

OFFICE OF THE STATE AUDITOR

DIANA DIZOGLIO

Official Audit Report – Issued August 30, 2023

Southeastern Regional Transit Authority

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



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August 30, 2023

Erik B. Rousseau, Administrator
Southeastern Regional Transit Authority
700 Pleasant Street, Suite 530
New Bedford, MA 02740

Dear Mr. Rousseau:

I am pleased to provide to you the results of the enclosed performance audit of the Southeastern 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 Southeastern 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 Finandaca, Secretary of Transportation of the Massachusetts Department of Transportation
Mayor Jon Mitchell, Advisory Board Chairman of the Southeastern Regional Transit Authority

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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 Southeastern Regional Transit Authority (SRTA) for the period October 1, 2019 through September 30, 2021.

In this performance audit, we assessed whether SRTA 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 SRTA's *Information Brochure for Disabled Services Demand Response and Massachusetts Access Passes*. We also examined SRTA's ADA paratransit complaint resolution 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 SRTA's *Information Brochure for Disabled Services Demand Response and Massachusetts Access Passes*.

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

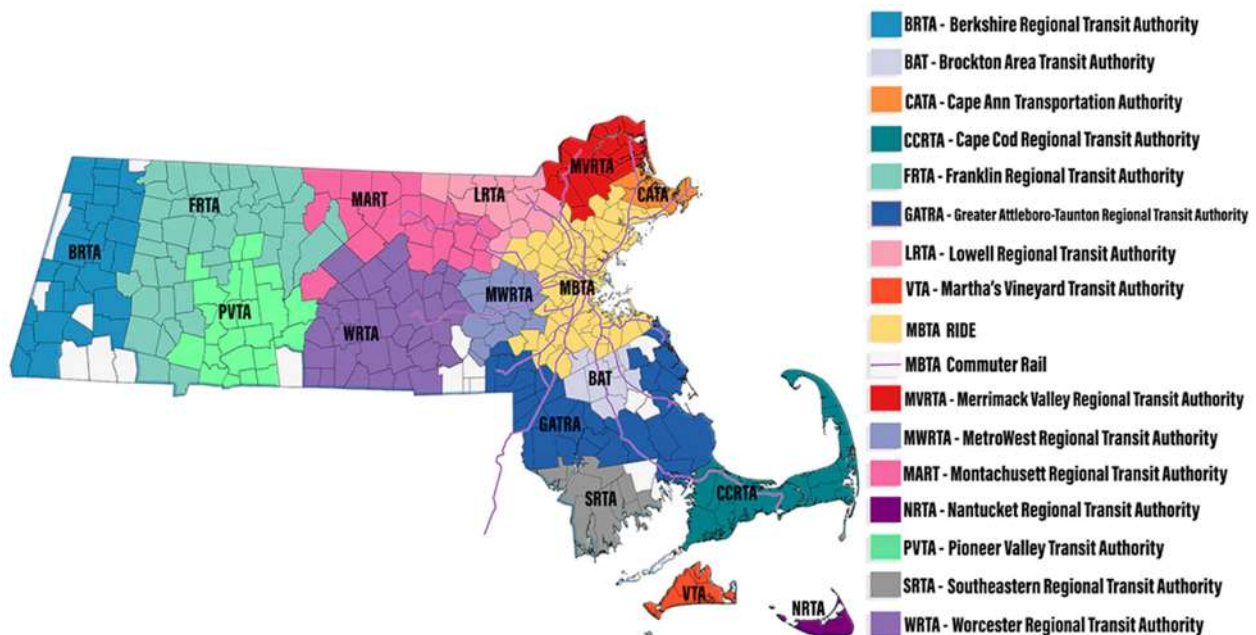
Finding 1 Page 10	SRTA did not follow required procedures for processing and documenting ADA paratransit complaints.
Recommendations Page 11	<ol style="list-style-type: none">1. SRTA should follow required procedures for processing and documenting ADA paratransit complaints.2. SRTA should establish monitoring controls to ensure that its contracted paratransit provider resolves ADA paratransit complaints in a timely manner and that it documents ADA paratransit complaints consistently in its system.

