

OFFICE OF THE STATE AUDITOR

DIANA DIZOGLIO

Official Audit Report- Issued August 24, 2023

Worcester Regional Transit Authority

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



OFFICE OF THE STATE AUDITOR
DIANA DIZOGLIO

August 24, 2023

Dennis J. Lipka, Administrator
Worcester Regional Transit Authority
60 Foster Street
Worcester, MA 01608

Dear Mr. Lipka:

I am pleased to provide to you the results of the enclosed performance audit of the Worcester 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 Worcester 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
Gary Rosen, Advisory Board Chair of the Worcester Regional Transit Authority

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LIST OF ABBREVIATIONS

ADA	Americans with Disabilities Act
PBSTM	Paratransit Brokerage Services, Transit Management, Inc.
RTA	regional transit authority
WRTA	Worcester Regional Transit Authority

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

In this performance audit, we determined whether WRTA delivered on-time paratransit services required by the Americans with Disabilities Act (ADA) in accordance with Section 37.23(a) of Title 49 of the Code of Federal Regulations and WRTA's *Americans with Disabilities Act (ADA) Riders' Guide*. We also examined WRTA's ADA paratransit complaint resolution procedures to determine whether WRTA responded to ADA paratransit complaints in accordance with Section 27.13(b)(3) of Title 49 of the Code of Federal Regulations and WRTA's policies.

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

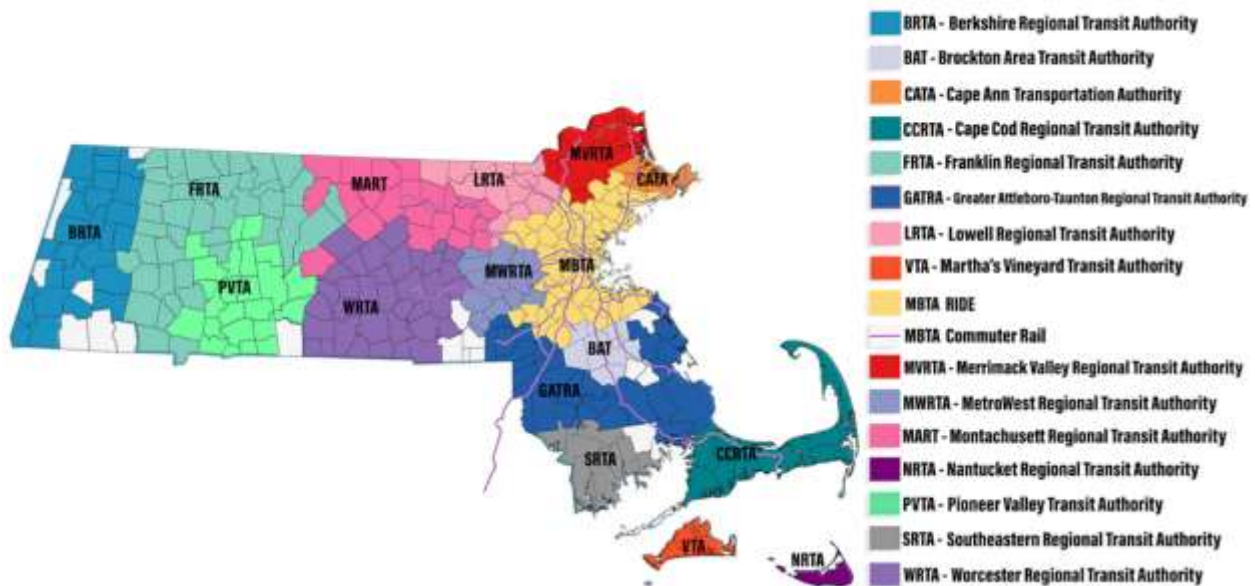
Finding 1 Page 9	WRTA did not ensure that its contracted paratransit provider followed required procedures for processing ADA paratransit complaints.
Recommendations Page 11	<ol style="list-style-type: none">1. WRTA should ensure that its contracted paratransit provider follows required procedures for processing ADA paratransit complaints.2. WRTA should establish monitoring controls to ensure that its contracted paratransit provider resolves complaints in a timely manner.

