



The Commonwealth of Massachusetts
Office of the Inspector General

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May 18, 2012

Jonathan R. Davis
Acting General Manager
Massachusetts Bay Transportation Authority
10 Park Plaza
Boston, MA 02116

Dear Mr. Davis:

The attached is a response from the Office of the Inspector General to an inquiry made by the Massachusetts Bay Transportation Authority's (MBTA) Advisory Board (Advisory Board). The Advisory Board reviewed the February 2012 report my office issued to the MBTA concerning The RIDE program and requested that my office provide additional information concerning eligibility standards for The RIDE.

The report issued by my office highlighted eligibility standards as an area at risk for fraud and abuse because of the lack of a meaningful eligibility review and case follow-up over time, and the lack of a rider identification system (to prevent someone from using the service based on someone else's eligibility). My office recommended the prospective tightening of eligibility determinations.

My response to the Advisory Board notes that the MBTA has issued a Request for Proposals (RFP) for an Eligibility Certification Contractor to conduct in-person eligibility assessments of The Ride applicants. The response recommends that the MBTA use these in-person assessments to expand the use of conditional eligibility and trip-by-trip eligibility to take into account the accessibility of fixed-routes. The response also notes that the current RFP for eligibility services allows for future scope expansion. This office reminds that MBTA that a scope expansion after contract award amounts to a "no-bid change order to an incumbent vendor that has little incentive to offer competitive pricing." The MBTA should require price proposers during the RFP process.

If you have any questions or concerns please feel free to contact my office.

Sincerely,

A handwritten signature in black ink that reads "Gregory W. Sullivan".

Gregory W. Sullivan
Inspector General

Attachment



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May 18, 2012

Paul Regan, Executive Director
MBTA Advisory Board
177 Tremont St.
Boston, MA 02111

Re: Paratransit Services

Dear Mr. Regan:

Thank you for your interest in and feedback on the Office of the Inspector General's (OIG) recent report that recommended cost saving and performance enhancement measures for the Massachusetts Bay Transportation Authority's (MBTA) paratransit services known as the The RIDE. You also inquired whether the OIG could provide additional information regarding current eligibility standards for The RIDE.

The OIG report had highlighted eligibility standards as an area in need of further review. The OIG identified this as an area at risk for fraud and abuse because of the lack of a meaningful eligibility review, case follow-up over time, and the lack of a rider identification system (to prevent someone from using the service based on someone else's eligibility). The OIG recommended the prospective tightening of eligibility determinations and a review of current ridership to confirm continued eligibility.

The MBTA recently issued a Request for Proposals (RFP) for an Eligibility Certification Contractor to conduct in-person assessments for The RIDE applicants. According to the RFP this assessment program should be operational for all applicable riders and applicants by December 31, 2015. The OIG report had recommended the use of in-person assessments as a means of reducing the risk of fraud and increasing the effectiveness of eligibility determinations. In an addendum to the RFP, the MBTA has also noted that in-person assessments would provide the MBTA with information to support the greater use of conditional eligibility. For example, a rider's eligibility stems from having a vision impairment under low light conditions, then that rider could be granted conditional eligibility in the hours before dawn and after dusk.

In response to your inquiry, the MBTA's RFP references the Easter Seals guidelines referred to in "Determining ADA Paratransit Eligibility: An Approach, Guidance and Training Materials." These guidelines provide a framework for mobility,

cognitive, and visual testing that assess a potential rider's functional capacity to use fixed route transit.

