two van service providers were late for pickups in 4.3% of the rides analyzed in 2012 or, conversely, met the on-time performance standard in 95.7% of the rides. As shown in **Table 3**, Transit Express exceeded the 25-minute threshold in 5.0% of its rides, while First Transit exceeded the limit in 3.2% of its rides.

**Table 3
Transit Plus 2012 Van Rides
Breakout of Late Rides by Provider**

Provider	Total Rides	Late Rides	% Late
Transit Express	255,065	12,871	5.0%
First Transit	159,769	5,161	3.2%
Totals	414,834	18,032	4.3%

Source: Transit Plus Oracle data file of 2012 paratransit van trips.

While inclement weather conditions negatively impacted van service providers' on-time performance, both van service providers met their contractual on-time performance standards throughout 2012.

Both van service providers exceeded minimum on-time performance standards in each month of 2012.

Transit Plus' contracts with the van service providers require an overall on-time performance record of 92%, measured on a monthly basis. As shown in **Tables 4** and **5**, both providers exceeded the minimum on-time performance standard in each month of 2012. The data also reflect that on-time performance was the lowest during the four months of December, January, February and March—typically among the most inclement of the year. **Table 4** shows the on-time performance of Transit Express, serving primarily the northern sector of Milwaukee County.

**Table 4
On-Time Performance by
Transit Express, by Month in 2012**

Month	Rides On Time	Total Rides	Percent On-Time Rides
January	20,528	21,808	94.1%
February	20,549	21,832	94.1%
March	21,892	23,389	93.6%
April	20,175	21,999	95.2%
May	20,502	21,704	94.5%
June	19,585	20,510	95.5%
July	19,700	20,676	95.3%
August	21,519	22,280	96.6%
September	19,466	20,333	95.7%
October	21,231	22,423	94.7%
November	19,563	20,388	96.0%
December	17,484	18,523	94.4%
Total	242,194	255,065	95.0%

Source: Transit Plus Oracle data file of 2012 paratransit van trips.

Table 5 shows the on-time performance of First Transit, serving primarily the southern sector of Milwaukee County.

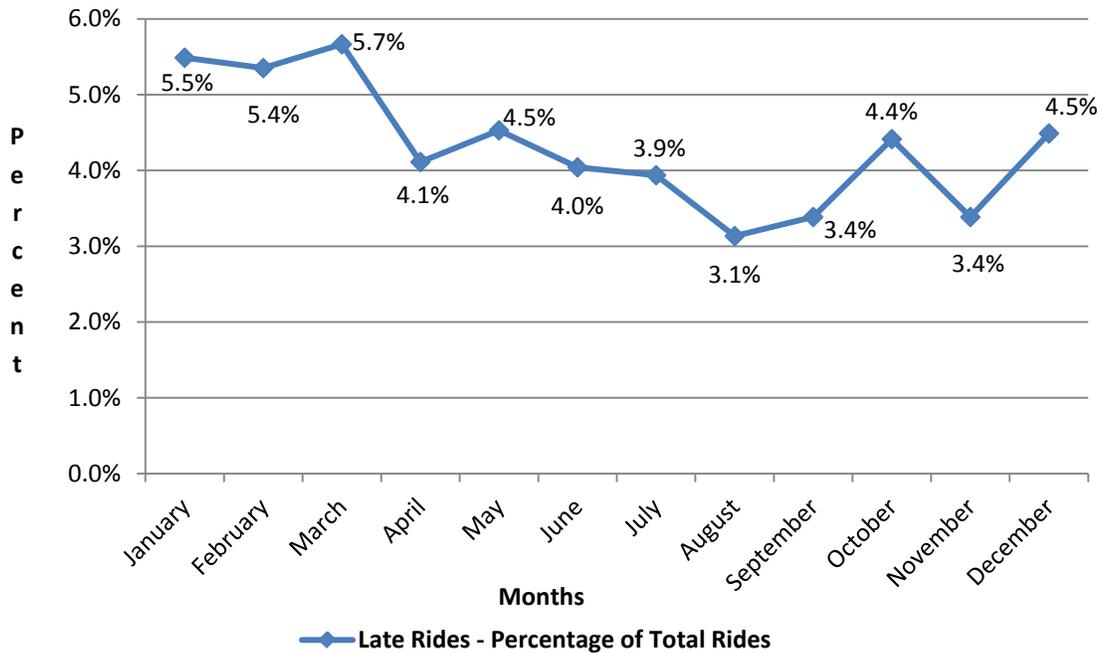
Table 5
On-Time Performance by
First Transit, by Month in 2012

Month	Rides On-Time	Total Rides	Percent On-Time Rides
January	13,347	14,034	95.1%
February	13,094	13,713	95.5%
March	13,490	14,118	95.6%
April	12,824	13,215	97.0%
May	13,268	13,668	97.1%
June	12,896	13,339	96.7%
July	12,482	12,825	97.3%
August	13,521	13,894	97.3%
September	12,179	12,421	98.1%
October	13,680	14,100	97.0%
November	12,394	12,689	97.7%
December	11,433	11,753	97.3%
Total	154,608	159,769	96.8%

Source: Transit Plus Oracle data file of 2012 paratransit van trips.

Figure 5 displays the collective performance of the two providers in terms of the number of rides exceeding the 25-minute threshold for on-time performance as a percentage of total rides each month.

Figure 5
2012 Transit Plus Van Rides
Percentage of Rides That Were Late By Month

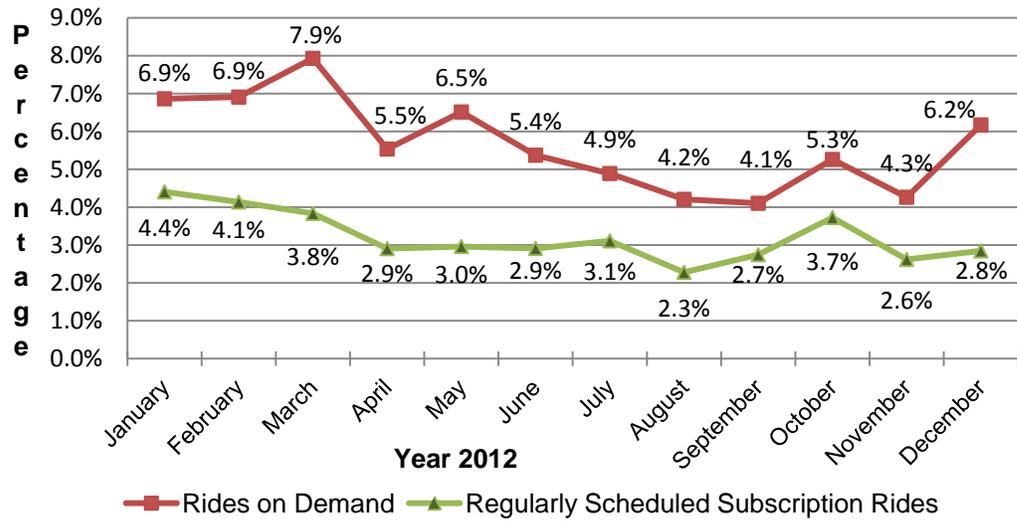


Source: Transit Plus Oracle data file of 2012 paratransit van rides.

Rides scheduled on a regular basis (subscription rides) had a better on-time performance record than those scheduled on an infrequent basis (demand rides).

In 2012, approximately 54.5% of van service rides were regularly scheduled, routine trips known as subscription rides. Examples of subscription rides include clients going to work or to regularly scheduled appointments. The remaining 45.5% of trips (demand trips) are more ad hoc in nature, such as a medical appointment or social event. As shown in **Figure 6**, the on-time performance of regularly scheduled subscription rides was better than that of demand rides, with an average of 3.2% of subscription rides exceeding the 25-minute limit during 2012 compared to 5.7% of demand rides that exceeded the standard.

Figure 6
Percentage of 2012 Transit Plus Van Rides that are Late by Type of Ride



Source: Transit Plus Oracle data file of 2012 paratransit van trips.

Transit Plus van service providers met the program’s overall ride duration standard throughout 2012, but nearly one in five rides was one hour or more in duration. Compliance with an ADA fixed-route comparability standard is difficult to gauge; Transit Plus should establish an ongoing monitoring effort for the ADA standard.

Transit Plus van service in Milwaukee County includes door-to-door service, exceeding the minimally-required curbside service. Van service is not, however, guaranteed to be direct. For scheduling and efficiency purposes, additional paratransit clients may be picked up and/or dropped off in conjunction with an individual client’s scheduled trip. Excessive trip duration, or travel time, was one complaint mentioned by a small number of clients in our focus groups and by just 4% of respondents to our client telephone survey.

As shown in **Table 6**, approximately one in six trips (16.6%) provided by Transit Express in 2012 and approximately one in five trips (20.5%) provided by First Transit in 2012, exceeded one hour in travel time.