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 in the community (e.g., city manager 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-route transit system.² 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.

Worcester Regional Transit Authority

The Worcester Regional Transit Authority (WRTA) was established in 1974 under Chapter 161B of the General Laws. WRTA reports to the Rail and Transit Division of the Massachusetts Department of Transportation under Chapter 25 of the Acts of 2009.

According to WRTA's website, its mission is "to provide convenient, comfortable, safe, reliable, cost-effective mobility services contributing to the economic vitality of the region."

WRTA's operations are overseen by an advisory board made up of one member from each of the 37 cities and towns³ that the agency serves. WRTA's administrator, hired by the advisory board, is responsible for the day-to-day administration of the agency.

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

3. The cities and towns are Auburn, Barre, Berlin, Boylston, Brimfield, Brookfield, Charlton, Clinton, Douglas, Dudley, East Brookfield, Grafton, Holden, Holland, Leicester, Millbury, New Braintree, North Brookfield, Northborough, Northbridge, Oakham, Oxford, Paxton, Princeton, Rutland, Shrewsbury, Southbridge, Spencer, Sturbridge, Sutton, Wales, Warren, Webster, West Boylston, West Brookfield, Westborough, and Worcester.

WRTA provides local fixed-route and demand-response transportation services⁴ within the Worcester area, serves a population of approximately 545,000 people, and operates a network of 29 local transit routes. The local fixed-route service operates seven days a week. Weekday service runs from as early as 5:00 a.m. to 10:00 p.m., Saturday service runs from 6:00 a.m. to 10:00 p.m., and Sunday service runs from 9:30 a.m. to 7:00 p.m. Buses provide fixed-route transit services for the majority of WRTA passengers, while passenger vans provide paratransit services.

During the audit period, WRTA's contract with First Transit, a privately operated company, stated that First Transit would "manage and operate a mass public transportation service and a paratransit transportation service for WRTA." To perform these tasks, First Transit established two subsidiaries: Central Mass Transit Management and Paratransit Brokerage Services, Transit Management, Inc. (PBSTM). Central Mass Transit Management provided the personnel required to operate the public transportation system. PBSTM provided management and administration of ADA-required paratransit services.

During the audit period, besides PBSTM, WRTA also contracted with Worcester Yellow Cab and four local Councils on Aging⁵ (Auburn, Leicester, Northborough, and Oxford) within WRTA's service area to provide ADA-required paratransit services for individuals with disabilities. WRTA managed all ADA-required paratransit services provided during the audit period using a transit scheduling and dispatching system.

On-Time Performance for ADA-Required Paratransit Services

Riders may request one of three types of trips: General Pickup (e.g., to go to the grocery store), Appointment (e.g., to attend a scheduled doctor's visit), or Pick Up No Earlier Than. WRTA uses a 20-minute on-time pickup window, which varies by type of trip, to determine on-time performance. For General Pickup and Appointment trips, a rider must be ready 10 minutes before and 10 minutes after the scheduled pickup time. For a Pick Up No Earlier Than trip, riders can wait up to 20 minutes after the scheduled pickup time before the trip is considered late.

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

5. Councils on Aging provide services (e.g., transportation and meals) and social activities to people over 60 in a city or town.

WRTA 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.

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 WRTA's website, "WRTA Staff will process all complaints and provide [customers] with a complaint tracking number. All complaints will be investigated within 3-5 business days, with customer follow-up within 7-10 days."

WRTA Paratransit Ridership Information

The table below summarizes WRTA's paratransit information for the audit period.

