



City of Madison

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

Monday, October 5, 2015

5:15 PM
Madison Municipal Building, 215 Martin Luther King, Jr. Blvd,
Room LL-120

CALL TO ORDER / ROLL CALL

Also present: Jeanne Brunette-Tregonning

Staff: Crystal Martin, Ann Schroeder, Ann Gullickson

Guest: Paul Bittorf, Stephanie Herrell, Keith Pollack, Doug Hunt, Norah Cashin

Chair DuRocher called the meeting to order at 5:24 PM.

Present: 5 - Kenneth Golden; Betty Hicks; Susan M. De Vos; Mary E. Jacobs and Carl D. DuRocher

Absent: 2 - Barbara Harrington-McKinney and Judi M. Sopher

1. Proper Meeting Notification

The meeting was properly noticed.

2. Introductions

Members, guests and staff introduced themselves.

3. APPROVAL OF MINUTES

Ms. De Vos moved approval. Ms. Jacobs seconded. Mr. Golden abstained.
Minutes were approved by voice vote/other.

4. PUBLIC APPEARANCES

There were no general public appearances.

5. DISCLOSURES AND RECUSALS

There were no disclosures or recusals.

6. [39583](#) Accessible Taxi Services - TPC 08.12.15

Attachments: [City Attys Legal Analysis Accessible Taxi Program 04.30.15.pdf](#)
[Union Cab recommendations to TPC re Accessible Taxi Service 07.08.15.pdf](#)
[Bittorf registration slip 08.12.15.pdf](#)

This is a referral from the Transit and Parking Commission (TPC). Ms. Martin

said included in the packet were two items: a statement from Union Cab written by Paul Bittorf and also a report from the City Attorney's office on the issue. It talks about the current market. Union Cab has been able to get grant funding for accessible vehicles. There have been many changes in recent years to operating and capital funding that have made it harder to purchase replacement vehicles, and the program is in crisis. Ms. Martin said to disclose city bias, she believes it is in the best interest of the city, county and community to have an accessible taxi program. She used to be a member of Union Cab. Although the report says it isn't required, it doesn't say it shouldn't be done. This was a referral from the TPC to this committee. Union Cab is continuing to try to make the program work with their current resources.

Ms. De Vos asked who wrote the report and who gave permission to use her name. Adriana Peguero from the City Attorney's office and Crystal Martin wrote the report, and Ms. Martin asked everyone she talked to if she could use their name. Mr. Golden said he thinks it is an excellent report. He is on the MPO Board and a few years ago the YWCA was in difficulty trying to maintain their transit-like program for people who can't get places with transit due to routes or times. We discovered that the only way the MPO was able to assist them was to help with capital purchases of vans for them. Often the grant money is used for road projects, but he was able to convince the board to use it for the vans. Operating funding can't be done, but as far as the capital funding that is something that is doable. Has anyone explored that with Bill Schaefer?

Ms. Martin said Mike Cechvala was very helpful exploring funding sources such as Federal 5310 program funding and possible use of those funds for this service. It may require some changes in the manner of operating that Union Cab does. The other possibility was Community Development Block Grants. Those funds are designated by the city for anti-poverty programs. In the big picture, it could fit in, but the city has focused on poverty programs. The MPO has not mentioned using surface transportation funds. Mr. Golden said they would want to use those for only highway projects, so they won't go out of their way to give you the right answer. As a member of this committee, I can carry its message to other groups like the TPC, MPO, etc.

Ms. DeVos said that the report noted the main destination for rides is medical appointments. Where did that information come from? Ms. Martin said directly from Union Cab records. They maintain a database of trip records for origins and destinations. From the address of the destination ride, the nature of the appointment can be determined. Ms. DeVos said I know people who work at the hospital and get accessible rides. Is there a way to distinguish those rides from medical rides? No.

Ms. Gullickson asked if there was action item before the TPC on this. Mr. Golden said I think it came as a report, and the TPC's referral was seeking advice on what to do. One of the disadvantages of ADA TS existing is that the TPC is less informed about services for people with disabilities. So the TPC really relies on this committee for good advice.

