

# OFFICE OF THE STATE AUDITOR

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# DIANA DIZOGLIO

Official Audit Report – Issued August 30, 2023

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## Montachusett Regional Transit Authority

For the period October 1, 2019 through September 30, 2021



# OFFICE OF THE STATE AUDITOR

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# DIANA DIZOGLIO

August 30, 2023

Bruno Fisher, Administrator  
Montachusett Regional Transit Authority  
1472R Water Street  
Fitchburg, MA 01420

Dear Mr. Fisher:

I am pleased to provide to you the results of the enclosed performance audit of the Montachusett Regional Transit Authority. As is typically the case, this report details the audit objectives, scope, methodology, findings, and recommendations for the audit period, October 1, 2019 through September 30, 2021. As you know, my audit team discussed the contents of this report with agency managers. This report reflects those comments.

I appreciate you and all your efforts at the Montachusett Regional Transit Authority. The cooperation and assistance provided to my staff during the audit went a long way toward a smooth process. Thank you for encouraging and making available your team. I am available to discuss this audit if you or your team have any questions.

Best regards,



Diana DiZoglio  
Auditor of the Commonwealth

cc: Gina Fiandaca, Secretary of Transportation of the Massachusetts Department of Transportation  
Mayor Michael Nicholson, Advisory Board Chairman of the Montachusett Regional Transit Authority

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## TABLE OF CONTENTS

EXECUTIVE SUMMARY .....	1
OVERVIEW OF AUDITED ENTITY .....	2
AUDIT OBJECTIVES, SCOPE, AND METHODOLOGY .....	7
DETAILED AUDIT FINDINGS WITH AUDITEE’S RESPONSE.....	11
1. The Montachusett Regional Transit Authority did not follow its performance standard for untimely drop-offs. ....	11
2. The Montachusett Regional Transit Authority did not follow required procedures for processing Americans with Disabilities Act paratransit complaints. ....	12

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## EXECUTIVE SUMMARY

In accordance with Section 12 of Chapter 11 of the Massachusetts General Laws, the Office of the State Auditor has conducted a performance audit of the Montachusett Regional Transit Authority (MART) for the period October 1, 2019 through September 30, 2021.

In this performance audit, we assessed whether MART delivered paratransit services required by the Americans with Disabilities Act (ADA) on time in accordance with Section 37.23(a) of Title 49 of the Code of Federal Regulations and its “ADA Paratransit Service Standards.” We also examined MART’s ADA paratransit complaint procedures to determine whether it responded to ADA paratransit complaints in accordance with Section 27.13(b) of Title 49 of the Code of Federal Regulations and MART’s “Montachusett Regional Transit Authority Complaint Procedures.”

Below is a summary of our findings and recommendations, with links to each page listed.

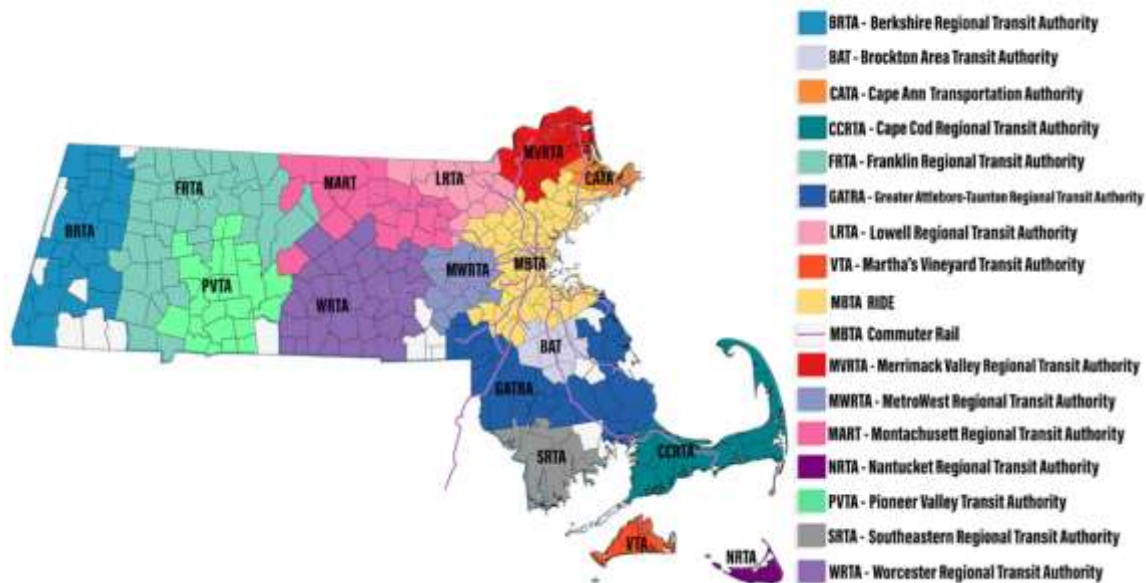
<b>Finding 1</b> <b>Page <a href="#">11</a></b>	MART did not follow its performance standard for untimely drop-offs.
<b>Recommendations</b> <b>Page <a href="#">12</a></b>	<ol style="list-style-type: none"><li>1. MART should monitor all trips to ensure that it meets its performance standard of no more than 3% for untimely drop-offs.</li><li>2. MART should ensure that it records and retains documentation for all untimely drop-offs.</li></ol>
<b>Finding 2</b> <b>Page <a href="#">12</a></b>	MART did not follow required procedures for processing ADA paratransit complaints.
<b>Recommendations</b> <b>Page <a href="#">13</a></b>	<ol style="list-style-type: none"><li>1. MART should ensure that all fields for the investigation of an ADA paratransit complaint are documented, including the follow-up.</li><li>2. MART should monitor each ADA paratransit complaint and ensure that its contracted paratransit provider investigates complaints within three business days and follows up with complainants within five business days.</li></ol>