Table 6
2012 Transit Plus Van Rides
Exceeding One Hour in Duration, by Provider

Provider	Rides	Rides > 1 Hour	% Rides > 1 Hour
Transit Express	255,065	42,319	16.6%
First Transit	159,769	32,737	20.5%
Total	414,834	75,056	18.1%

Source: Transit Plus Oracle data file of 2012 paratransit van trips.

There are two separate standards related to travel times that Transit Plus van service providers must meet.

There are two separate standards related to travel times that Transit Plus van service providers must meet. The first standard is a contractual requirement for an average monthly trip duration standard of 47 minutes. Further, for any month in which average travel times exceed 55 minutes, a penalty of \$5,000 is assessed. In addition, the contract states that:

***Ride Duration.** In the event MTS determines that the Contractor has established a pattern or practice of excessive ride times during peak periods, the Contractor will be required to adjust capacity to ensure that ride times fall within acceptable levels and to reimburse the client the fare paid for the trip or trips. If the overall average monthly ride duration exceeds 55 minutes, a penalty of \$5,000 will be assessed for each month the average exceeds that limit. [Section 22.4]*

Both van service providers were in compliance with the 47-minute ride duration standard throughout the year.

We applied the 47-minute standard to the rides provided by Transit Express and First Transit in 2012 and found both providers were in compliance with the standard throughout the year. Average monthly travel times for the two providers are shown in **Table 7**.

<u>Month</u>	<u>Transit Express</u>	<u>First Transit</u>
January	37.9	42.6
February	38.7	43.3
March	39.1	42.3
April	38.0	41.7
May	38.6	42.8
June	39.3	42.7
July	39.1	40.6
August	38.9	41.5
September	38.6	40.7
October	39.6	41.3
November	38.8	40.4
December	38.2	38.2
Annual Average	38.7	41.6

Note: Transit Plus contractual standard = 47 minutes.

Source: Transit Plus Oracle data file of 2012 paratransit van trips.

The Americans with Disabilities Act requires that service levels for paratransit services must be comparable to those available to the public via fixed route service lines.

The second standard relates to an Americans with Disabilities Act requirement (addressed in 49 CFR §31.121) that service levels for paratransit services must be comparable to those available to the public via fixed route service lines. Federal regulations specify service criteria that must be met for a paratransit system to be deemed comparable to fixed route service, including a prohibition against substantial numbers of trips with excessive trip lengths (i.e., travel times).

We discussed travel time standards with Transit Plus management. The current program manager, who has been in

Transit Plus uses a computer mapping program located on the MCTS website to estimate fixed route service travel times.

the position for less than two years, was uncertain how the contractual standard of 47-minutes was determined, or how it related to the ADA requirement. According to the manager, Transit Plus uses a computer mapping program located on the MCTS website to estimate fixed route service travel times. The program is primarily used for the convenience of the public to estimate travel times on the MTS fixed-route bus service. The program includes allowances for anticipated traffic flow, walking distances to bus stops and waiting times for route transfers, if applicable. The program also provides options for alternate pickup times and/or routes in close proximity to the information input by the consumer. Therefore, a range of estimated travel times is typically provided. According to the program manager, compliance with this standard is not monitored by Transit Plus staff on an ongoing basis, but is used for investigating and resolving individual client complaints.

We randomly selected 50 van rides from October 2012 to evaluate comparability to estimated MTS fixed-route travel times. Since we performed this analysis during weekdays, we eliminated van rides that occurred on weekends, when traffic flows and fixed route service levels vary considerably from our test dates. For the 50 van rides tested, just one van ride (2%) exceeded the maximum fixed-route travel time estimates by more than 15 minutes. We question the comparability of van rides that exceed fixed-route travel times by 15 minutes or more based on a 15–20 minute parameter suggested by federal guidelines. This test suggests Transit Plus' monthly average standard appears sufficient to prevent or detect consistent excess travel times indicative of system capacity problems. Highlights of this information are shown in **Table 8**.

Table 8
2012 Transit Plus Van Rides with
Travel Times Exceeding Fixed Route Times
 From Random Sample of 50
 Times in Minutes

<u>Van Service Travel Times</u>	<u>Fixed Route Travel Times*</u>		<u>Van Travel Times Exceeding Maximum Fixed Route Travel Times</u>
	<u>Min.</u>	<u>Max</u>	
134	74	94	40
69	46	58	11
28	11	18	10
68	35	59	9
35	25	29	6
52	20	48	4
59	39	58	1

*Estimated

Note: Americans with Disability Act standard = travel times must be comparable. We question the comparability of van travel times exceeding maximum fixed-route time by 15 minutes or more (see highlight) based on federal guidelines. Van trips randomly selected from all October 2012 Transit Plus van service trips.

Source: Transit Plus Oracle data file of 2012 paratransit van trips and MCTS fixed-route travel time estimator.

From a random sample of 25 paratransit van rides that exceeded 60 minutes in travel time, we found nine van rides (36%) exceeded maximum fixed-route travel time estimates by 15 minutes or more.

However, from a separate random sample of 25 paratransit van rides drawn from rides that exceeded 60 minutes in travel time, nine van rides (36%) exceeded maximum fixed-route travel time estimates by 15 minutes or more. Details of this information is shown in **Table 9**.

Table 9
2012 Transit Plus Van Rides with
Travel Times Exceeding Fixed Route Times
 From Random Sample of 25 Van Rides
 Exceeding 60 Minutes in Duration
 Times in Minutes

<u>Van Service Travel Times</u>	<u>Fixed Route Travel Times*</u>		<u>Van Travel Times Exceeding Maximum Fixed Route Travel Times</u>
	<u>Min.</u>	<u>Max</u>	
96	24	29	67
110	32	45	65
104	42	42	62
83	27	36	47
79	27	36	43
93	50	63	30
99	65	77	22
74	43	53	21
72	44	55	17
63	43	48	15
103	70	93	10

*Estimated

Note: Americans with Disability Act standard = travel times must be comparable. We question the comparability of van travel times exceeding maximum fixed-route time by 15 minutes or more (see highlights) based on federal guidelines. Van trips randomly selected from all October 2012 Transit Plus van service trips of 60 minutes or longer.

Source: Transit Plus Oracle data file of 2012 paratransit van trips and MCTS fixed-route travel time estimator.

In discussing the results of our tests with Transit Plus management, it was suggested that some of the times estimated for fixed-route travel might appear excessive due to Milwaukee County's policy of providing paratransit service to all locations within its boundaries. Milwaukee County's policy exceeds the federal minimum standard paratransit services must be provided to all areas within ¾ of a mile from any fixed-route bus line. However, since the estimator includes walking times from bus stops, destinations outside of the ¾ mile parameter would serve to increase the maximum fixed-route time estimates, which would reduce the number of exceptions noted from our tests.

In further examining the estimates calculated during our tests, we determined that three of the maximum estimates included

walking time only estimates (meaning there were no fixed-route bus lines suitable for comparison). In such instances, federal guidelines state that the paratransit service provider should develop a separate indicator of comparability, such as a multiple of direct automobile drive times (e.g., Boston uses a standard of twice the normal automobile drive time).

Based on our tests indicating a relatively high proportion of van service trips with travel times of 60 minutes or longer exceed comparable travel times for fixed-route bus service, we believe Transit Plus should proactively monitor compliance with the ADA standard to help ensure superior customer service. Such an effort might also reveal the need for Transit Plus to develop an additional standard for measuring excessive ride times in those instances where fixed-route comparisons are unrealistic.

We recommend MCDOT management ensures that Transit Plus program management:

1. *Reviews, on a sample basis, paratransit van service trips with travel times exceeding 60 minutes each month to determine compliance with ADA requirements for comparability with fixed-route service travel times. Reviews should be performed on a regular basis, include efforts to identify patterns, and could include soliciting input from affected clients when appropriate to explain extenuating circumstances. Such an effort could also reveal the need for Transit Plus to develop additional criteria for measuring excessive travel times in those instances where fixed-route comparisons are unrealistic.*

Section 3: Transit Plus needs a more proactive approach to ensure providers comply with contract requirements for complaint investigation/resolution processes.

Transit Plus provides several ways for clients to file complaints regarding paratransit services. These include direct phone numbers of transportation providers, a telephone number at Transit Plus, an e-mail address on the MCTS website, and a fax number for Transit Plus. All this information is printed in the Transit Plus client handbook and is available on the Transit Plus website.

The Transit Plus service contracts state that providers shall maintain a record of complaints received and shall work toward the positive resolution of all complaints in a timely manner. The contracts further provide Transit Plus authority to assess liquidated damages in the amount of \$100 for each unresolved complaint.