Number of Active Riders	1,309
Number of Trips	106,011
Number of Drivers	77
Number of Vehicles Used	44

WRTA Funding Sources

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

Type of Funding	Fiscal Year 2020	Fiscal Year 2021
Federal Assistance	\$ 6,603,105	\$ 7,880,128
State Assistance	12,371,579	13,088,115
Local Assistance	5,157,143	5,499,744
Interest Income	5,439	613
Fixed-Route and Paratransit Income	2,406,123	187,363
Total	<u>\$ 26,543,389</u>	<u>\$ 26,655,963</u>

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 Worcester Regional Transit Authority (WRTA) 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 WRTA 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 WRTA's <i>Americans with Disabilities Act (ADA) Riders' Guide</i> ?	Yes
2. Does WRTA ensure that all ADA paratransit complaints are investigated and responded to as required by Section 27.13(b)(3) of Title 49 of the Code of Federal Regulations and WRTA's <i>Americans with Disabilities Act (ADA) Riders' Guide</i> ?	No; see Finding <u>1</u>

To achieve our audit objectives, we gained an understanding of WRTA's internal control environment related to the objectives by reviewing applicable agency policies and procedures, as well as interviewing WRTA'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.

On-Time Performance for ADA-Required Paratransit Services

To determine whether WRTA delivered ADA-required paratransit services on time, we analyzed 100% of the 106,011 trips conducted during the audit period. We divided the trips into two strata. Stratum 1

included 53,353 Appointment and General Pick-Up trips, where the 20-minute on-time pickup window is split with 10 minutes before and after the scheduled pickup time. Stratum 2 included 52,658 Pick-Up No Earlier Than rides, where the 20-minute on-time pickup window is 20 minutes after the scheduled pickup time. For all trips in both strata, we calculated the late trips by comparing the actual pickup times to the scheduled pickup times.

To determine whether WRTA met its ADA-required paratransit service on-time performance standard, we compared the actual on-time performance percentage to the on-time pickup rate in WRTA's memorandum of understanding with the Massachusetts Department of Transportation.

ADA Paratransit Complaints

Using the list of the 254 ADA paratransit complaints that WRTA received during the audit period from WRTA's complaint database, we divided the complaints into two strata. For stratum 1, we inspected all 35 complaints that took more than 10 days to resolve. For stratum 2, we selected a random, nonstatistical sample of 20 complaints out of the 219 complaints that took less than 10 days to resolve. For each selected complaint, we reviewed the complaint database to verify the date the complaint was submitted and the date the complaint was resolved, and we reviewed the reason why the complaint was not resolved within 10 days.

We used a nonstatistical sampling method 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 data from the transit scheduling and dispatching system, we conducted interviews with WRTA officials who had knowledge about the data. We tested selected information system controls (configuration management, contingency planning, and segregation of duties). We tested the application control over trip scheduling to determine whether the transit scheduling and dispatching system calculated a 20-minute on-time pickup window. We tested the data for missing and duplicate records, as well as records outside of the audit period. For trips that occurred during the audit period, we also compared the ADA-required paratransit service riders' client

identification numbers listed in the system to a master list of ADA-required paratransit service riders provided by WRTA.

Complaint Database

To determine the reliability of the data in WRTA's complaint database, we interviewed WRTA officials who had knowledge about the data. We also tested selected information system controls (configuration management, contingency planning, and segregation of duties). We tested for missing and duplicate records, as well as records outside the audit period. To determine whether gaps in the sequential numbering of ADA paratransit complaint tracking numbers were due to the removal of non-ADA paratransit complaints, we chose a random sample of 40 complaints from these gaps and verified that they were not ADA paratransit complaints.

Based on the results of the data reliability procedures performed above, we determined that the data were sufficiently reliable for the purpose of our audit.

DETAILED AUDIT FINDINGS WITH AUDITEE'S RESPONSE

1. The Worcester Regional Transit Authority did not ensure that its contracted paratransit provider followed required procedures for processing Americans with Disabilities Act paratransit complaints.

The Worcester Regional Transit Authority (WRTA) did not ensure that Paratransit Brokerage Services, Transit Management, Inc. (PBSTM) followed required procedures for processing Americans with Disabilities Act (ADA) paratransit complaints during the audit period. Specifically, PBSTM did not always resolve complaints in a timely manner or document all complaint information.