Mr. Bittorf said Union Cab has been providing wheelchair service since the early 1990s. We had three divisions at that time, and we had to close Union Bus and Union Transit when we failed to get the Metro contract one year. We

got New Freedom money that allowed us to purchase vehicles. A conversion van costs about 4 to 5 times the amount of a used taxi that we would use for regular taxi service. The FTA changed New Freedom Program (5317) to part of the 5310 grant program which excluded taxi services from getting that funding anymore. Trying to find a way for Union Cab to form a non-profit wing is difficult for us because we had to close bus and transit. That would be difficult to sell to our owners because of the hardship we experienced when it happened. I would hate to see this become a monetary issue when I see it as a social issue. We lose money on the service because of the extra costs of vehicles, insurance, driver fees because they have to travel longer distances without fares to pick people up, and additional WC charges for more injuries for people who load and unload wheelchairs. I'd like to find a way to continue this service, but I don't know how. We really don't have on-demand service anymore. We'll fill in a ride if we have availability, but we've trained people to call days ahead and schedule their rides.

It would take Mr. Bittorf the better part of a year to get something new set up. There has to be a better solution here. Paul is coming here looking for ideas and input. We want to continue the service. Part of the problem is because we've been doing it so long, we have relationships with people in the community and when rules change they call us to find out why. I think we'll survive based on our relationship with the community. It keeps us going as a transportation company and lets us give something back to the community. I've had discussions with our Board and some members just looking at the bottom line say let it end. I don't want that to happen.

Mr. Golden said if this disappears, there has been talk about it impacting paratransit and Dane County. Why would that happen and who are the customers affected? Ms. Cashin said the county uses Union's accessible vehicle on a contractual basis. We pay an agency fare and schedule rides ahead of time. We don't schedule rides during the two peak hour windows. There are county rides and also rides by support agencies paid for by county money. Mr. Golden asked why use this instead of Metro? Usually it is short notice rides. They mostly come from Children, Youth and Families. Mr. Bittorf said we also contract with Care Wisconsin and several other groups, including rides from MTM, the brokerage with the state. Flagged rides are the meter rate. Agency rides are actually paid at a rate that covers more of the cost of the ride.

Ms. Martin said it would also include court appointments and things that come up on short notice. The other thing is also high needs/ handling customers. You have to get them to the doctor's appointment, and it might take more than 5 minutes for them to get on the vehicle, which is as long as Metro will wait. If you don't get them in the clinic, they won't go to their appointment and it will mean they don't get care, and the resulting problems cost more than the transportation getting them to their appointment.

Mr. Golden said as an observation, knowing the way the Council and TPC work, this data is going to need to be harder. Everyone tries to shift costs, but who is benefitting? We need to try to get harder numbers. Ms. Martin didn't know if that would be possible. Mr. DuRocher said Union Cab now does rides for MTM? Mr. Bittorf said we refused their contract, but we took their rides and charged them at the agency rate. Ms. Martin said this gives Union Cab more

control to recoup costs. Mr. Golden asked if these rides are outside Metro's service area. Many of them are. Metro doesn't provide same day service, so we would refer routinely to Union Cab. Ms. De Vos said apparently the county has a pot of money for transportation that could be used? So this is more than just the city of Madison, right? There could be a situation where the county provides money? Ms. Cashin said, no, the county doesn't have any money sitting around. We do have transportation programs. In order to get 5310 funding, the federal government would ask Union Cab to become a non-profit. So the county looked at applying for 5310, and we'd have to put out a request for proposals (RFP). We don't know who would apply other than Union Cab. We talked about doing it in August, and the notice was too short for that grant cycle. I'm retiring in March, but I'm still willing to come back and work on this project.

Mr. Golden asked how much the county is spending with Union Cab. Ms. Cashin said she could get that information. Mr. Golden asked what the impact on paratransit is. Ms. Martin said it is speculative. If Metro had to bear the fallout on its own, what would the impact be? The people affected would be those who have high handling or same day needs. If they could take Metro, they would. It would be a small number of trips, so I put a worse case scenario in the report.

Mr. Bittorf said all other providers have been given the chance to step up, but we haven't seen it come from anyone else but our company. Ms. Martin said in talking with Mr. Bittorf in looking at grant cycles and opportunities, I had suggested two things: 1) Union Cab request letters of support from the TPC, the city and county when they have opportunity to apply for grants, and 2) Union Cab make a request that a staff person be assigned to be aware when grants are coming up and work with staff and committees to be prepared when opportunities arise.