## OVERVIEW OF AUDITED ENTITY

### Massachusetts Regional Transit Authorities

Chapter 161B of the Massachusetts General Laws established regional transit authorities (RTAs) and defined the roles and responsibilities for these authorities, the municipalities in which they operate, and the Commonwealth. According to Chapter 161B of the General Laws, RTAs are controlled by the municipalities in which they operate. Each RTA is governed by an advisory board composed of elected officials from the community (e.g., selectperson or mayor), as well as one representative of the disabled commuter population<sup>1</sup> and one representative of the local rider community. The advisory boards appoint administrators, establish bylaws, and approve budgets and changes to RTA services.

Section 53 of Chapter 6C of the General Laws makes the Rail and Transit Division of the Massachusetts Department of Transportation “responsible for overseeing, coordinating and planning all transit and rail matters throughout the commonwealth,” including intercity buses, the Massachusetts Bay Transportation Authority, and RTAs.



Source: Massachusetts Department of Transportation—Rail and Transit Division (<https://www.mass.gov/info-details/public-transportation-in-massachusetts>)

1. According to Section 5 of Chapter 161B of the General Laws, “This representative shall be mobility impaired, have a family member who is mobility impaired, be a caretaker of a person who is mobility impaired or work for an organization that serves the needs of the physically disabled.”

Currently, there is a network of 15 RTAs operating in the Commonwealth, in addition to the transit services provided by the Massachusetts Bay Transportation Authority. These RTAs serve a total of 272 cities and towns outside the greater Boston area. RTAs are funded through a combination of state appropriations, federal grants, local governments, transit fares, and other sources. State appropriations for the 15 RTAs increased from approximately \$80 million in fiscal year 2018 to approximately \$94 million in fiscal years 2021 and 2022.

### **Americans with Disabilities Act—Required Paratransit Services**

The Americans with Disabilities Act (ADA) of 1990 recognized that some individuals' disabilities prevent them from using a fixed-route<sup>2</sup> transit system. Section 37(F) of Title 49 of the Code of Federal Regulations, which covers the transportation and related stipulations of ADA, states,

*Each public entity operating a fixed route system shall provide paratransit or other special service to individuals with disabilities that is comparable to the level of service provided to individuals without disabilities who use the fixed route system.*

The above regulation also establishes minimum levels of service that RTAs must provide for complementary paratransit services.

### **Montachusett Regional Transit Authority**

The Montachusett Regional Transit Authority (MART) was established in 1978 and reports to the Rail and Transit Division under Chapter 25 of the Acts of 2009. According to its website, "MART's Mission is to provide safe, reliable, efficient, and cost-effective transit, Para-transit, and brokerage services to [its] customers contributing to the social well-being and economic vitality of the region and the Commonwealth."

MART's operations are overseen by an advisory board. MART's administrator, hired by the advisory board, is responsible for the day-to-day administration of the agency.

