



City of Madison

City of Madison
Madison, WI 53703
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Meeting Minutes ADA TRANSIT SUBCOMMITTEE TO THE TRANSIT AND PARKING COMM

Monday, October 17, 2016

5:15 PM

Madison Municipal Building, Room LL-130

CALL TO ORDER / ROLL CALL

Staff: Ann Schroeder, Nancy Senn

Guests: Doug Hunt

The meeting was called to order at 5:22 PM by Chair DuRocher.

1. Proper Meeting Notification

The meeting was properly noticed.

2. APPROVAL OF MINUTES

Ms. Hicks moved approval of the minutes as written; Alder McKinney seconded. The motion passed by voice vote/other.

3. Organizational Issues - Member Reappointment, Election of Committee Chair

No one needs to be reappointed; all terms are current. Mr. Golden nominated Mr. DuRocher for Chair. Ms. Jacobs seconded. Ms. De Vos nominated herself for Chair. She said the reason she's running is she feels we need alternates on this committee. Mr. DuRocher does not agree. Since the chair has to agree for that to occur, she needs to run. She had not wanted to, but she doesn't see an alternative. Mr. DuRocher said he thinks Ms. De Vos would be a good chair. Mr. DuRocher said the committee has not met a lot this year. He would continue given the chance. But Metro now has an MA Waiver committee to deal with that issue. He is on that committee as is Ms. De Vos, so either one could keep this committee abreast, although she has a schedule conflict. Ms. De Vos said one reason she wanted alternates is that the possibility is that most seats, except the one Mr. DuRocher occupies, is designated for a specific slot. If someone is interested in serving but that slot is already filled, both people can't serve. With alternates, both could serve. We need the flexibility. Mr. Golden said if this committee voted affirmatively, they could recommend to TPC to add alternates. The Alders could sponsor an ordinance change and could write it however we want. The Council is doing a study of the transportation ordinances. That came up more because of Golden's desire to add a member of the Contracted Service Oversight Subcommittee to the TPC so there would be other communities represented because 24% of transit funding is from other communities. Instead of doing that alone, the Council decided they would do a study and possibly change the way things are. During that process, it would be an opportunity to say ADATS thinks alternates are appropriate. This committee is a great example of why alternates are created. It is generally to deal with quorum problems. Alternates can't vote

unless a member isn't present. Then there is an easier time making quorum. Mr. Golden agreed alternates are a good idea. The language could be written so that alternates are alternates for whoever isn't in attendance. All the specificity of what the vacancy is for (wheelchair user of paratransit, etc.) could be written out of ordinance.

Alder McKinney agreed. It is very frustrating as Alder assigned to this committee and then not be able to meet due to quorum. She would be happy to sponsor an ordinance. Mr. DuRocher said it's clear the committee thinks it needs to think about changing the ordinance to address quorum issues. This will be on the December agenda. ADATS can draft a recommendation to share with the Mayor's office and the Transit Ordinance Review Committee.

A vote was taken for Chair. Mr. Golden, Ms. Jacobs and Mr. DuRocher voted for Mr. DuRocher. Ms. De Vos and Alder McKinney voted for Ms. De Vos. Ms. Hicks abstained. Mr. DuRocher is Chair.

Mr. DuRocher said he feels that Ms. De Vos' desire to address the composition of the committee will be on the next agenda. Mr. Golden suggested that we could have that discussion guided by what is currently in place in the ordinance.

4. PUBLIC COMMENT

There was no public comment.

5. DISCLOSURES AND RECUSALS

There were no disclosures or recusals.

6. Introduction: Nancy Senn, Metro Paratransit Program Manager

Introductions were made. Ms. Senn said she worked at the state for about 4 years in transit compliance, civil rights and safety issues. Her duties included a little bit of rail and drug and alcohol testing compliance. Title VI and DBE were her areas of focus. Prior to that she had a 25 year career with Milwaukee County in transit and specifically paratransit for a good portion of that time. She worked her way up to be the paratransit manager. A big difference between Milwaukee and Madison is that Milwaukee didn't provide direct operations; it was all contracted. The size of the service was substantially bigger with as many as 800,000 rides per year. She is happy to be back in the world of paratransit.