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 population¹ 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-route² 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.

Southeastern Regional Transit Authority

The Southeastern Regional Transit Authority (SRTA) was established in 1974 and reports to the Rail and Transit Division under Chapter 25 of the Acts of 2009. According to SRTA's Comprehensive Regional Transit Plan Update 2020, its "mission is to provide safe, convenient, and economical transportation opportunities for people that supports economic development and improved quality of life for South Coast residents."

An advisory board oversees SRTA's operations. SRTA's administrator, hired by the advisory board, is responsible for day-to-day administration of the agency. SRTA provides transportation services to 10 cities and towns in southeastern Massachusetts: Acushnet, Dartmouth, Fairhaven, Fall River, Freetown, Mattapoisett, New Bedford, Somerset, Swansea, and Westport.

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

During our audit period, SRTA contracted with South Coast Transit Management, Inc., a privately operated company, to provide fixed-route bus and demand-response³ transportation services provided to ADA-required paratransit riders and the older population.

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

On-Time Performance for ADA-Required Paratransit Services

SRTA 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.

SRTA uses a 20-minute pickup window (5 minutes before and 15 minutes after the scheduled pickup time), for its on-time performance standard. For example, if a rider has a 7:45 a.m. scheduled pickup, the driver is considered on time if the driver arrives between 7:40 a.m. and 8:00 a.m. Depending on their arrival time, a driver will only wait either 5 minutes beyond the scheduled pickup time or 5 minutes beyond the time they arrive, whichever is later.

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.

According to SRTA's *Information Brochure for Disabled Services Demand Response and Massachusetts Access Passes* and our interviews with SRTA employees and management, SRTA's ADA coordinator (who also acts as SRTA's customer service manager), oversees the ADA paratransit complaint process. Complainants may submit complaints in person, by email, or by phone. Most complaints are submitted by phone. SRTA's *Information Brochure for Disabled Services Demand Response and Massachusetts Access Passes* (which is available to the public on SRTA's website) lists both an email address and a phone number that the public can use to submit complaints.

3. Demand-response transportation services are non-fixed route services that must be requested by riders and scheduled by dispatchers through a transportation service.

SRTA's ADA coordinator opens an ADA paratransit complaint by recording the information provided by the complainant into SRTA's complaint management system. SRTA's complaint management system sends an automated notification to the contracted paratransit provider, notifying them that a new complaint was opened and is ready for investigation. The contracted paratransit provider investigates and determines the facts of the complaint. The contractor then marks the complaint as valid or invalid in SRTA's complaint management system and takes any necessary corrective action to resolve the issue.

The contracted paratransit provider resolves complaints within five business days upon receipt of the complaint. If the contracted paratransit provider deems it necessary, they will follow up with the complainant by phone. SRTA's complaint management system then alerts SRTA's ADA coordinator that the investigation is complete, the complaint has been resolved, and the investigation of and response to the complaint is ready for SRTA's review and sign-off.

SRTA's complaint management system generates a monthly statistical analysis report that SRTA employees present at a quarterly management meeting attended by SRTA's administrator.

SRTA Paratransit Ridership Information

The table below summarizes SRTA's paratransit information for fiscal years 2020, 2021, and 2022.

	Fiscal Year 2020	Fiscal Year 2021	Fiscal Year 2022
Number of Active Riders	856	808	670
Number of Trips	43,436	65,181	19,260
Number of Miles	386,980	558,240	165,435
Number of Drivers	82	89	64
Number of Vehicles Used	31	43	31

SRTA Funding Sources

In fiscal years 2020, 2021, and 2022 SRTA received revenue from a variety of sources, including partnerships and contracts and federal, state, and local assistance. The table below shows the types of funding SRTA received during fiscal years 2020, 2021, and 2022.