The model of permitting service providers the opportunity to directly receive and resolve complaints from clients makes sense from a customer service perspective.

The model of permitting service providers the opportunity to directly receive and resolve complaints from clients relating to issues such as scheduling or late pickup and drop-off times makes sense from a customer service perspective. Direct contact allows for the most efficient resolution of those daily operational issues. In addition, the ability for clients to contact Transit Plus directly provides an outlet for clients whose complaints are not adequately addressed by providers. This creates an added incentive for providers to quickly respond and address complaints to clients' satisfaction. Direct contact with Transit Plus staff also is appropriate for complaints regarding program issues such as eligibility determinations.

Transit Plus management was unable to provide any evidence of reviewing provider complaint records for completeness or timely investigation/resolution.

Transit Plus management is not meeting its oversight responsibilities to ensure service providers' compliance with contractual complaint resolution requirements.

Transit Plus management has not met its oversight responsibilities to monitor providers' compliance with the complaint resolution contract requirements. Specifically, Transit Plus management was unable to provide any evidence of reviewing provider complaint records for completeness or timely responses/resolutions. Further, Transit Plus has no written policies or procedures to guide staff in either monitoring provider complaint resolution processes or in addressing client complaints addressed directly to Transit Plus. The Transit Plus Director indicated she has recently begun a process, including obtaining input from providers, to identify a method to capture all relevant data related to client complaints made directly to providers.

Transit Plus management should modify its database of direct client complaints to enhance its ability to identify possible patterns indicating service problems.

Transit Plus maintains a database of client complaints. The database includes complaints addressed directly to the program, as well as those received directly by providers and relayed to Transit Plus. The Transit Plus complaint database contains the date and time of complaint, the nature of the complaint, and the action that was taken to address the complaint. However, the database is structured such that details of the complaint, the action taken, and to whom the complaint relates are all comingled in the 'comments' data field. As a result, the comments field of each record must be manually reviewed to filter or group complaints by provider, by driver, by whether the complaint was successfully resolved, by time elapsed to resolve the issue, etc. Separate data fields can be added to isolate each of these types of data for enhanced analytics.

While we noted during the audit that the database specifically contains a data field for updating to whom the complaint relates, staff indicated that the contents of the data field are not accurate and cannot be relied upon to group complaints. This type of manual data entry error can easily be detected and avoided with automated edit checks to ensure that the data is accurately keyed. Transit Plus management has indicated it will work with MCTS information technology staff to address these issues.

Proper oversight of provider complaint resolution processes and improved monitoring of direct client complaints can be used by Transit Plus management to proactively improve relations with paratransit clients.

Transit Plus management is missing a valuable opportunity to analyze clients' concerns as reported by the individual paratransit service providers.

Transit Plus management is missing a valuable opportunity to analyze clients' concerns as reported by the individual paratransit service providers. Current efforts to analyze complaints logged directly with Transit Plus could also be enhanced with modifications to the program's complaint database. Failure to recognize patterns of complaints or unsatisfactory performance by providers or individual drivers in positively resolving clients' complaints could result in clients' disillusion with Transit Plus services. Such disillusion could result in reduced participation in the program and a reduced profile for persons with disabilities in community activities or in accessing needed services. To keep the number of complaints received in perspective, it should be noted that in 2012, there were 689 complaints recorded by Transit Plus, or less than two-tenths of one percent of the 572,146 total paratransit van and taxicab rides provided.

During site visits with van service providers, we confirmed that both vendors employ individuals to oversee customer complaints. During interviews, both providers stated that they focus their efforts on timely resolution of complaints, and that all

substantive complaints are reported to Transit Plus for inclusion in the program's complaint database.

To enforce service provider contract requirements related to complaint resolution processes and to proactively ensure the quality of paratransit service customer relations, we recommend MCDOT management ensures that Transit Plus program management:

2. *Proactively monitors service providers' processes for recording and responding to clients' complaints. Efforts should include, but not be limited to:*
 - a. *the identification of patterns of complaints;*
 - b. *a cross-check for any complaints received directly by Transit Plus that mentions a prior contact with a provider to help ensure that providers are recording all client complaints, as required by contract; and*
 - c. *Randomly spot-check provider complaint resolutions by contacting clients for feedback regarding the disposition of their specific complaints.*
3. *Modifies its internal complaint database to improve the accuracy of data entry and to allow for automated filtering of such details as complaints by provider, by individual driver, by type of resolution, and time elapsed until resolution.*
4. *Develops and implements clear and concise policies and procedures for addressing and monitoring clients' complaints. The policies and procedures should address all complaints, including those submitted by clients to individual service providers, as well as those submitted directly to the Transit Plus program.*

One complaint brought to our attention brings to light two important policy considerations regarding Transit Plus van service: video surveillance and wheelchair securement.

One complaint was brought to our attention during the course of the audit. We reviewed a Transit Plus file regarding the complaint as well as the van provider's service contract and noted the following:

- The complaint was filed by a family member of a Transit Plus client. The client, who was non-communicative and confronted serious health issues, was transported in a wheelchair back and forth between his residence and a hospice center each weekday for several weeks. The complaint referenced two incidents that occurred on April 9, 2012 involving paratransit van service. The complaint contained several allegations surrounding the proper restraint of the client in his wheelchair during transport. During the morning trip from the client's residence to the facility and again on the return trip from the facility to the client's residence, the client was observed by the vans' drivers as slipping out from his seated position in his wheelchair.

In the first instance, the driver reported the incident to the van service provider and the provider's safety officer was dispatched to the scene to render assistance. This incident was not reported to the client's family.

In the second instance, according to a written incident report, the driver reported the incident but was within a quarter of a mile from the client's residence and stated he felt it was safer to have the dispatcher call the client's family so as to render assistance upon arrival.

There is significant divergence in the client's family members' description of events and those detailed in written incident reports and a subsequent investigation of the matter by MCTS.

- From this point on, there is significant divergence in the client's family members' description of events and those detailed in written incident reports and a subsequent investigation of the matter by MCTS:
 - According to the client family's complaint, a family member boarded the van and saw that the client had slipped down in his wheelchair and was hanging by his neck from the seat belt affixed to the vehicle. Later that night the client became unresponsive and three days later, the client passed away. According to the family member that boarded the van, the driver indicated he did not attempt to assist the client himself because it was against the provider's policy to do so.
 - According to the van service provider's written incident report, at no time during either the morning or afternoon trip was the vehicle restraint belt in contact with the client's neck. The van provider's contract with Transit Plus requires that drivers are thoroughly trained in providing assistance to riders both on and off the vehicle. The contract identifies an expectation that drivers provide all necessary and reasonable assistance to clients. This includes assistance boarding and exiting a vehicle, as well as assistance with seating while on the vehicle. However, the contract strictly prohibits drivers from lifting

or carrying passengers. The contract also states that drivers must be trained in proper response (as defined by the contractor) to emergency medical needs of riders (e.g., call 911) when warranted.

- According to a memo summarizing an internal MCTS review panel discussion, both van service providers have a policy of “no hands on” passenger assistance that is consistent with other paratransit providers in Wisconsin. The policy can be waived when, in a driver’s judgment, the driver can render assistance in a manner that doesn’t make matters worse. For instance, in the case of a client slipping from a wheelchair, a driver and client may agree that the driver can safely assist in repositioning the client. In this particular case, the client was non-communicative, unaccompanied by a Personal Care Attendant (PCA), and neither driver was comfortable rendering assistance on their own.

- Neither party disputes the fact that there was no attempt to contact the family of the client regarding the first (morning) incident of the client slipping from a seated position in his wheelchair.

Both parties acknowledge that the client, who typically brought and used a personal restraining seat belt affixed to his wheelchair when using Transit Plus services, did not bring along the seat belt affixed to his wheelchair on the day of the incidents.

- Both parties acknowledge that the client, who typically brought and used a personal restraining seat belt affixed to his wheelchair when using Transit Plus services, did not bring along his personal seat belt affixed to his wheelchair on the day of the incidents. Personal restraining belts are not provided by Transit Plus vendors; rather, they are designed to maintain placement in the wheelchair and are separate from the restraining belts and shoulder harnesses affixed to the vehicles.
- According to an investigation of the complaint by the Federal Transit Administration’s (FTA) Office of Civil Rights, federal Americans with Disability Act regulations require that paratransit vehicles be equipped with securement devices capable of accommodating wheelchairs, as well as separate seatbelt and shoulder harness restraints for use by wheelchair users. However, the FTA further clarified:

While the DOT ADA regulations require vehicles to be equipped with securement systems, they do not require that wheelchairs and mobility devices be secured. The DOT ADA regulations at 49 CFR § 37.165(d) permit transit agencies to adopt a mandatory securement policy; however, the regulations also specify that transportation cannot be denied to a wheelchair or its user on the ground that the device cannot be secured or restrained satisfactorily by the vehicle’s securement system. In

“ADA complementary paratransit is public transit and distinct from medical or human services transportation.” (Federal Transit Administration)

such cases, transit personnel are permitted to use their best efforts to secure the passenger’s mobility device. ...The assistance operators must provide does not extend to attendant-type services. ADA complementary paratransit is public transit and distinct from medical or human services transportation.