MART, serving a population of over 228,000 within the 624-square-mile Montachusett area, provides transportation services to the following 24 cities and towns: Ashburnham, Ashby, Athol, Ayer, Barre, Bolton, Boxborough, Fitchburg, Gardner, Hardwick, Harvard, Hubbardston, Lancaster, Leominster, Littleton, Lunenburg, Phillipston, Royalston, Shirley, Sterling, Stow, Templeton, Westminster, and

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2. Fixed-route transportation services have established routes, schedules, and stops.

Winchendon. MART runs a shuttle to veterans' centers and hospitals located in Boston and Worcester. Additionally, MART operates and maintains four park-and-ride facilities<sup>3</sup> along the Massachusetts Bay Transportation Authority's Fitchburg Commuter Rail line.

During our audit period, MART contracted with Management of Transportation Services, Inc., a privately operated company, to provide transit management and operations services for its fixed-route bus and demand-response transportation services<sup>4</sup> provided to paratransit riders and the older population.

MART managed all ADA-required paratransit and demand-response transportation services provided during the audit period using a transit scheduling and dispatching system.

### **Performance Standards for ADA-Required Paratransit Services**

MART has a memorandum of understanding with the Massachusetts Department of Transportation that includes on-time performance standards. These performance standards include a required minimum on-time pickup rate for trips.

According to this memorandum of understanding, MART must pick up at least 96% of riders within the scheduled pick-up window, have a missed trip rate of no more than 5%, and have an untimely drop-off rate of no more than 3%.

#### **On-Time Performance**

MART uses a 20-minute pickup window for its on-time performance standard. This means that, in order for a pickup to be considered on time, a driver has up to 20 minutes after the scheduled pickup time to reach their rider. Drivers can arrive at any point during the pickup window. Because of this, riders must be ready throughout the entire pickup window. Drivers, depending on their arrival time, will only wait either five minutes beyond the scheduled pickup time or five minutes beyond the time they arrive, whichever is later.

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3. Park-and-ride facilities are parking lots used by commuters to meet and carpool to destinations.

4. Demand-response transportation services do not have fixed routes, schedules, or stops. They must be requested by riders and scheduled by dispatchers through a transportation service.

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## Missed Trips

For MART's ADA-required paratransit services, a trip is considered missed when any one of the following situations occurs:

- A driver for MART does not pick up a rider.
- A driver arrives for the trip but the rider does not show up;<sup>5</sup> however, the driver still did not wait the required five minutes.
- A driver arrives too late, after the 20-minute pickup window, and the rider chooses not to take the trip. MART refers to this as a canceled-on-arrival trip.
- A driver arrives too late, after the 20-minute pickup window, and the rider, even though they still choose to take the trip, will not arrive at their destination on time.
- A driver arrives too early, before the beginning of the 20-minute pickup window, and the rider chooses not to take the trip. MART refers to this as a canceled-on-arrival trip.
- Scheduling errors or computer errors lead to a trip not being completed.

## Untimely Drop-Offs

MART's goal is to ensure that it will not drop off riders more than 30 minutes before the scheduled drop-off time and no later than the scheduled drop-off time.

## ADA Paratransit Complaints

ADA paratransit complaints are complaints related to ADA-required paratransit services. According to Section 27.13 of Title 49 of the Code of Federal Regulations, transportation programs that receive federal funding must adopt complaint procedures and designate a responsible employee to coordinate these procedures.

MART's ADA paratransit complaint process is overseen by its ADA transit manager, who acts as MART's ADA complaint officer. MART's administrative front office staff members handle all complaints and enter them into MART's Microsoft Access database for ADA paratransit complaints. MART's management encourages complainants to call, but complainants may also complete a complaint form and either email or mail the form to MART's office. MART's staff members assign each complaint a confirmation number for tracking purposes. MART's ADA transit manager has access to the Microsoft Access database for ADA

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5. According to MART's *ADA Paratransit Service Regulation Handbook*, if a rider does "not call and [the rider is] not ready when [MART's] vehicle arrives," MART classifies the trip as a no-show.



paratransit complaints. The ADA transit manager responds to each complainant with information regarding MART's investigation and any actions taken. MART staff members monitor the Microsoft Access database for ADA paratransit complaints for resolutions provided by the contracted paratransit provider. MART's "Montachusett Regional Transit Authority Complaint Procedures" states that its contracted paratransit provider will investigate all complaints within three business days, and that its front office staff members will follow up with the complainant within five business days.

## MART Paratransit Ridership Information

The table below summarizes MART's paratransit information for fiscal years 2019, 2020, and 2021.