Ms. De Vos said the rides were advertised as shared ride, but the vehicles can only hold one chair, so they can't be shared. Ms. Cashin said it has to be a shared ride service to be eligible for 5310 money. Union Cab would have to set aside some portion of their business to be shared ride all the time. Mr. DuRocher said could it be set up as a nonprofit. Mr. Bittorf said maybe, but there is then duplication in our fleet because we need different people to work on each program, which would drive up our costs even more. Also, if you try to force shared ride, you increase ride times, length of trips, etc. At certain times of day, shared ride works very well. It's during the slower service times that it really doesn't function like that, and that's the majority of time. Mr. DuRocher said so I gather that Union Cab is not really able to pursue the non-profit angle. Mr. Bittorf said I didn't say that, but it would be quite a cultural shift that I would have to ask the people at the cooperative take on considering. Around 2000 we had to get rid of two divisions that served these rides. That would be a hard sell.

Mr. Golden said he'd like to get some things in the minutes. There are four ideas/questions. In order for this to get out of this committee, we have to have: 1) A good description of who the customers are for this service – who they are, how they got there, the special handling needs to be said in a way that a lay person can understand. 2) Where does the money come from for the rides? 3) Most critical what happens if Union Cab goes away; who is impacted? a)

providers and what is that impact – money? - and b) people, health consequences, etc. That is the human part so we don't get lost in federal funding.

4) Why is this not the county's headache?

We should explore CDBG funding. This is not their priority, but could we shift that? This merits a review of their priorities both at CDBG and Community Service. I also think we need to contact Bill Schaefer about capital funding through the MPO. We need the Mayor's office involved so we have some backing. I will try hard to get this on his list. Mr. DuRocher said the potential people, who would be impacted, when I have to call Union, it's for out of service area or out of time constraints. It's not usually medical. I think the classic example of this would be someone flying in who uses a wheelchair and calls for accessible transportation assuming it is available in a capitol city. It would be awful for them to find out it doesn't exist. Mr. Bittorf said we had a man going up to Rhinelander, and we measured his oversize chair and brought the appropriate van. We really do get the outlier cases. We discussed the issues of ridership and levels of service. We talked about splitting this among all the cab companies. But then we'd all be losing money. Having a big enough fleet and making it sustainable makes it work. So who are potential customers, not just who is riding now, but all of Dane County.

Ms. De Vos said two points. A big population that isn't talked about is that all of Wisconsin is getting older, especially those 85 and over. I think reasonable planning needs to be made for their transportation. Second, I've been pushing for an airport shuttle. If you have a vehicle that goes to the airport, it can have a wheelchair lift or something to be able to accommodate a wheelchair in addition to 12 or 15 ambulatory passengers. So that could tap a different source of funding. Mr. Bittorf said Susan and I met about a year and a half ago, and the amount she thought it would cost is about half of what I knew it would cost. I love the idea, but there is no funding available for this. Ms. DeVos said I was thinking it could potentially open up another funding source. I don't know if the airport would be able to justify this with the transportation department and the County. I don't know, but potentially it could open up other funding.

Ms. Cashin said there are two things – capital funding for the vehicle which isn't insurmountable, but the operating is the problem. The entity has to not make money but not lose too much money.

Mr. DuRocher said the TPC would be happy to have a recommendation come from this subcommittee. I don't know that we have one, but this has been very useful information. I don't see a recommendation. Before we move on, is there anything from the perspective of our guests? I hate to drop something like this.

Mr. Golden said I think if we could compile some of the data, it would be a good start in terms of at least being able to say what the consequences would be. If there is a financial consequence to anyone, that might motivate their parent company to look at it. Then you can move on to explore, for example the airport. There were times when we had some county supervisors who were ready to fund a bus to the airport where it would be from airport funding. There is some historical interest on the county board for having that. I'm

chairing a county committee now on transit, and while this didn't come up, the issue of travel for people with disabilities needs to be addressed.

Mr. DuRocher said it goes back to staff. Ms. De Vos said the county is more involved in this than the city. Ms. Cashin said that the county doesn't have direct access to 5310 funding. The airport idea is interesting, but it would be focused on the airport. Ms. De Vos said what about aging programs? That would be something to explore. Mr. Bittorf said is there any other example somewhere that something was developed that worked? We should do some research. Portland might have one.