Our review of this complaint and record of subsequent investigations by MCTS and the FTA raises two important policy considerations. The first involves the disparate characterizations of the afternoon incident conveyed by the client’s family and by the Transit Plus program. The question of whether or not the client’s slipping from his wheelchair resulted in his ‘hanging from the neck’ by vehicle restraints cannot be answered conclusively.

Unlike fixed-route buses, there is no continuous video monitoring of activity within paratransit service vans that can be retrieved at a later date.

While there is a video camera on board each Transit Plus paratransit service van, they are designed to activate only upon sudden impact, as in the case of a vehicular accident. Unlike fixed-route buses, there is no continuous video monitoring of activity within the vehicle that can be retrieved at a later date. While no surveillance system is infallible, a policy of equipping paratransit service vans with active surveillance cameras would greatly enhance Transit Plus’ ability to investigate and resolve disputed service incidents. The cost of video camera surveillance systems vary widely depending upon the number of cameras and technological capabilities specified. Our preliminary research indicates the cost of equipping approximately 160 vehicles, the current number of paratransit service vans deployed by Transit Plus, with surveillance cameras would range from approximately \$300,000 to \$800,000.

A second policy consideration involves how to properly address seemingly conflicting ADA standards relating to the safe transport of paratransit clients. ADA requires that paratransit service vans must be equipped with wheelchair securement and personal restraint equipment:

49 CFR §38.23 Mobility aid accessibility.

(d) *Securement devices*—

(3) *Mobility aids accommodated.* The securement system shall secure common wheelchairs and mobility aids and shall either be automatic or easily attached by a person familiar with the system and mobility aid and having average dexterity.

...(7) *Seat belt and shoulder harness.* For each wheelchair or mobility aid securement device provided, a passenger seat belt and shoulder harness, complying with all applicable provisions of part 571 of this title, shall also be provided for use by wheelchair or mobility aid users. Such seat belts and shoulder harnesses shall not be used in lieu of a device which secures the wheelchair or mobility aid itself.

There also is a provision that appears to provide some latitude for paratransit service providers to deny service based on legitimate safety requirements. Yet at the same time, drivers specifically are not permitted to deny transportation service based on an inability to properly secure a client's wheelchair:

49 CFR §37.165 Lift and Securement use.

(b) (1) With respect to wheelchair/occupant combinations that are larger or heavier than those to which the design standards for vehicles and equipment of 49 CFR part 38 refer.... ***The entity may decline to carry a wheelchair/occupant if the combined weight exceeds that of the lift specifications or if carriage of the wheelchair is demonstrated to be inconsistent with legitimate safety requirements.*** [Emphasis added.]

(3) The entity may require that an individual permit his or her wheelchair to be secured.

(d) ***The entity may not deny transportation to a wheelchair or its user on the ground that the device cannot be secured or restrained satisfactorily by the vehicle's Securement system.*** [Emphasis added.]

We were unable to identify a best practice that addresses this apparent conflict in the ADA requirements.

This latter provision appears to place paratransit programs such as Transit Plus in the position of potentially having to provide service in a clearly unsafe manner. While we note the FTA's Office of Civil Rights' statement that "...ADA regulations at 49 CFR § 37.165(d) permit transit agencies to adopt a **mandatory securement policy...**" [emphasis added], we were unable to identify a best practice that addresses this apparent conflict in the ADA requirements: mandating providers have wheelchair securement equipment and at the same time prohibiting providers from denying service based on an inability to safely secure wheelchairs. Transit Plus management said it believes the current practice of advising clients that they must permit drivers to properly secure their mobility devices, and training drivers in doing so, is appropriate.

To address the issues raised from our review of this complaint and subsequent investigations, we recommend MCDOT management ensures that Transit Plus management:

5. *Includes in its next solicitation of paratransit van service proposals a requirement that vans are equipped with continuous surveillance cameras suitable for assisting in the investigations of disputed service complaints.*
6. *Convenes a workgroup including, but not limited to, Transit Plus staff, paratransit van service providers, the Milwaukee County Department of Transportation, the Milwaukee County Office of Persons with Disabilities, appropriate advocacy groups for persons with disabilities, and the Office of Corporation Counsel, to determine whether or not the Transit Plus program has appropriate policies, procedures and/or contract requirements in place regarding compliance with ADA wheelchair securement, wheelchair bound client restraints, and legally defensible service denial protocols regarding client safety concerns.*

Section 4: Continuous monitoring and a revised administrative fee structure has effectively eliminated detectable levels of fraudulent overcharges for paratransit taxicab services, but has increased administrative costs to the program.

Under Milwaukee County's Transit Plus paratransit program, if an accessible vehicle is not required and the rider can travel with minimal assistance, a taxicab can be used to reach a destination. Of the 572,146 Transit Plus rides provided in 2012 (including van service, taxicab service and contracted agency trips), 71,505 (12.5%) were provided with taxicabs. The 2012 total for paratransit taxicab rides represents a 37% reduction from the 2008 total of 113,200.

While van service operates on a shared ride basis (other riders may be picked up along the way) and requires a reservation at least one day in advance, taxicab service is available on an exclusive basis and does not require advanced booking.

As previously noted, van service clients pay a fixed fare of \$4 each way, with Transit Plus paying the remaining portion of each trip cost (payments to vendors for van rides in 2012 totaled \$12.9 million). The average cost of a van ride in 2012, including client fares and program subsidies, was \$28.03 per ride. In contrast, Transit Plus taxicab service clients pay a variable fare that is determined on a time and mileage-based meter charge. Payment for taxicab rides, depending on the fare amount, is shared between the rider and a subsidy from Transit Plus. The taxicab fare payment structure for Transit Plus riders is provided in **Table 10**.

**Table 10
Transit Plus
Taxicab Fare Payment Structure**

<u>Portion of Fare</u>	<u>Party Responsible for Payment</u>
\$4.00	Rider
\$4.01 - \$14.60	Transit Plus Subsidy
\$14.61 and over	Rider

Source: Contract between MTS and American United.

As shown in **Table 10**, the rider is responsible for payment of the initial portion of the fare through \$4 plus any amount in excess of \$14.60. Transit Plus covers the portion between \$4 and \$14.61, to a maximum subsidy of \$10.60.

The potential variability of taxicab fares makes Transit Plus taxicab service a high-risk area for fraud. A strong fraud detection/deterrent control was implemented by Transit Plus in 2004.

Metered taxicab fares are influenced by both the time and distance of a trip.

Since metered taxicab fares are influenced by both the time and distance of a trip, there is the potential for variability in the cost of any taxicab ride. While it stands to reason that fares for trips with different pickup and drop-off points will vary, trips with identical pickup and drop-off points may also vary due to a multitude of factors that can affect the time and distance required in completing trips. For example, the route taken can increase or decrease the distance traveled; time of day, traffic flow and road/weather conditions can affect the amount of time required to travel a given distance. Because these factors create ride variability, drivers are afforded the opportunity to 'boost' fares by taking longer routes, lingering unnecessarily, or driving at a sauntering pace.

In a June 1998 audit, we estimated the paratransit program in effect at that time, using a voucher system, had made \$55,000 in

payments for rides that never occurred. Included in that estimate were payments for vouchers submitted on behalf of clients who were deceased prior to the dates of service claimed. Significant changes were made in paratransit service delivery and payment procedures as a result of that audit report.

To determine whether taxicab drivers are overcharging paratransit clients, Transit Plus monitors fares using its 'Taxi Fare Checker' system.

Currently, to determine whether taxicab drivers are overcharging paratransit clients, Transit Plus monitors fares using its 'Taxi Fare Checker' system. The system is used to generate semi-monthly reports that identify drivers who show a pattern of charging excessive fares. Excessive fares are determined by comparing a calculated 'reasonable' fare for each trip to the amount actually charged. The actual charges are provided electronically from American United. Reasonable fare amounts are based on an algorithm that uses the straight-line distance between pickup and drop-off points, taxicab meter logic, and various allotments to compensate for factors such as the imprecision associated with the method used for calculation of distance and the time needed for drivers to complete required paperwork.

Current Transit Plus policy, implemented in October 2004, provides a 'one-strike' approach to banning drivers from serving its riders. Any driver that accumulates overcharges totaling \$50 or more, along with an average per trip overcharge of \$1.80 or more over any monthly time period, is banned.