We examined 55 complaints out of the 254 ADA paratransit complaints received during the audit period and noted the following:

- For all 55 investigations, there was no documentation in any of the investigation fields in the complaint database, including the dates on which the investigations started.
- For 14 of the 55 complaints, there was no activity recorded until at least five days after the complaints were received.
- For 47 of the 55 complaints, WRTA did not communicate the complaint resolutions to the complainants.
- For 35 of the 55 complaints, the complaints were not closed until more than 10 days after the complaints were received.

By not ensuring that its contracted paratransit provider follows required procedures for its ADA paratransit complaint process, WRTA 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 WRTA provides to its ADA-required paratransit riders.

Authoritative Guidance

According to WRTA officials, PBSTM's director of paratransit services documents all information regarding the investigation and resolution of complaints in the complaint database. According to WRTA's "ADA Customer Complaint Procedure," its ADA paratransit complaint procedure is as follows:

1. *Complaint is received via email, online feedback form, phone call or in person via customer service center.*

2. *Complaint is logged into [the complaint database] on a daily basis by customer service [representatives].*
3. *Complaint is reassigned to [PBSTM's director of paratransit services].*
4. *Complaint is tagged for additional review.*
5. *Complaint is forwarded [by PBSTM's director of paratransit services] to the appropriate department [within WRTA or PBSTM] for investigation.*
6. *Complaint is reviewed and investigated by department manager. Upon determination of the facts of the complaint, corrective action is taken to resolve the issue (driver counseling, discipline, maintenance, etc.). If complaint is unfounded it is logged as such in the database.*
7. *Complaint follow up reminders are generated at intervals of 3, 5 and 7 days of case being opened. To the extent possible, complaints are to be resolved within 7 business days.*
8. *Follow up with the complainant by phone, email or written correspondence is done upon request and when contact information is provided.*
9. *Final determination is entered into the [complaint database] and a statistical analysis is generated at month end and given to the WRTA Administrator.*

According to WRTA's website, "WRTA Staff will process all complaints and provide [customers] with a complaint tracking number. All complaints will be investigated within 3-5 business days, with customer follow-up within 7-10 days."

The Federal Transportation Administration's *Topic Guide 6—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 WRTA is not required to follow this guide, we consider it a best practice.

Section 27.13(b)(3) of Title 49 of the Code of Federal Regulations states, "The recipient [in this case, WRTA] 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."

Reasons for Issue

WRTA management told us that PBSTM's director of paratransit services runs a report on closed complaints for the week and month but does not run a report on open complaints to monitor whether the complaints are closed within the proper timeframe. In addition, we reviewed our test results with WRTA management on November 16, 2022. During that review, WRTA management stated that PBSTM is "less than 50% staffed" in the department that handles complaints, and PBSTM is in the process of hiring additional employees. Additionally, WRTA does not have monitoring controls in place to ensure that PBSTM resolves complaints in a timely manner.

Recommendations

1. WRTA should ensure that its contracted paratransit provider follows required procedures for processing ADA paratransit complaints.
2. WRTA should establish monitoring controls to ensure that its contracted paratransit provider resolves complaints in a timely manner.

Auditee's Response

The WRTA appreciates the effort put forth by the audit team to understand our paratransit operation and how we provide and monitor this service in the greater Worcester region. As we continually strive to better serve our passengers, we will use this report to improve the monitoring of our Paratransit service provider. We have reviewed the draft report and offers the following comments:

1. *WRTA will ensure that the paratransit director follow existing procedures for processing ADA paratransit complaints. The paratransit director has scheduled a review of the complaint procedures with staff including paratransit call takers and customer service personnel. Attention will be given to properly recording and following up with the appropriate department for a timely and thorough response.*
2. *WRTA will be putting enhanced monitoring controls in place, no later than September 30, 2023, to ensure that complaints are resolved in a manner consistent with established policies. The paratransit director will monitor all ADA paratransit complaints and follow through for resolution and response as appropriate.*

Auditor's Reply

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