Ms. Martin said we have to send something to TPC, eventually. Ms. De Vos said the something is we don't want this to disappear. Mr. Durocher said the service is essential. We don't have a funding solution, but we have requested more specific data. Mr. Golden said because there are alders on the commission, we should mention the other potential funding sources. Most initial reactions of staff will be that they don't want their funding to go elsewhere, but if there is political muscle behind the idea, there might be a change.

Ms. Martin asked if there should be a response to the TPC that we should say we need more time to study this and quantify some information. We could highlight some discussion and questions that we will have difficulty getting answers to. Ms. Gullickson said to do something substantive is going to take some time. This is the city committee most willing to take the initiative. Mr. Golden said it is going to take a subsidy. Ms. Cashin said the way CDBG funding was used for transportation in regard to city and county is that it is discretionary administrative money. There is no reason why those priorities the city has couldn't be lobbied to be changed. That is revenue that wouldn't have the restrictions of 5310 money. Mr. Golden said the staff will draft something and the chair will make sure it reflects the wishes of the committee.

7. [40232](#)

Leave Attended - Paratransit Service Issues

- a. Sample Policies from Other ADA Paratransit Systems

Attachments: [Metro Report Increasing Lv Attended Issues and Sample Policies Other Syst](#)

Ms. Martin said there is a staff report in your packets. This is something that has come up at previous meetings. There are things that have come up with people not being available at the destination when passengers have requested leave-attended service. We are requesting guidance. There are samples of other policies from other systems. Many transit systems have operated like Metro where the instances with leave attended are minimal and don't cause operational issues, but it has become an increasing problem for us. The county has put together a task force to look at the issue. Our contact numbers for a person without someone to meet them might not be current. So the purpose of this report is to ask for guidance from this committee in terms of developing a policy. There seem to be two tracks. One is if someone isn't available and there is a pattern of this, the person is suspended from service or the person is required to have an attendant travel with them in the future. A few weeks before finishing this report, the National Center on Disabilities had issued their update of 25 years of the ADA and of their 118 items where they said these are things that should be updated or best practices, the very last one

was what to do when there is nobody to meet a leave-attended ride. Their recommendation is that if the problem continues, refuse service or, even better, require an accompanied ride. Ms. Gullickson had asked which was operationally easier. Suspending service is easier because otherwise you have to check that an attendant is in fact riding with the customer. But I have to agree with the recommendation that it's better practice to not refuse service.

Mr. Hunt said the county collaborates closely with the city especially for the people with developmental disabilities. That is a large group for leave attended. I commend the city for accommodating that. It's a critical service for adults with developmental disabilities to be able to travel independently. So as part of our transit advisory committee meetings, this issue has been coming up. We put a work group together. The number of incidents is on the rise, so we want to try to address that. So far we've put together a tip sheet that will educate the riders and their care givers about the window of time. The challenge for staffing is that it's difficult to have a job coach or care giver at a site for the 20 minute window. As the system has become more resource stretched we've found a rise in this problem. One recommendation is to have a back up person if the job coach isn't available – a receptionist etc. Also, we've created emergency backup contact numbers for Metro to use so when a driver arrives, especially at home, and there is no one to receive the rider, Metro has access to emergency call numbers and staff can go to the location. But that is just crisis management.

Mr. Golden said do we have a sense whether it is the same people? Ms. Martin said there are one-offs, but there are also chronic offenders. Sometimes it is intermittent or sporadic. Mr. Golden said does it cluster round specific providers? Not really. Ms. Martin said the impact operationally is that if we have to wait with that person, it impacts our other riders and our schedule. Mr. Hunt said it impacts the riders, too. Trying to get a person back on the van can be difficult. We have to get those complaints back to the agency so we can address the issue; I feel like we have more to do in that area.

Mr. DuRocher said so you would prefer to have a requirement for an aide to ride along? Ms. Martin said it is a more fair resolution. But, it's not as easy to implement. Mr. Golden said there should also be a protocol for when it is imposed. But I also think if the person has the requirement to have an attendant and the paratransit vehicle shows up and the attendant isn't there, it should be dealt with as a no show and there should be some charge to the funding source if possible. Ms. Martin said if there is a way to charge back for it, then the behavior doesn't change. Staff agrees about structuring the policy like a no show to have a timeline. Mr. Golden said money is a strong motivator. Ms. Martin said staff would have to check to see if charging in that situation is allowed.