The Audit Services Division conducted a review of Transit Plus' Taxi Fare Checker system in July 2005 as part of an investigation of an Audit Hotline tip alleging paratransit taxicab fare overcharges. At that time, the primary Transit Plus taxicab service provider, American United, collected from its drivers a 20% share of the Transit Plus taxicab fares in exchange for administrative services provided. *[Note: American United holds*

the required City of Milwaukee taxicab licenses. The firm provides taxicabs, dispatch services and other types of support to drivers, acting as independent contractors, for certain financial considerations.]

Local media at the time reported that a number of drivers walked off the job in reaction to a policy American United had instituted that doubled the administrative fee for drivers identified as having overcharged for Transit Plus trips.

Data from the Taxi Fare Checker system indicated that, during the four-month period October 2004 through January 2005, 25 drivers overcharged Transit Plus clients on 646 trips, (approximately 1.6% of the estimated paratransit taxicab rides provided during the period). Overcharges for that period totaled \$2,105 or an average of \$3.26 per ride. Further analysis showed that the overcharges were paid entirely by the Transit Plus program on 80% of those trips, with clients paying all or a portion of the overcharge on 20% of the rides involving overcharges. Overcharges identified by the Taxi Fare Checker system were recouped from Transit Plus payments to American United.

We reviewed the Taxi Fare Checker reports for the one-year period from July 1, 2012 through June 30, 2013 and noted that there were negligible overcharges identified.

We reviewed the Taxi Fare Checker reports for the one-year period from July 1, 2012 through June 30, 2013 and noted that there were negligible overcharges identified. Transit Plus staff stated that there have been virtually no overcharges since Transit Plus started paying an administrative fee to American United in 2009.

Transit Plus implemented a per-ride administrative fee for taxicab providers in 2009.

When American United charged the drivers a fee based on 20% of the taxicab fares, there was an incentive for the drivers to overcharge the clients to recoup the fee.

Since June 1, 2009, Transit Plus has paid American United Taxicab an administrative fee in addition to the fare subsidy amounts.

Since June 1, 2009, Transit Plus has paid American United Taxicab an administrative fee in addition to the fare subsidy amounts. The concept of an administrative fee was included as a component of a Request for Proposal issued by Transit Plus in February 2009, seeking competitive proposals for the award of a new taxicab paratransit services contract in June of that year. Prospective bidders were required to specify an administrative fee amount as part of their proposal.

Transit Plus' inclusion of an administrative fee component in its RFP specifications was in response to American United's request for an amendment to its existing contract in October 2008. At that time, the service provider indicated that the contract was no longer a profitable venture for the business, citing:

- Staffing costs for two telephone operators on a 24/7 basis to handle all Transit Plus client calls.
- A no-show rate of 25%. The provider indicated this resulted in an immense waste of time and money for the service provider's staff, as well as the drivers' time and gas.
- Staffing costs for one full time and three part time persons to process Transit Plus-related charges, create invoices and audit the fares.
- Interest costs on a bank line of credit necessary to pay drivers while awaiting payment from Transit Plus.
- Refund charges that Transit Plus deemed to be inappropriate.

The current fee is \$6 per taxicab ride. The original fee in 2009 was \$5 per ride and has increased 25 cents per ride each year.

Transit Plus' continuous monitoring of paratransit taxicab fares and the implementation of a per-ride administrative fee paid to the provider appears to have effectively eliminated detectable levels of fraudulent overcharges for the service.

There is no management control that can provide 100% assurance that a Transit Plus taxicab service client cannot be the victim of a fraudulent overcharge on a given trip. However, based on our past review of Transit Plus' Taxi Fare Checker system, management's continuous monitoring of that system, and the elimination of a past administrative fee structure that had the effect of encouraging overcharges, we conclude Transit Plus has effectively eliminated any widespread overcharging for taxicab services. We also conclude that any overcharges that occur are limited in number and in magnitude.

It should be noted that the per-ride administrative fees paid to American United by Transit Plus for paratransit taxicab service in 2012 totaled approximately \$370,000, while our review in 2005 indicated overcharges were being identified at an annualized rate of less than \$10,000. However, it is unlikely the paratransit taxicab service could have continued without the revised administrative fee structure. American United is currently the sole provider of Transit Plus taxicab service. Another provider, American Logistics, served a relatively small portion of the Transit Plus clientele until its most recent contract expired at the end of June 2012.

It is unlikely the paratransit taxicab service could have continued without the revised administrative fee structure.

Section 5: Transit Plus is in compliance with ADA eligibility determination standards; an opportunity exists to demonstrate commitment to consistency in assessments.

ADA guidelines for re-certification of eligibility provide wide latitude in a paratransit program's ability to establish re-certification intervals.

Transit Plus is operating within ADA guidelines relating to eligibility certifications and re-certification of eligibility at reasonable intervals. However, management has no formal procedure in place to help ensure consistency in judgments applied by individual assessors.

One concern that was raised by Transit Plus clients during focus group discussions we conducted related to frustration with the frequency at which some clients must apply for program eligibility re-certification. ADA guidelines for re-certification of eligibility provide wide latitude in a paratransit program's ability to establish re-certification intervals. ADA regulations containing paratransit eligibility standards and process requirements are presented as **Exhibit 3**.

Transit Plus management identified the following factors as criteria that are taken into consideration when making paratransit eligibility decisions:

- Medical history.
- Whether a disability is temporary or permanent in nature and whether public transit access restrictions are unlimited or limited to certain conditions such as inclement weather.
- Likelihood of a change in the applicant's condition in the future.
- The assessor's observation of the applicants' mobility.

Transit Plus management stressed that eligibility decisions are functional in nature, taking into account all the factors noted above, as opposed to medical decisions.

We reviewed documentation for 25 randomly selected clients whose assessment in 2012 resulted in approved eligibility. Appropriate forms documenting medical conditions and assessment/review processes were on file for all 25 clients reviewed.

Transit Plus records show there were 3,285 assessments completed in 2012. As shown in **Table 11**, about three-fourths (74%) of the assessments were for new applicants, while about one-fourth (26%) were re-assessments of existing Transit Plus clients.

<u>Assessments</u>	<u>Number</u>	<u>Percentage</u>
New	2,432	74.0%
Renewals	853	26.0%
Total	3,285	100.0%

Source: Transit Plus Oracle database.

14.9% of new applicants were denied eligibility for Transit Plus services in 2012.

The data show that 14.9% of new applicants were denied eligibility for Transit Plus services in 2012. A similar percentage (15.7%) of existing clients was denied eligibility as a result of their renewal assessments. The approval/denial rates for 2012 are shown in **Table 12**.

<u>Type</u>	<u>Assessments</u>	<u>Approved</u>	<u>Percentage</u>	<u>Denied</u>	<u>Percentage</u>
New	2,432	2,070	85.1%	362	14.9%
Renewals	853	719	84.3%	134	15.7%
Total	3,285	2,789	84.9%	496	15.1%

Source: Transit Plus Oracle database.

The approved clientele comprised a mix of persons with permanent and temporary disabilities.

The approved clientele comprised a mix of persons with permanent and temporary disabilities. About 54% of the clients certified as eligible in 2012 were deemed persons with permanent disabilities, while 38% were deemed persons with non-permanent disabilities. The remaining 8% of clients whose eligibility was approved in 2012 were classified as having short-term disabilities. Each of these categories suggests a progressively shorter period before re-certification would be justified. During interviews with Transit Plus staff, even clients deemed to have permanent disabilities may be required to undergo a re-assessment at a future date, particularly those who are younger, to update photo IDs and to review any changes in circumstances.

Our review of the length of time clients were approved for eligibility before their next required re-certifications was limited to 1,370 records due to data entry omissions. As shown in **Table 13**, the assessments performed in 2012 resulted in a wide range of eligibility periods approved for clients before requiring a re-certification.

Table 13
Transit Plus 2012 Eligibility Assessments
Duration of Certification Periods

<u>Year of Next Assessment</u>	<u>No. of Clients</u>	<u>Eligibility Certified for <</u>	<u>% of Total</u>
2012	80	1 Year	5.8%
2013	174	2 Years	12.7%
2014	124	3 Years	9.1%
2015	611	4 Years	44.6%
2016	12	5 Years	0.9%
2017	99	6 Years	7.2%
2018	1	7 Years	0.1%
2050*	269	Permanent	19.6%
Total	1,370		100.0%

* Default year used for permanent certifications.

Source: Transit Plus Oracle database. Includes all records for clients certified as eligible in 2012 that contained re-assessment dates.

The variability in certification periods raises questions about the consistency of the eligibility decision-making process, particularly among different staff.

The variability in certification periods raises questions about the consistency of the eligibility decision-making process, particularly among different staff. One Transit Plus assessor told us that the “standard guideline for conditional eligibility is three years, unconditional is five years.” She indicated she determines a client’s length of eligibility based on his or her conditions (i.e. permanent or short-term), the doctor’s report, and notes that she makes of a client’s mobility when appearing for the assessment. She stated that she looks for “signs of advanced old age, multiple sicknesses, whether or not they are able to ride the bus, and functional ability to move.”