Type of Funding	Fiscal Year 2020	Fiscal Year 2021	Fiscal Year 2022
State and Contract Assistance	\$ 6,117,601	\$ 6,399,728	\$ 6,691,881
Local Assistance	3,412,759	3,498,078	3,614,280
Federal Assistance	8,329,055	10,312,803	9,742,719
Fixed-Route Income	1,753,856	276,412	1,489,280
Paratransit Income	155,186	42,945	188,772
Other Revenue*	358,194	566,862	833,446
Total	<u>\$ 20,126,651</u>	<u>\$ 21,096,828</u>	<u>\$ 22,560,378</u>

* Other revenue is from advertising 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 Southeastern Regional Transit Authority 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 SRTA 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 SRTA's <i>Information Brochure for Disabled Services Demand Response and Massachusetts Access Passes</i> ?	Yes
2. Does SRTA 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 SRTA's <i>Information Brochure for Disabled Services Demand Response and Massachusetts Access Passes</i> ?	No; see Finding <u>1</u>

To achieve our audit objectives, we gained an understanding of SRTA's internal control environment related to the objectives by reviewing SRTA's applicable policies and procedures and interviewing SRTA employees and management. We evaluated the design of controls over the ADA-required paratransit system operations and ADA paratransit complaint process. We performed the following procedures to obtain sufficient, appropriate evidence to address the audit objectives.

On-Time Performance for ADA-Required Paratransit Services

To determine whether SRTA provided ADA-required paratransit services on time to its riders, we analyzed 100% of the 127,877 trips that took place during the audit period. To determine whether there were any late trips during the audit period, we calculated the number of minutes between the actual pickup time

and the scheduled pickup time for each of the 127,877 trips and found that there were 3,764 (2.9%) late trips that occurred during the audit period. To determine whether SRTA met its performance standards during the audit period, we compared the actual on-time performance rate (97.1%) to the performance standard in SRTA's memorandum of understanding with the Massachusetts Department of Transportation (90% for fiscal year 2020 and 95% for fiscal year 2021). SRTA exceeded these performance standards during the audit period.

ADA Paratransit Complaints

To determine whether SRTA investigated, resolved, and responded to ADA paratransit complaints within five business days upon receipt of a complaint, we tested all 57 ADA paratransit complaints that were submitted during the audit period. We examined each complaint in SRTA's complaint management system and calculated the number of days it took SRTA to resolve the complaint by comparing the date that SRTA received the complaint to the date it was recorded as resolved. We also reviewed the resolution field, which includes documentation about the investigation, to determine whether SRTA responded to the complainant.

Data Reliability Assessment

Transit Scheduling and Dispatching System

To determine the reliability of the ADA-required paratransit trip data from the transit scheduling and dispatching system, we interviewed SRTA and South Coast Transit Management, Inc. officials who were knowledgeable about the data. We tested selected information system controls (i.e., access controls, security management, configuration management, contingency planning, and segregation of duties). We also tested the transit scheduling and dispatching system's application control over trip scheduling to determine whether a rider who is not on the ADA-required paratransit rider list could schedule an ADA-required paratransit trip. We verified that the data did not contain any duplicate records or dates outside of the audit period. We verified that the data set contained necessary data fields (e.g., booking identification number, rider code number, driver, date of trip, scheduled time, actual arrival time, and requested drop-off time).

To assess the completeness of the ADA-required paratransit trip data, we traced a judgmental sample of 20 ADA-required paratransit trips from the transit scheduling and dispatching system data to hard copies of drivers' manifest sheets, which are lists of all trips that drivers take. We traced a random

sample of 20 hard copies of drivers' manifest sheets to the list of ADA-required paratransit riders that was provided to us by SRTA's ADA coordinator to verify the accuracy of the transit scheduling and dispatching system. We also compared all ADA-required paratransit riders' identification numbers in the transit scheduling and dispatching system trip data to the list of riders eligible for ADA-required paratransit, which was provided to us by SRTA's ADA coordinator.