7. Family Care and MA Waiver - Impact and Strategy for Funding Changes

Mr. DuRocher said there is a long term study committee on this question and what the impact on the budget could be, depending on how things work out, a little over \$3 million. The study committee will be working hard to have input about how Family Care will be implemented. Jesse Kaysen and Ken Golden are co-chairs of the committee. The state is going to face a major problem. Under Family Care (FC), it is forbidden that there be any contributions like the local share that Metro is currently providing. So the state needs to fill in the \$2 million that Metro is providing. FC implementation will probably involve

multiple managed care organizations (MCOs). The city will have to deal with the MCO trying to get rides for just the paratransit fare which would hurt the city financially. The combination of multiple MCOs and whether or not they would maintain current funding is one issue, and then another is whether the MCOs would find a way to provide services not using Metro. So there are ideas of how to offload rides to this yet to be determined transportation method to lower the cost to the city. The MA Waiver committee will discuss this. This committee has an interest as well. Forty percent of current paratransit rides are MA Waiver rides, so this will be a change.

Doug Hunt said he did an informal survey of other MCOs of people in his position elsewhere. Most other places used other transportation because the city/transit was the highest cost. They have a way of determining whether the ride will be covered under their service and looking for the most cost effective way of providing it. It will be a huge adjustment for paratransit riders who are used to plentiful options. It is yet to be determined how that will be handled under Family Care. The state is aware that we are unique in Dane County because we have high employment outcomes, so changes to our system will have a ripple effect.

Ms. Senn said she was Paratransit Manager in Milwaukee County when FC was first implemented. It was different then. It was another county department that was providing FC; it wasn't an MCO. The experience in Milwaukee was a huge influx of rides, so that was a very different circumstance to react to. Mr. Golden said they transitioned the Aging Department as a pilot and then the Developmental Disabilities department. Ms. Senn was involved with both and said as they were developing the pilot, it was clear there were long waiting lists, so the elimination of waiting lists was a positive outcome. Mr. Hunt said Dane County has a waiting list of 50 people. Ms. Senn said Milwaukee County's transition occurred at a time when ADA was fairly new, so there were different circumstances.

8. Metro: Paratransit Leave Attended Services Policy - Review and approval of a draft policy to address service suspensions related to violations of established operational parameters for Leave Attended trips - TPC 08.10.16

ADATS has discussed this and made recommendations in the past at committee level. The draft policy went to the TPC and got referred back here pending quorum before TPC would act on it. Ms. De Vos didn't see the change the group asked for reflected in the proposed policy. There would still be a suspension of a minimum of 30 days after the second incident in a year. Members wanted a suspension of 10 days after the second incident in a year. ADATS concerns are not being addressed. The version that went to the TPC did not include the ADATS modification. Ms. Martin wrote a very nice memo for the December meeting, but it wasn't in the packets this meeting. Ms. DeVos shared it.

Mr. Golden said the proposed policy mentions a minimum 30 day suspension; perhaps a maximum would be appropriate as well. If the person had an incident on the 15th day of the month, the maximum could be 45 days. ADATS could arrive at a recommended maximum days of suspension. The downside possibly for staff could be that the end date of the suspension could be in the middle of the next month. Ms. De Vos said the Spokane policy was for ten days. This would be a minimum of 30 days after the second time it happened.

That appears to be the objection, that it seemed rather harsh for a second infringement.

Ms. Jacobs described a situation with a participant who already has two violations. The ride is supposed to be 45 minutes, but those two times, he got dropped off early, so there was no one to meet him. If they always schedule the ride for later, he will then generally be late to work. For something that is not the participant's nor the agency's fault, a suspension, especially of such a duration, is too harsh.

Leave Attended clients are generally MA Waiver recipients, but it is not only for that group. Mr. Golden said the window should not create the penalty. If the provider shows up early and ten minutes later the person would be there, the provider should wait ten minutes. Ms. Senn said that is what shared ride is about; that would create ripples throughout the system. This is service that goes above and beyond ADA. It is so valuable to so many people. There needs to be a way that makes it operationally possible and satisfies the needs of the clients. Ms. De Vos said the ADA is a minimum. Do we want to stoop down to the minimum? Let's be above.

Mr. Golden said my contention is people who can't be on the bus alone technically aren't eligible for paratransit. It's not about not serving the person. The point is they are well behaved and don't cause a problem on the bus. So discussing minimums and maximums gets weird. Let's assume the person is eligible. If we arrive at a maximum number of days for the suspension, that's one issue. Then there needs to be a policy to deal with the situation if the leave attended problem is created by the window. If the ride is a cab, then there is a cost to the cab for that ten minute idle. The person shouldn't be penalized. The cab shouldn't be penalized and ultimately it's a question of cost. Is Metro willing to supplement that extra time for the cab for the ten minutes that is in the window?