Another Transit Plus assessor explained his decision-making process when renewing the eligibility of clients. He stated that he determines the length of service by looking at three factors:

- Location. Where does the client live? How far is the client’s home from a bus stop?
- Medical condition. Has the client gotten better/worse/same?
- Age. If the client is over 60, he issues a permanent card.

The Transit Plus Director mentioned the importance of clients talking to the assessors if they have eligibility concerns and the assessors communicating to the clients information on the decision-making process. She stated decisions are made by the assessor based on the cumulative evidence of all things provided such as documents, discussions, ability to function in various weather conditions, as well as the assessor’s own observations of the client’s mobility. There is no formal management review process or structure designed to ensure consistency among the three assessors and occasional substitutes assigned to perform eligibility assessments for Transit Plus. According to the Transit Plus Director, she only reviews assessor eligibility determinations on the infrequent occasion when a client challenges a decision.

There is no formal management review process or structure designed to ensure consistency among the three assessors and occasional substitutes assigned to perform eligibility assessments for Transit Plus.

Given the considerable latitude provided individual assessors in determining appropriate re-certification intervals, as well as concerns expressed during our client focus groups with the frequency of some re-certifications, we believe a structured management oversight approach to help ensure consistent eligibility determination decision-making among assessors is warranted. This is not to say that assessments should be relegated to standardized or formulaic checklist processes. Rather, this could take the form of regular management spot-checks of assessor decisions, internal in-service meetings to discuss both eligibility approvals and denials and the reasoning behind them, or other methods identified by management.

To help ensure consistency among assessors in making Transit Plus eligibility determinations and in setting appropriate re-certification intervals, we recommend MCDOT management ensures that Transit Plus management:

- 7. Implements a structured management oversight approach to help ensure consistent eligibility determination decision-making among assessors.*

Section 6: Driver qualifications and other issues.

The two van service providers were in compliance with Transit Plus contract requirements for documented background checks and verifications of valid drivers' licenses on file for their employees.

Transit Plus' contracts with paratransit van service providers contain a number of requirements designed to prohibit individuals with certain criminal histories or poor driving records from employment as paratransit van drivers. We reviewed provider records, Wisconsin Consolidated Court Automation Program (CCAP) records and City of Milwaukee records of Public Passenger Vehicle Licenses (PPVL). PPVLs are required by State Statute and City of Milwaukee Ordinance for individuals operating a public passenger vehicle, including those operated under the Transit Plus program. To obtain a PPVL, an applicant must be at least 18 years of age and hold a valid State of Wisconsin Motor Vehicle Driver's License.

We reviewed records for all 204 drivers employed by Transit Plus' two van service providers or their two subcontractor providers during 2012.

We reviewed records for all 204 drivers employed by Transit Plus' two van service providers or their two subcontractor providers during 2012. Highlights of those record reviews include:

- **Valid Drivers' Licenses:** Each of the 204 drivers had valid State of Wisconsin drivers' licenses as well as valid Public Passenger Vehicle Licenses.
- **No more than three moving violations, convictions or license suspensions within the past three years:** CCAP records showed 67 of the drivers had one or more moving violations or criminal offenses. However, only one of the 67 drivers had a violation within the past five years. As such, all but one driver reviewed was in compliance with this requirement.

The lone exception was an individual convicted of participating in an armed robbery and serving time in the House of Correction with Huber work release privileges.

Upon providing this information to the provider, the driver was terminated in August 2013.

Both providers had processes in place to regularly review the criminal and driving records of the drivers they employed.

- No convictions for DUI (Driving Under the Influence) or DWI (Driving While Intoxicated) in past five years and no more than one on record. There were no drivers with a DUI or DWI conviction within the past five years.
- Both providers had processes in place to regularly review the criminal and driving records of the drivers they employed.

One provider relies on the City of Milwaukee biennial PPVL certification process for criminal background checks, and participates in the State of Wisconsin Public Access Reports System (PARS) program that provides them notice of changes in employees' driving records and drug or alcohol related charges on a continuous basis. This provider also checks the Wisconsin Circuit Court Access website for potential criminal charges when drivers request time off for extended periods or to make court appearances.

The other provider contracts with a private agency to conduct extensive multi-state criminal and driver record background checks in its hiring process. In addition to its reliance on the City of Milwaukee's biennial criminal background checks performed as part of the PPVL certification process, this provider's centralized corporate Criminal Background Check Unit, conducts annual reviews of each driver's motor vehicle record and has recently begun the process of registering for the State of Wisconsin PARS program.

Transit Plus should look to eliminate its dual entry of information into two automated systems at its earliest strategic opportunity.

In preparation for a number of the issues we examined during the course of our audit, we obtained information from two database systems maintained by Transit Plus. The Trapeze system is accessed by both Transit Plus and service providers and is primarily used to schedule and record client trip bookings, record related trip data such as pickup and drop-off times, and to maintain a means for providers to verify eligibility of clients for scheduling purposes. The core function of the Trapeze system is scheduling. The Oracle database is a separate system maintained by MCTS for general operations. Transit Plus

manually enters a large amount of the paratransit client data contained in the Trapeze system into its Oracle database to provide a greater range of analytical and reporting capabilities. Manual entry of data already contained in a separate system is inefficient and can lead to unnecessary errors or omissions. Transit Plus management indicated manual entry of the data in question is currently more cost-effective than additional licensing and programming costs associated with obtaining increased utility from the Trapeze system. As technologies advance and current systems become obsolete, these circumstances may change.

To address potential data integrity issues, we recommend MCDOT management ensures that Transit Plus management:

8. *Seeks an integrated solution to eliminate the need for manual entry of the same information into two automated systems at the earliest strategic opportunity.*

The Transit Plus Advisory Council's membership has not been properly maintained under by-laws governing the entity.

The TPAC mission is to serve as an advocate for persons with disabilities, in liaison with Transit Plus and its contracted providers.

In 1998, Milwaukee County established the Transit Plus Advisory Council (TPAC), a 13-member advisory board appointed by the Milwaukee County Director of Transportation (MCDOT). The TPAC mission is to serve as an advocate for persons with disabilities, in liaison with Transit Plus and its contracted providers. According to a memo dated February 16, 1999 from the Wisconsin Coalition for Advocacy, TPAC was formed as a result of negotiations between the Coalition and the County. According to the memo:

Starting with the Urban Mass Transit Act of 1964 and continuing through the ADA, federal law has required public transit providers to address the needs of the elderly and people with disabilities. The law requires both that their needs be addressed and that they are included in planning for transportation programs.

Ongoing administrative support and staffing for TPAC is the responsibility of the County Department of Transportation. TPAC meetings occur on the third Tuesday of every month at 2 pm to 3:30 pm at the main offices of Milwaukee County Transit System.

TPAC by-laws reflect that members are appointed by the Milwaukee County Director of Transportation; that all appointments are for two-year terms; and that terms are staggered so that approximately half of the council is up for appointment each year. The by-laws also have a provision for TPAC to provide a list of potential appointments to the Director of MCDOT for TPAC appointments.

However, the Director's Office of MCDOT could not produce any record of TPAC appointments, and could not recall the last time such appointments were made. The Director of the Milwaukee County Office of Persons with Disabilities stated that he could not recall there being a County appointment to TPAC in many years.

To remain compliant with existing by-laws and the original intent of the Transit Plus Advisory Council, we recommend MCDOT management ensures that Transit Plus management:

9. *Works with the Transit Plus Advisory Council and the Milwaukee County Director of Transportation to re-establish the pattern of appointing TPAC members to two-year terms on a staggered basis such that approximately half of the council is up for appointment each year.*

Audit Scope

The primary objectives of this audit were to evaluate the Milwaukee County Transit Plus program's quality of service and effectiveness of program controls to prevent fraudulent billing for services. Based on prior audit work in this area and the relative volume of rides provided by van and taxicab vendors, we focused on performance and customer satisfaction with paratransit van services, and with fraud controls over taxicab fares.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

We limited our review to the areas specified in this Audit Scope section. During the course of the audit, we:

- Obtained and reviewed applicable policies and procedures, budgets, internal forms, reports and correspondence relating to the audit objectives; reviewed previous audit reports related to Milwaukee County paratransit services.
- Interviewed management and staff from the Milwaukee County Transit System (MCTS), the Transit Plus program, paratransit service providers and the Milwaukee County Department of Transportation.
- Interviewed staff responsible for determining Transit Plus applicants' eligibility for services and observed the assessment process.
- Analyzed data to test van service providers' compliance with contractual performance standards related to on-time performance.
- Verified van service providers' compliance with contractual requirements related to driver qualifications and criminal background checks.
- Reviewed van service providers' compliance with contractual requirements related to timely resolution of client complaints and assessed Transit Plus program management's oversight of providers' complaint resolution processes.
- Solicited input from advocacy groups for persons with disabilities in developing a methodology to survey Transit Plus customers.