Ms. Gullickson asked Mr. Hunt what the county would do if we required an attendant. Does the county have the ability to provide that? Or maybe that is a question for Ms. Jacobs. Ms. Jacobs said she has a hard time conceptualizing how that would work. To have a job coach travel with the person wouldn't be possible. That just wouldn't work. Also, you would need to make room in your vehicle for extra passengers. Ms. Martin said we have several customers who are required to have an attendant ride with them

because of behavior issues. Frequently what happens is that when they can have an attendant ride from the recreation site it is someone from the residence. It is vocational services staff if it is job related. Ms. Jacobs said it would be hard to go to the residence because we travel from job site to job site, and we'd have to get back to our vehicle. Mr. Hunt said in many cases what happens is the county has to come up with a solution. Leave attended is very valuable, so I want a solution that works and is sustainable. Ms. Jacobs said it would be better to issue a warning and then suspension. In some cases drivers realize they are getting to a job site early, so they will call and they take that person and travel the route and then come back. We appreciate that because they are looking out for the safety of our participants. One thing Goodwill has done is work with Metro to update to contact information. Often we'll get a call at our agency saying there is nobody at home. We'll get hold of somebody to get over there.

Mr. DuRocher said when an aide is required to ride along, do they stay for the duration of the appointment? Mr. Hunt said that is the most efficient way, but it ties up the staff all day. Mr. DuRocher asked the number of people with that requirement. Ms. Martin said about 10 or more. Not all are taking trips. That doesn't include people on exceptional rides. Mr. DuRocher said we could make a condition of the suspension unless there is someone to ride along. Ms. Martin said currently if there is an incident that involves hitting, fighting or kicking, the customers are immediately suspended. We wouldn't do that in leave attended cases. Then, we contact by phone and follow up with a letter saying if the person returns to service it is with specific requirements and they need to contact Metro. It is highly documented. Mr. DuRocher said I would see leave-attended suspension the same as no shows. It wouldn't be a permanent suspension.

Mr. Bittorf said in my experience said if there is a leave attended issue it's because resources at the agency are thin already. So a ride along situation would be over and above that. It's usually a crisis situation for an agency if they don't have someone in the right place at the right time. Ms. Jacobs said you could have a progressive suspension like warning, three days, a week, etc.

Ms. De Vos moved that staff is directed to write a policy whereby someone who is leave attended and is not met would be issued a warning for the first time, a suspension of some duration for the second time, and if during that three week suspension someone could ride along, the passenger could ride. Mr. Golden seconded. The group can review the draft policy at the next meeting. The motion passed by voice vote/other.

Mr. DuRocher said he would never want to endorse the Cleveland solution of transporting the customer to the nearest police station.

8. [40233](#)

Paratransit Appeals Board

- a. What is the PAB, Purpose, and Who Serves on It
- b. Recent Activity

Attachments: [HOW TO APPEAL PARATRANSIT DETERMINATIONS.pdf](#)

Mr. DuRocher said we have a Paratransit Appeals Board. If someone applies and is denied, they appeal to management. If the denial is upheld it can come

to a panel of three people from this body. This body has been known to overturn staff more often than not, but it doesn't come up very often.

Ms. Martin said we thought when we started in-person assessments we would have more appeals. We've had two since we started this, and one was upheld and one wasn't. Mr. Golden asked if people are on their own or is there any form of assistance that people get who want to appeal. Ms. Martin said frequently a case manager will attend. What we find often is that the person didn't fill out the two page application or come to the interview themselves, so the person assisting with those items help with the appeal. Most are aligned with an agency. Those who aren't are more elderly people.

9. [40234](#)

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
- g. Staff Report - 5310 Grant Application / In-Person Assessments and Mobility Management

Attachments: [ADATS Roster.pdf](#)
[Para Indicators Jul2015.pdf](#)
[Paratransit Tickets only with Metro.pdf](#)

Reports were tabled. Ms. Cashin asked for an agenda item soon about the consequence of fare decisions.

10. Other Transit Related Announcements

None.

ADJOURNMENT

Mr. Golden moved to adjourn; Ms. De Vos seconded. The motion passed by voice vote/other.