	Fiscal Year 2019	Fiscal Year 2020	Fiscal Year 2021
<b>Number of Active Riders</b>	560	528	382
<b>Number of Trips</b>	44,912	37,304	23,842
<b>Number of Miles</b>	2,286,687	1,614,621	1,250,401
<b>Number of Drivers</b>	96	92	72
<b>Number of Vehicles Used</b>	129	117	92

## MART Funding Sources

In fiscal years 2019, 2020, and 2021, MART received revenue from a variety of sources, including fares and federal, state, and local assistance. The table below shows the types of funding MART received during the audit period.

Type of Funding	Fiscal Year 2019	Fiscal Year 2020	Fiscal Year 2021
<b>State and Contract Assistance</b>	\$ 5,568,629	\$ 5,908,180	\$ 6,064,554
<b>Local Assistance</b>	2,471,550	2,533,339	2,596,672
<b>Federal Assistance</b>	2,680,440	1,675,396	-
<b>Fixed-Route Income</b>	728,269	527,149	431,483
<b>Paratransit Income</b>	85,365	63,305	37,856
<b>Other Revenue*</b>	1,144,360	3,265,582	4,552,399
<b>Total</b>	<u>\$ 12,678,613</u>	<u>\$ 13,972,951</u>	<u>\$ 13,682,964</u>

\* Other revenue is from advertising, miscellaneous sources, and interest.

## AUDIT OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with Section 12 of Chapter 11 of the Massachusetts General Laws, the Office of the State Auditor has conducted a performance audit of certain activities of the Montachusett Regional Transit Authority (MART) for the period October 1, 2019 through September 30, 2021.

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.

Below is a list of our audit objectives, indicating each question we intended our audit to answer; the conclusion we reached regarding each objective; and, if applicable, where each objective is discussed in the audit findings.

Objective	Conclusion
1. Does MART deliver paratransit services required by the Americans with Disabilities Act (ADA) on time in accordance with Section 37.23(a) of Title 49 of the Code of Federal Regulations and MART's "ADA Paratransit Service Standards"?	No; see Finding <u>1</u>
2. Does MART ensure that all complaints from ADA-required paratransit riders are investigated and responded to as required by Section 27.13(b) of Title 49 of the Code of Federal Regulations and MART's "Montachusett Regional Transit Authority Complaint Procedures"?	No; see Finding <u>2</u>

To achieve our audit objectives, we gained an understanding of MART's internal control environment related to the objectives by reviewing applicable agency policies and procedures, as well as conducting interviews with MART's staff members and management. We evaluated the design of controls over ADA-required paratransit services and ADA paratransit complaints.

We performed the following procedures to obtain sufficient, appropriate audit evidence to address the audit objectives.

### Performance Standards for ADA-Required Paratransit Services

To determine whether MART complied with its standards for ADA-required paratransit services regarding on-time performance, missed trips, and untimely drop-offs, we obtained information regarding all trips

that occurred during the audit period and extracted the 52,108 ADA-required paratransit rides that occurred during the audit period. We analyzed 100% of these 52,108 ADA-required paratransit rides to determine whether MART met the performance standard it established in its “ADA Paratransit Service Standards.” We compared the following information about all 52,108 ADA-required paratransit rides that occurred during the audit period to MART’s performance standards for on-time performance, missed trips, and untimely drop-offs.

### **On-Time Performance**

To determine whether MART complied with its performance standard of picking up at least 96% of riders within the scheduled pick-up window (i.e., 20-minutes), we calculated the number of minutes between the ADA-required paratransit rider’s actual pickup time and scheduled pickup time for each of the 52,108 rides that occurred during the audit period. We calculated the percentage of pickups that were on time from every trip that occurred during the audit period and compared it to MART’s performance standard to determine whether MART met its on-time performance standard. We identified 1,476 late trips that were outside of the on-time pickup window and sorted these trips by the number of minutes that they were late. We then selected a sample by targeting the 20 trips with the largest number of minutes late. For the remaining 1,456 late trips, we randomly selected a sample of 27 trips, using a 90% confidence level, 10% tolerable error rate, and 0% error rate. For both of the samples (the 20 trips with the largest number of minutes late and the randomly selected 27 trips), we examined MART’s ADA transit manager’s monthly reconciliation notes on late trips, which included the cause of each late pickup.