Complaint Management System

To determine the reliability of the ADA paratransit complaint data from SRTA's complaint management system, we interviewed SRTA and South Coast Transit Management, Inc. officials who were knowledgeable about SRTA's complaint management system data. We tested selected information system controls (i.e., access controls, security management, configuration management, contingency planning, and segregation of duties). We also verified the accuracy of the complaint data by testing the data for records that were missing, duplicate, or outside the audit period. We performed a gap test of sequential case identification numbers, which are automatically assigned by SRTA's complaint management system, and followed up on instances of inconsistencies in the numbering to verify that there were no deleted ADA paratransit complaints. We traced any vehicle numbers that were referenced in the 57 ADA paratransit complaints to SRTA's van fleet schedule, which serves as a paratransit vehicle list, to determine whether the referenced vehicles were ADA-required paratransit vehicles.

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.

DETAILED AUDIT FINDINGS WITH AUDITEE'S RESPONSE

1. The Southeastern Regional Transit Authority did not follow required procedures for processing and documenting Americans with Disabilities Act paratransit complaints.

The Southeastern Regional Transit Authority (SRTA) did not follow required procedures for processing and documenting Americans with Disabilities Act (ADA) paratransit complaints.

We examined the 57 ADA paratransit complaints SRTA received during the audit period and noted the following:

- For 6 out of the 57 complaints, SRTA did not contact the complainant at all.
- For 9 out of the 57 complaints, SRTA did not contact the complainant within five business days.
- For 42 out of the 57 complaints, although SRTA resolved the complaint, it did not provide the complainant with a complaint resolution.

Additionally, SRTA did not consistently document the above actions within its complaint management system.

By not following required procedures for processing and documenting its ADA paratransit complaints, SRTA 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 SRTA provides to its ADA-required paratransit riders.

Authoritative Guidance

SRTA's *Information Brochure for Disabled Services Demand Response and Massachusetts Access Passes* states,

The contract operator [South Coast Transit Management, Inc.] (SCTM) will review, investigates and will respond within 3-5 business days of receiving the complaint and provide any supplementary information to determine the validity of the complaint. . . . Feedback from SCTM or SRTA will be provided to the individual and they will have the opportunity to discuss any service changes or scheduling arrangements made in response to the incident.

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

(b) Adoption of complaint procedures. . . .

(3) The recipient [in this case, SRTA] 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.

The Federal Transit Administration's *Topic Guide 6—The On-Time Performance in ADA Paratransit* states,

The thorough investigation of all complaints related to the use of ADA paratransit service is an important part of monitoring and compliance. Transit agencies should ensure that all rider complaints are recorded and investigated. Transit agencies are required to have procedures to receive, resolve, maintain records of, and report on complaints.

Although SRTA is not required to follow this guide, we consider it a best practice.

Reasons for Issue

During the audit period, SRTA did not have monitoring controls in place to ensure that its contracted paratransit provider completed investigation and resolution entries for ADA paratransit complaints or that it documented ADA paratransit complaints consistently in its system.

Recommendations

1. SRTA should follow required procedures for processing and documenting ADA paratransit complaints.
2. SRTA should establish monitoring controls to ensure that its contracted paratransit provider resolves ADA paratransit complaints in a timely manner and that it documents ADA paratransit complaints consistently in its system.

Auditee's Response

The few instances of late responses cited in the report were atypical, and occurred during a pandemic where staffing shortages negatively affected normal workflows. Currently, SRTA is staffed at an appropriate level to ensure that it monitors, investigates, and responds to each ADA Paratransit complaint in accordance with its policy. SRTA has also implemented measures to improve the documentation process for instances where attempts to contact complainants are made, but complainants either provide incorrect contact information, or no information was provided at all.

At SRTA, we approach every review as an opportunity to improve and this was another chance to have a fresh eyes provide a new perspective.

Auditor's Reply

Based on its response, SRTA is taking measures to address our concerns.