Ms. Senn said transportation isn't an exact science. The minimum is what the ADA covers. That's one of the aspects. Leave attended is above and beyond that level. I want to make sure people have an understanding of what is expected and how that is going to work. One challenge we have is when the driver does arrive and they wait for five minutes before they are allowed to leave. They check in with dispatch to try to rouse someone, and the calls that are made by dispatch to find out what is happening are very challenging. When someone first comes in for leave attended service, Metro makes sure there are current contacts so dispatch can make those calls saying the ride is here waiting. If we don't get a response, the ride has to leave, and it will be some time before the vehicle can come back to make the ride. Then the scheduler best fits when possible without a lot of disruption to that vehicle's schedule.

Mr. Golden enumerated some choices:

- Require the provider to have someone on the other end for the entire time someone might arrive. Then the staff cost is turned to Dane County.
- The cab could wait and get paid by Dane County or Metro.

- If the person is technically not eligible, then Dane County can technically say they want the person delivered no later than a specific time. Then the agency is required to be there at that time, and the cab doesn't have the discretion of the window because the cab isn't providing a Metro ride, it's a Dane County ride requirement and Dane County is directly contracting with the cab.

Mr. Golden said if the window is the problem, then someone has to pay for the window. The other thing is whether the person is actually eligible for paratransit service.

Alder McKinney said so when you talk about that window, and someone is going to get paid for that window, the question is cost factor. Is staff or the cab more expensive? No one can say be there at 5:45. Traffic and variables are unknowns. If this problem happens about 2% of the time, that's not much compared to 98% of the time this works. So it's a small window. You're not going to erase that 2%, but what would the cost ratio be compared to the cab or staff.

Ms. Senn said the piece we're assuming in the discussion right now is that it's just that single rider. There are other riders in that vehicle. When there is someone who is not there to receive the Leave Attended rider, they are back on the vehicle, and the driver will take the person back to that location only after they can serve the other clients in the least disruptive way. It's not as simple as a single person getting to a single location.

Mr. Golden said if there were a cost to the cab, Metro could pay that additional cost and then amortize that into the rate paid to Dane County. Because that is only 2% of the rides, it would have a small effect on the overall rate. The discussion has probably cost more in staff time than it's actually going to cost Metro to implement this. Probably even a smaller percentage is early arrival and staff is running behind. That's a different problem and Dane County will absorb that. There is a very tiny early window problem. This will eliminate 60% of the impact on Metro, so when the person is not at fault, the person is not being penalized but the provider. That will be a deterrent.

Ms. Senn said what you are suggesting is that rides be booked not by the scheduled pick up time but by the requested arrival time. Mr. Golden said no keep booking the same way. If the cab has to wait for ten minutes there is a supplemental cost Metro pays the cab. Figure out some method. But that cost gets built into the overall rate so you are getting 60% of it back, assuming that is a small percentage of the overall problem.

Ms. Senn said it ignores the problem of multiple passengers. We melded two systems, ADA paratransit and waiver eligible rides. If you have the cab waiting for ten minutes, there are two other people who will be late. Ms. Jacobs said how we know the person has other riders in the vehicle. Ms. Senn said there might not be someone else in the vehicle, but there could be other people who needed to be picked up timely. Mr. DuRocher asked if that was a problem when Metro had long term assignment. Mr. Hunt said Metro created a subset program for waiver rides with consistent routes and riders, so there was less variability with arrival times. That was about 40% of rides. Apparently that was difficult to manage.

Ms. De Vos said the motivation for the policy was there was such an increase in the problem. There has to be a reason. She got the impression that a number of agencies were taking the ride for granted and not carrying out their responsibility on the other end. That motivated Metro to make a policy, but the policy sounds a bit harsh. She liked Spokane's policy. It showed the people were working together to try to figure out something that worked for everybody.

Ms. Jacobs said the policy states one can appeal the first, but how long is the turnaround time? Depending on how long until it gets rectified, the person is missing work. The other point is supported employment is affected by this. Sometimes the residential providers fail to have staff available at the end of the day. Then if the person loses transportation due to that, they miss work.