### **Missed Trips**

To determine whether MART complied with its performance standard of having a missed trip rate of no more than 5%, we calculated the number of minutes between the actual pickup time and the scheduled pickup time for each of the 52,108 rides that occurred during the audit period and filtered the trips that were classified as either canceled-on-arrival or no-shows. For trips classified as canceled-on-arrival or no-shows, we calculated the number of minutes between the driver’s arrival time and departure time to determine whether the driver waited five minutes before departing without the rider. We identified a total of 314 missed trips where the driver did not arrive within the 20-minute window and/or did not wait five minutes before departing without the rider. We calculated the percentage of missed trips and compared this to MART’s 5% performance standard to determine

whether MART's contracted paratransit provider met MART's performance standard for missed trips. We selected a random, nonstatistical sample of 27 out of the 314 missed trips. For our sample, we examined MART's ADA transit manager's monthly reconciliation notes on missed trips, which included the cause of each missed trip.

### **Untimely Drop-Offs**

To determine whether MART complied with its performance standard of having an untimely drop-off rate of no more than 3%, we calculated the number of minutes between the actual drop-off time and the rider's scheduled drop-off time for each of the 52,108 rides that occurred during the audit period. We calculated the percentage of drop-offs that were untimely and compared this to MART's performance standard to determine whether MART met its standard for untimely drop-offs. We then targeted the 20 untimely drop-offs with the largest number of minutes between scheduled drop-off time and actual drop-off time from the total population of 1,290 untimely drop-offs that occurred during the audit period. For the remaining 1,270 untimely drop-offs, we randomly selected a sample of 27 trips, using a 90% confidence level, 10% tolerable error rate, and 0% error rate. For our samples, we examined MART's ADA transit manager's monthly reconciliation notes on untimely drop-offs, which included the cause of each untimely drop-off.

### **ADA Paratransit Complaints**

To determine whether MART investigated and documented its responses to ADA paratransit complaints, we analyzed 100% of the 34 ADA paratransit complaints that MART received during the audit period. We calculated the number of business days between the date MART received each complaint and the date MART's contracted paratransit provider started the investigation to determine whether the investigation started within three business days of MART's receipt of the complaint.

To determine whether MART issued its response within five business days of its receipt of the complaint, we calculated the business days between the date that MART received the complaint and the date that MART's staff member(s) responded to the complainant. We examined the comments MART recorded in its Microsoft Access database for ADA paratransit complaints regarding all 10 of the investigations that took over five business days to verify the dates that complaints were submitted and the dates that complaints were resolved, and we determined the reason why the complaints were not resolved within five business days.

We used a combination of nonstatistical and statistical sampling methods for our audit objectives and did not project the results from the samples to the populations.

## **Data Reliability Assessment**

### **Transit Scheduling and Dispatching System**

To determine the reliability of the ADA-required paratransit rider data from the transit scheduling and dispatching system, we interviewed officials who were knowledgeable about the ADA-required paratransit rider data and tested selected information system controls (security management, configuration management, contingency planning, and segregation of duties). We then tested the ADA-required paratransit rider data for missing and duplicate records and for records that were outside of our audit period.

We obtained a list of 606 riders who were on MART's list of approved ADA-required paratransit riders from the ADA transit manager, selected a random sample of 20 riders, and traced each of these 20 ADA-required paratransit rider records to hardcopy rider applications. We randomly selected 20 hardcopy ADA-required paratransit rider applications and traced these applications to the list of riders who were on MART's ADA-required paratransit service list. We verified that all riders who received ADA-required paratransit services from MART during the audit period were on MART's list of riders eligible for ADA-required paratransit services.

### **Microsoft Access Database for ADA Paratransit Complaints**

To determine the reliability of the data from MART's Microsoft Access database for ADA paratransit complaints, we interviewed officials about the data sets for ADA-required paratransit trips and ADA paratransit complaints. We tested the complaint data for missing and duplicate records and for records that were outside of our audit period. We also traced the names on all 34 of the complaints that were received during the audit period to our list of ADA-required paratransit riders to verify that ADA paratransit complaints were reported by ADA-required paratransit riders.

Based on the results of our data reliability procedures detailed above, we determined that the information obtained for our audit period was sufficiently reliable for the purpose of our audit.

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## DETAILED AUDIT FINDINGS WITH AUDITEE'S RESPONSE

### 1. The Montachusett Regional Transit Authority did not follow its performance standard for untimely drop-offs.

The Montachusett Regional Transit Authority (MART) did not follow its performance standard for untimely drop-offs. Specifically, 1,290 out of 28,482 (4.5%) scheduled trips had untimely drop-offs that were either 30 minutes or more before the scheduled drop-off time or were after the scheduled drop-off time. In addition, MART was unable to provide us with documentation for 16 out of the 47 sampled trips with untimely drop-offs to explain why each of these 16 Americans with Disabilities Act (ADA)–required paratransit riders were not dropped off on time.