- Conducted focus groups with Transit Plus clients for insights in developing a customer satisfaction survey instrument.
- Conducted a telephone survey of a randomly selected sample of clients using paratransit services in 2012 regarding their level of satisfaction with, and the quality of, Transit Plus services.
- Attended training designated for MCTS bus drivers that included wheelchair accessibility on MCTS fixed-route buses and also a vendor meeting relating to bus camera technology.
- Reviewed applicable federal regulations and guidelines regarding Americans with Disabilities Act requirements for paratransit services.
- Performed a risk assessment of exposure to potential acts of fraud within the scope of the audit objectives.
- Reviewed taxi fare-checker reports for overcharges and taxi contracts relating to administrative fees for paratransit services.

Paratransit Client Survey

General Information for Surveyor:

Paratransit Services are contracted by Milwaukee County through three providers:

- 1. First Transit (Van Service)
- 2. Transit Express (Van Service), and
- 3. United Taxi (Taxi Service)

Milwaukee County Transit Bus System also provides FREE rides to Paratransit clients who are capable and willing to ride the fixed route buses (regular County buses) through the New Freedom Program.

Client: Demographics:

Pre-populated

Record Name of Surveyor: _____ **Date:** _____ **Time:** _____

Paratransit Client Survey

Start: Good (Morning, Afternoon) _____ (Client's name);

My name is _____. I am from the Audit Services Divisions of the Milwaukee County Office of the Comptroller. I would like to ask you a few questions regarding your Paratransit Services. It will only take a few minutes.

1. **Question:** Is that OK? (Check Box below):

Yes [] (Thank You!)

No [] Thank you for your time. (Terminate Survey)

(If Yes, Go to Next Question)

2. **Question:** Please tell us which kind of paratransit service you use the most, van service, taxi service, or bus. As we continue the survey, we will focus on the service you are most familiar with. (Pick One)

Van Service []

Taxi Service []

Bus []

3. **Question:** How satisfied are you with your Paratransit Services? (Check ONE Box below):

a. [] Always

b. [] Most of the Time

c. [] Some of the Time

d. [] Never

Explain: _____

4. **Question:** What do you not like about the Paratransit Services you have used?

Explain: _____

5. **Question:** What do you like best about the Paratransit Services you have used?

Paratransit Client Survey

Explain: _____

6. **Question:** When you use the van service, are you able to get the pick-up time you requested? (Check ONE Box below):

- a. Always
- b. Most of the time
- c. Some of the time
- d. Never
- e. Not Applicable

Comments: _____

7. **Question:** What time of day do you mostly use Paratransit? (Check ONE Box below):

- a. Before 7 AM
- b. Between 7 AM and 9 AM
- c. Between 9 AM and 3 PM
- d. Between 3 PM and 7 PM
- e. After 7 PM
- f. Varies

Comments: _____

8. **Question:** When you use Paratransit Services, do you feel safe?

- a. Always
- b. Most of the time
- c. Some of the time
- d. Never

Comments: _____

Paratransit Client Survey

9. **Question:** Have you ever made a complaint? (Check ONE):

a. YES

b. NO (SKIP QUESTION 10)

Explain: _____

10. **Question:** How quickly are your complaints resolved? (Check ONE):

b. Resolved in less than 10 days

c. Takes more than 10 days to get resolved.

d. Usually not resolved at all

e. Other _____

Explain: _____

11. **Question:** How can Paratransit Services be improved?

Explain: _____

12. **Question:** When you go to apply or renew your Transit Plus Services how satisfied are you with how you are treated by the Transit Plus staff.

a. Satisfied

b. Not Satisfied

Explain: _____

Thank you for your time, and we appreciate your comments.

Record Current Time: _____

ADA Paratransit Eligibility Standards and Process

Code of Federal Regulations Title 49 Transportation (excerpts)

§37.123 ADA paratransit eligibility: Standards.

(a) Public entities required by §37.121 of this subpart to provide complementary paratransit service shall provide the service to the ADA paratransit eligible individuals described in paragraph (e) of this section.

(b) If an individual meets the eligibility criteria of this section with respect to some trips but not others, the individual shall be ADA paratransit eligible only for those trips for which he or she meets the criteria.

(c) Individuals may be ADA paratransit eligible on the basis of a permanent or temporary disability.

(d) Public entities may provide complementary paratransit service to persons other than ADA paratransit eligible individuals. However, only the cost of service to ADA paratransit eligible individuals may be considered in a public entity's request for an undue financial burden waiver under §§37.151-37.155 of this part.

(e) The following individuals are ADA paratransit eligible:

(1) 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 individuals with disabilities.

(2) 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 if the individual wants to travel on a route on the system during the hours of operation of the system at a time, or within a reasonable period of such time, when such a vehicle is not being used to provide designated public transportation on the route.

(i) An individual is eligible under this paragraph with respect to travel on an otherwise accessible route on which the boarding or disembarking location which the individual would use is one at which boarding or disembarking from the vehicle is precluded as provided in §37.167(g) of this part.

(ii) An individual using a common wheelchair is eligible under this paragraph if the individual's wheelchair cannot be accommodated on an existing vehicle (e.g., because the vehicle's lift does not meet the standards of part 38 of this title), even if that vehicle is accessible to other individuals with disabilities and their mobility wheelchairs.

(iii) With respect to rail systems, an individual is eligible under this paragraph if the individual could use an accessible rail system, but—

(A) There is not yet one accessible car per train on the system; or

(B) Key stations have not yet been made accessible.

(3) Any individual with a disability who has a specific impairment-related condition which prevents such individual from traveling to a boarding location or from a disembarking location on such system.

(i) Only a specific impairment-related condition which prevents the individual from traveling to a boarding location or from a disembarking location is a basis for eligibility under this paragraph. A condition which makes traveling to 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 under this paragraph.

(ii) Architectural barriers not under the control of the public entity providing fixed route service and environmental barriers (e.g., distance, terrain, weather) do not, standing alone, form a basis for eligibility under this paragraph. The interaction of such barriers with an individual's specific impairment-related condition may form a basis for eligibility under this paragraph, if the effect is to prevent the individual from traveling to a boarding location or from a disembarking location.

(f) Individuals accompanying an ADA paratransit eligible individual shall be provided service as follows:

(1) One other individual accompanying the ADA paratransit eligible individual shall be provided service—

(i) If the ADA paratransit eligible individual is traveling with a personal care attendant, the entity shall provide service to one other individual in addition to the attendant who is accompanying the eligible individual;

(ii) A family member or friend is regarded as a person accompanying the eligible individual, and not as a personal care attendant, unless the family member or friend registered is acting in the capacity of a personal care attendant;

(2) Additional individuals accompanying the ADA paratransit eligible individual shall be provided service, provided that space is available for them on the paratransit vehicle carrying the ADA paratransit eligible individual and that transportation of the additional individuals will not result in a denial of service to ADA paratransit eligible individuals;

(3) In order to be considered as “accompanying” the eligible individual for purposes of this paragraph (f), the other individual(s) shall have the same origin and destination as the eligible individual.

§37.125 ADA paratransit eligibility: Process.

Each public entity required to provide complementary paratransit service by §37.121 of this part shall establish a process for determining ADA paratransit eligibility.

- (a) The process shall strictly limit ADA paratransit eligibility to individuals specified in §37.123 of this part.
- (b) All information about the process, materials necessary to apply for eligibility, and notices and determinations concerning eligibility shall be made available in accessible formats, upon request.
- (c) If, by a date 21 days following the submission of a complete application, the entity has not made a determination of eligibility, the applicant shall be treated as eligible and provided service until and unless the entity denies the application.
- (d) The entity's determination concerning eligibility shall be in writing. If the determination is that the individual is ineligible, the determination shall state the reasons for the finding.
- (e) The public entity shall provide documentation to each eligible individual stating that he or she is "ADA Paratransit Eligible." The documentation shall 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.
- (f) The entity may require recertification of the eligibility of ADA paratransit eligible individuals at reasonable intervals.
- (g) The entity shall establish an administrative appeal process through which individuals who are denied eligibility can obtain review of the denial.
- (1) The entity may require that an appeal be filed within 60 days of the denial of an individual's application.
- (2) The process shall include an opportunity to be heard and to present information and arguments, separation of functions (*i.e.*, a decision by a person not involved with the initial decision to deny eligibility), and written notification of the decision, and the reasons for it.
- (3) The entity is not required to provide paratransit service to the individual pending the determination on appeal. However, if the entity has not made a decision within 30 days of the completion of the appeal process, the entity shall provide paratransit service from that time until and unless a decision to deny the appeal is issued.
- (h) The entity 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.
- (1) Trips missed by the individual for reasons beyond his or her control (including, but not limited to, trips which are missed due to operator error) shall not be a basis for determining that such a pattern or practice exists.
- (2) Before suspending service, the entity shall take the following steps:

(i) Notify the individual in writing that the entity proposes to suspend service, citing with specificity the basis of the proposed suspension and setting forth the proposed sanction.