Mr. Golden said one of the things he is getting from the discussion is that the policy we have presumes the consumer is in charge of their life, and it penalizes the consumer, and they are afraid of the penalty, so they comply. But if a huge part is MA Waiver folks and has to do with supported employment and other services, then it is to do with people who can't be left alone. If we're talking about people who can't be left alone, then the whole idea of placing any kind of a suspension where you are trying to penalize the person seems irrelevant. You're trying to get the attention of the person who made the mistake. Mr. Golden gave some scenarios.

- No one is on the receiving end. It could just be an employer. We can't penalize them. If it's a provider, that's Dane County's job.
- It's the end of the day where they live. You can't penalize the family. If it's a supported living environment, the provider caused the problem.
- A cab is not really doing anything wrong because they have the window. Can we overlap these programs for MA Waiver recipients and say if you get the person there early, it is on you?

Mr. Golden said if it is organized that way, suspension would be until a corrective action plan is worked out. From Metro's perspective, if that early period were not going to happen, then there is no cost to Metro. If there are multiple people in the vehicle it's no longer an issue. If there are 3 people in the vehicle and you are supposed to get there at 8:30 and you get there at 8:15, they will organize their ride to get there on time. Ms. Senn said that will be a premium service because of the cost involved. Mr. Golden said for a minor cost, it's not worth trying to aggregate that. Maybe the way to do it is ban the early pick up for people on MA Waiver.

Mr. Hunt said I'm not sure the sanction policy will address the issue. Parties already work collaboratively. It's not a huge amount. He doesn't think we'll ever get to zero. The parties have done a remarkable job addressing the issue. They've put a lot of energy into it partly because providers know there is a penalty policy pending.

Mr. Golden said let's say it is 90,000 rides a year. Mr. Hunt said incidents are about one per thousand. Ms. Senn said it was 144 rides in 2015. This year

there are 122 so far. Mr. Golden said it's going to be under 200. Mr. Hunt said we're really trying to work at it. Fran Genter sent a letter to all providers and said every time there is an incident, they have to fill out a form explaining. The county is working on addressing that with providers.

Mr. Golden asked if those 200 rides imposed a cost either on Metro or the provider. Mr. Hunt said the cost was probably borne by Metro and their contractors. Mr. Golden said everyone seems to agree a warning for the first incident is sufficient. The second time something more – not agreed upon – needs to happen. He asked if the county could put a clause in service contracts for second violations whether that would allow them to collect enough money to pay Metro to cover their costs. Mr. Hunt said possibly if Metro calculates the cost. The county and Metro would need to negotiate a cost and do it case by case for one year and then next year with Family Care, it's no longer a problem.

Ms. Jacobs said this is somewhat of a Metro issue because other providers 98% of the time the person gets there on time. In the case she is talking about, the person works 5 days a week, so there is nothing different about the ride. It's a Metro scheduling problem; maybe Metro needs to look at their routes and see what is more doable.

Ken Golden moved that ADATS report to the TPC that there is a substitute Leave Attended Policy Violation recommendation is taking shape. It is not yet complete. ADATS requests that the TPC wait until the ADATS acts at its December meeting for the final recommendation. In addition, ADATS recommendation will incorporate a warning for the first Leave Attended Policy Violation occurrence that would prompt Metro and the parties involved to develop a corrective action plan which will include a provision that includes a requirement that in the event of a second occurrence, costs incurred by metro will be paid by Dane County. These fees will be collected from the at fault provider. This provision will be added to provider service contracts. The parties involved will work on eliminating the window for the arrival time. Mary Jacobs seconded. Motion carried by voice vote/other.

Specific language needs to be developed which will be done at the next ADATS meeting.

9. Accessible Taxi Services - TPC 08.12.15

Members had to leave, and the meeting was losing quorum. The rest of the agenda items were tabled.

10. Reports

- a. Transit & Parking Commission
- b. Commission on People with Disabilities
- c. Dane County Specialized Transportation Commission
- d. Other Community Meetings
- e. Performance Indicators, Quarterly Feedback by Unit
- f. Report from the Chair - Meeting Location
- g. Staff Report

11. Other Transit Related Announcements

12. **ADJOURNMENT**

Ms. De Vos moved adjournment. Mr. Golden seconded. The meeting adjourned at 6:56 PM.