By not ensuring timely drop-offs to ADA-required paratransit riders, MART risks the reliability of transportation services provided to individuals who rely on ADA-required paratransit services. Furthermore, not documenting the reasons for untimely drop-offs prevents MART from understanding the causes of and remediating unsatisfactory performance.

### Authoritative Guidance

Section 37.23(a) of Title 49 of the Code of Federal Regulations states,

*When a public entity enters into a contractual or other arrangement (including, but not limited to, a grant, subgrant, or cooperative agreement) or relationship with a private entity to operate fixed route or demand responsive service, the public entity shall ensure that the private entity meets the requirements of this part that would apply to the public entity if the public entity itself provided the service.*

MART's "ADA Paratransit Service Standards" states,

*MART will not drop off a passenger more than 30 minutes before the appointment time and no later than the appointment time.*

*MART's untimely drop-off standard is under 3% for all ADA Service. MART will monitor untimely drop-offs monthly to ensure the standard is being met.*

### Reasons for Issue

During an interview with MART on February 10, 2023, MART management told us that some of the data was incorrect because of data entry errors in the recorded arrival times for excessively untimely drop-offs (for example, an arrival time recorded as 10:30 p.m. instead of 10:30 a.m.). MART management also told

us that the monthly performance monitoring reports did not always include explanations for untimely drop-offs, specifically when there were previously documented concerns about the drop-off locations (for example, there was one location on a main road where rider drop-off was often delayed by traffic and/or vehicle pickup and drop-off lines).

## Recommendations

1. MART should monitor all trips to ensure that it meets its performance standard of no more than 3% for untimely drop-offs.
2. MART should ensure that it records and retains documentation for all untimely drop-offs.

## Auditee's Response

*MART will review all paratransit trip performance data monthly to ensure paratransit trips are meeting the performance standard for untimely drop-offs.*

*MART will record and retain documentation for all untimely drop-offs in a database software that allows for accurate analysis of data which will be utilized to develop service improvements to resolve untimely drop-offs.*

## Auditor's Reply

Based on its response, MART is taking measures to address our concerns on this matter.

## **2. The Montachusett Regional Transit Authority did not follow required procedures for processing Americans with Disabilities Act paratransit complaints.**

MART did not follow required procedures for processing ADA paratransit complaints. Specifically, MART and its contracted paratransit provider did not consistently document information related to ADA paratransit complaints.

We examined the 34 ADA paratransit complaints received during the audit period and noted the following:

- Three of the 34 complaints were missing documentation in the Microsoft Access database for ADA paratransit complaints regarding the date on which each investigation began.
- Seven of the 34 complaints were not investigated within the required three business days.
- Ten of the 34 follow-up responses to complaints occurred after the required five business days.
- One of the 34 complaints had no documentation regarding MART's follow-up.

By not ensuring that it follows required procedures for its ADA paratransit complaint process, MART may not resolve significant issues regarding its transportation services in a timely manner or at all. This could have a negative impact on the quality of services that MART provides its ADA-required paratransit riders.

## Authoritative Guidance

Section 27.13 of Title 49 of the Code of Federal Regulations states,

*(b) Adoption of complaint procedures. . . .*

*(3) The recipient [in this case, MART] must promptly communicate its response to the complaint allegations, including its reasons for the response, to the complainant by a means that will result in documentation of the response.*

MART's "Montachusett Regional Transit Authority Complaint Procedures" states, "All ADA complaints will be investigated by the operating company within 3 business days, with follow-up to the consumer by Front Office Staff within 5 business days."

## Reasons for Issue

During an interview with MART on November 30, 2022, MART management told us that they were not monitoring each ADA paratransit complaint investigation's timeline.

## Recommendations

1. MART should ensure that all fields for the investigation of an ADA paratransit complaint are documented, including the follow-up.
2. MART should monitor each ADA paratransit complaint and ensure that its contracted paratransit provider investigates complaints within three business days and follows up with complainants within five business days.

## Auditee's Response

*MART will monitor customer complaints on a weekly basis to ensure all complaints are being investigated by MART and/or its operating companies within three (3) business days and all required follow up actions and responses to complainants are completed within five (5) business days.*

*The complaint database software is being upgraded to allow all complaints to be tracked from inception through investigation to final disposition in a single, consolidated system.*

## Auditor's Reply

Based on its response, MART is taking measures to address our concerns on this matter.