(ii) Provide the individual an opportunity to be heard and to present information and arguments;

(iii) Provide the individual with written notification of the decision and the reasons for it.

(3) The appeals process of paragraph (g) of this section is available to an individual on whom sanctions have been imposed under this paragraph. The sanction is stayed pending the outcome of the appeal.

(i) In applications for ADA paratransit eligibility, the entity may require the applicant to indicate whether or not he or she travels with a personal care attendant.

Source: U.S. Government Printing Office website at:

<http://www.ecfr.gov/cgi-bin/text-idx?SID=06586a56ca4dd690619c577ddd333e70&node=49:1.0.1.1.27.6.18.2&rgn=div8>

DATE: December 18, 2013

TO: Jerome J. Heer, Director of Audits

FROM: Brian Dranzik, Director of Transportation
Mike Giugno, Managing Director, Milwaukee County Transit System

SUBJECT: Response to "Milwaukee County Transit Plus On-Time Performance and Customer Satisfaction Generally are Good But Better Oversight of Vendor Complaint Resolution Efforts is Needed"

Transit Plus and The Milwaukee County Department of Transportation (MCDOT) would like to extend their thanks to the Milwaukee County Department of Audit for their time and effort in reviewing Transit Plus paratransit services. Transit Plus and Milwaukee County Transit System (MCTS) staff and the Department of Transportation agree that the Department of Audit was thorough, professional and respectful in their audit and analysis.

Milwaukee County Transit System has provided oversight and management of Milwaukee County's Transit Plus paratransit services since 2000. Throughout this tenure and continuing today, Transit Plus strives to ensure that Milwaukee County residents with disabilities have access to safe, reliable and cost effective transportation that provides for vital mobility and independence in the community.

Transit Plus staff is pleased to note that the results of the audit indicate a "very high" level of customer satisfaction with the service, with 88% of customers responding to the audit survey indicating that they are always satisfied or satisfied most of the time, and 93% of respondents saying that they feel safe when using the service. Feedback such as this indicates that Transit Plus is on the right track in efforts to provide outstanding customer service. Transit Plus welcomes the opportunity to work toward continued improvements, and views the audit results in that light.

Accordingly, Transit Plus, MCTS staff and MCDOT have each carefully reviewed the nine areas of improvement recommended by the Department of Audit and provide the following responses to each:

1. *Reviews, on a sample basis, paratransit van service trips with travel times exceeding 60 minutes each month to determine compliance with ADA requirements for comparability with fixed-route service travel times. Reviews should be performed on a regular basis, include efforts to identify patterns, and could include soliciting input from affected clients when appropriate to explain extenuating circumstances. Such an effort could also reveal the need for Transit Plus to develop an additional criteria for measuring excessive travel times in those instances where fixed route comparisons are unrealistic.*

Transit Plus agrees with this recommendation. Data sampling will be in addition to the checks already being performed to gauge vendor compliance with contractual requirements. Transit Plus will then report outcomes after a six month period of analysis to determine whether any patterns of trip violations have been identified. Transit Plus plans to initiate this process at the start of 2014.

2. *Proactively monitors service providers' processes for recording and responding to clients' complaints. Efforts should include, but not be limited to:*
 - a. *the identification of patterns of complaints;*
 - b. *a cross-check for any complaints received directly by Transit Plus that mentions a prior contact with a provider to help ensure that providers are recoding all client complaints, as required by contract; and*
 - c. *Randomly spot-check provider complaint resolutions by contacting clients for feedback regarding the disposition of their specific complaints.*

Transit Plus agrees with this recommendation. Transit Plus will work with the vendors to ensure Transit Plus receives timely, accurate and complete logs of complaints received directly by the vendors in order to more closely monitor contract compliance with regard to complaint resolution. This includes the identification of patterns of complaints, cross-checking for any complaints received directly by Transit Plus that mentions a prior contact with a provider and randomly spot-checking provider complaint resolutions by contacting clients for feedback regarding the disposition of their specific complaints. Transit Plus had already begun working with the vendors on a format for capturing complaint data prior to the release of the audit recommendations, and will continue to work on and refine this process.

3. *Modifies its internal complaint database to improve the accuracy of data entry and to allow for automated filtering of such details as complaints by provider, by individual driver, and by type of resolution, and time elapsed until resolution.*

Transit Plus agrees with this recommendation. Transit Plus will work with the MCTS IT Department to update the Oracle complaint database to ensure we are able to capture and allow for automated filtering of complaints by provider, by individual driver, and by type of resolution, and time elapsed until resolution. Transit Plus will commence work on this during the first quarter of 2014.

4. *Develops and implements clear and concise policies and procedures for addressing and monitoring clients' complaints. The policies and procedures should address all complaints, including those submitted by clients to individual service providers, as well as those submitted directly to the Transit Plus program.*

Transit Plus agrees with this recommendation. Transit Plus will develop and implement clear and concise policies and procedures for addressing and monitoring clients' complaints. The policies and procedures will address all complaints, including those submitted to individual service providers, as well as those submitted directly to the Transit Plus program. Transit Plus will commence work on this during the first quarter of 2014.

5. *Includes in its next solicitation of paratransit van service proposals a requirement that vans are equipped with continuous surveillance cameras suitable for assisting in the investigations of disputed service complaints.*

Transit Plus agrees with this recommendation. Transit Plus will develop the next RFP specification for paratransit van service to include a requirement that vans are equipped with continuous surveillance cameras suitable for assisting in the investigations of disputed service complaints.

6. *Convenes a workgroup including, but not limited to, Transit Plus staff, paratransit van service providers, the Milwaukee County Department of Transportation, the Milwaukee County Office of Persons with Disabilities, appropriate advocacy groups for persons with disabilities, and the Office of Corporation Counsel, to determine whether or not the Transit Plus program has appropriate policies, procedures and /or contract requirements in place regarding compliance with ADA wheelchair securement, wheelchair bound client restraints, and legally defensible service denial protocols regarding client safety concerns.*

Transit Plus agrees with this recommendation and will work with the above mentioned groups and departments to convene a work group to review and if needed recommend changes to existing Transit Plus policies, procedures and /or contract requirements regarding compliance with ADA wheelchair securement, and securements for persons using mobility devices in transport on Transit Plus service vehicles. Transit Plus and MCDOT will work with the Office of Corporation Counsel to determine that there are legally defensible protocols in place regarding client safety concerns that also meet ADA requirements.

7. *Implements a structured management oversight approach to help ensure consistent eligibility determination decision-making among assessors.*

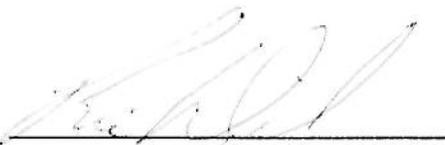
Transit Plus agrees with this recommendation and will develop a more structured management oversight approach with the goal of assuring there is consistency among the assessors when arriving at eligibility determinations. This process will be initiated at the beginning of 2014 and will include input from assessors as well as a review of industry best practices.

8. *Seeks an integrated solution to eliminate the need for manual entry of the same information into two automated systems at the earliest strategic opportunity.*

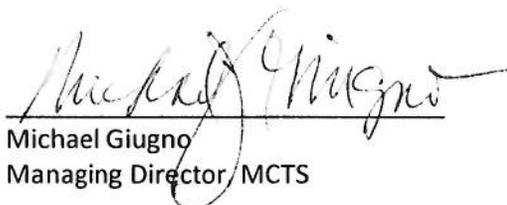
Transit Plus agrees with this recommendation. The ability to migrate toward an integrated, more fully automated system that would eliminate the need for manual data entry will be driven by available funding, and Transit Plus will present options to MCDOT so that they may determine the value and feasibility weighed against the costs and benefits of any such system.

9. *Works with the Transit Plus Advisory Council and the Milwaukee County Director of Transportation to re-establish the pattern of appointing TPAC members to two-year terms on a staggered basis such that approximately half of the council is up for appointment each year.*

Transit Plus agrees with the recommendation that the pattern of TPAC members being appointed to two-year terms on a staggered basis should be re-established. Transit Plus will act as liaison between TPAC and MCDOT to that end.



Brian Dranzik
Director of Transportation



Michael Giugno
Managing Director, MCTS