The OIG suggests that in addition to the implementation of these eligibility standards and granting conditional eligibility, the MBTA consider reviewing trip-by-trip eligibility for certain "subscription" or frequent rides. According to the Disability Rights Education & Defense Fund (DREDF) in a report funded by the Federal Transit Authority (FTA), conditional eligibility and trip-by-trip eligibility is a two-stage process in which a transit agency assesses an individual's functional ability to use the fixed route transit system and then applies the individual's conditions to his or her specific trips. According to the DREDF:

Neither conditional nor trip eligibility is required by the ADA. But when they are implemented properly, consistent with the best operational practices in the transit industry, it can save money for transit agencies while preserving the ADA rights of riders. It can also yield additional benefits, such as specific information on how to make the fixed route system more accessible.¹

In a case study published by the DREDF, the paratransit service provider in Pittsburgh, Pennsylvania - Access Transportation - implemented a 100% trip by trip eligibility process in 1996. In 2010 Access provided 40,000 monthly trips to its paratransit users. However of these rides, only 2% of these trips, or approximately 30 trips a day, represented new trips which had to be screened by staff. Pittsburgh finds about 2,000 requested trips a month are not eligible for paratransit. Those 2,000 trips a month yield an annualized savings of \$450,000 a year². If the MBTA found similar success with a trip by trip eligibility program it could leads to millions of dollars in cost savings.

The OIG has also identified other eligibility practices that the MBTA should review based on cost and efficiency considerations. The Americans with Disabilities Act (ADA) requires that the MBTA only provide paratransit service within a ¾ mile to 1½ mile radius around bus corridors and rail stations. However, the MBTA provides paratransit service far in excess of this requirement. The OIG understands that this is the result of long-standing policy decisions and that the MBTA, as a Regional Transit Authority, may have service obligations beyond the ADA requirements. Nevertheless, the OIG believes that current budget issues should, at a minimum, spark a review of all service delivery and the policies that created them. In the case of the ADA mileage radius requirements, the OIG found that the MBTA provides RIDE services to nine

¹ The report may be found online here: <http://www.dredf.org/ADAAtg/elig.shtml#conditional>

² IBID

municipalities³ that are outside the ADA mandated service area, adding 142 square miles to The RIDE service area.

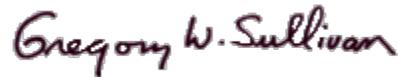
Additionally, many municipalities may only be served by a single MBTA bus line. The RIDE coverage area has been extended to the entire municipality regardless of ADA requirements. In one case, although the ADA mandated service area is less than 2 square miles, The RIDE covers all 11 square miles of the municipality.

The MBTA should review its policy and legal obligations to provide The Ride service to these coverage areas. If the MBTA is legally obligated to provide this coverage, then the MBTA should consider alternative service provision such as those referenced in the OIG report on The RIDE such as taxi vouchers and the greater use of locally based service providers whether private or not-for-profit. The MBTA should also consider the greater use of feeder services for riders outside the core service area. Feeder service is the practice of transporting riders to an accessible fixed-route station, where they can board an accessible bus, trolley, or train. The OIG is not advocating eliminating services to those in need of transportation. The OIG is offering that less expensive options or alternatives to The Ride may be available.

The MBTA's RFP also states that the MBTA is considering a travel training program. If the MBTA has not already developed the program, the OIG recommends the MBTA expand the scope of services for the RFP to include the development of a travel training program. As you are aware, travel training is an optional program for those riders who would be deemed able to use fixed route service after training. Travel training offers the MBTA opportunities to assess obstacles for utilizing the fixed-route system and riders the prospect of more independent travel. Integrating a travel program into the current RFP will ensure that the service is awarded after a competitive process and avoids issuing a no-bid change order to an incumbent vendor that has little incentive to offer competitive pricing.

If you have any questions, concerns or if I can be of other assistance please do not hesitate to contact me. If you would like to review the Easter Seals guidance we can make them available to you on compact disk. My staff and I look forward to meeting with you at your convenience to discuss the matter further.

Sincerely,



Gregory W. Sullivan
Inspector General

³ The nine towns and the non-mandated coverage area in each town: Cohasset: 9.9 sq. mi., Concord: 24.9 sq. mi., Dover: 15.3 sq. mi., Medfield: 14.5 sq. mi., Middleton: 14.0 sq. mi., Sharon: 23.3 sq. mi., Topsfield: 12.7 sq. mi., Wellesley: 10.18 sq. mi., and Wilmington: 17.1 sq. mi.