

Statement of Thomas J. Charles
Vice President
MTA NYC Transit
Department of Buses, Paratransit Division
before the NYC Council
May 3, 2007
City Hall
10:00 A. M.

Good morning, Chairpersons Arroyo, Koppell and Liu and members of the Council. My name is Thomas Charles, and I am Vice President for the Paratransit Division, in the Department of Buses at MTA NYC Transit, which is responsible for the Access-A-Ride (AAR) Paratransit program.

The Access-A-Ride program is an advance reservation shared-ride, door-to-door paratransit service for people with disabilities, provided in accordance with the Americans with Disabilities Act (ADA) of 1990. It provides transportation for people who meet the eligibility criteria set forth in the ADA -- persons who are unable to use public buses or subways for some or all of their trips because of physical or mental disabilities. Neither age nor income is a factor in the ADA criteria for eligibility.

At the end of 2006 AAR received an average of 4400 applications per month for a record high 97,679 eligible registrants. Current projections of demand for paratransit service indicate a growth rate of 15% per year for the next five years.

This hearing was called to discuss a recent change in our use of in-person assessments. Beginning on March 5, 2007 NYC Transit began referring all applicants for the service to eligibility assessment centers in their borough of residence. Previously, dating from 1994, 50% of applicants have participated in in-person assessments. The in-person assessment is a face-to-face interview conducted by a medical professional. It gives NYC Transit a clearer picture of an applicant's travel ability. It also gives the applicant an opportunity to provide information that may have been omitted from the application or missing from a doctor's note.

This change is to accomplish two primary requirements. The first is that we can now ensure that all applicants receive the same fair, equitable and thorough evaluation of their disability for eligibility for paratransit service. The second requirement is that we can achieve compliance with the ADA requirement to issue determinations of eligibility within 21 days of the submission of a complete application. In 2005 and 2006 we averaged 30 days and 26 days, respectively, to process all applications. As in the past, all applicants are provided round trip transportation to the assessment centers at a cost of \$2.00 each way, the same cost as an AAR trip. We have continued the practice of permitting every applicant to travel with a personal care attendant (PCA) at no additional cost. The PCA may be a relative, friend or professional

care giver. Although a majority of applicants are over the age of 65, our experience has demonstrated that most do not have dementia or other neurological impairments that have an impact on their ability to travel independently. However for those that need assistance they may travel with a PCA without charge.

The process was revised to ensure that all applicants receive the same fair, equitable and thorough evaluation of their disability. These same procedures have already been successfully implemented in other major urban areas, such as Chicago, Washington, DC, Los Angeles, Baltimore, Dallas, Denver and the state of New Jersey.

I'd like to briefly describe the recent revisions to the application process requiring all applicants to undergo an assessment. To begin the application or recertification process all applicants now call the AAR toll-free lines where they are told about the need to see a certifier and asked what days they are not available in the following 30 days. Those days are not considered when scheduling an appointment. The applicant is informed by mail of a date that has been selected. If the date is not convenient applicants may reschedule.

The application is mailed minimally 10 days prior to the scheduled assessment, giving individuals time to seek assistance from family or social service agencies. The applicant brings the completed application to the

appointment. As in previous practice if an applicant is unable to call and request an application, another individual – a relative, friend or social worker – may call and make the arrangements on behalf of the applicant.

There are 3 parts to the assessment. First, the assessor reviews the completed application, which gives information about the person's medical diagnosis and functional disabilities. Second, the assessor asks a series of questions to gain further insight into the applicant's disability and travel habits. Lastly, if appropriate, the applicant undergoes a functional assessment designed to mirror some of activities associated with riding a regular transit bus. This section of the evaluation includes asking the applicant to walk up several steps as would be done when boarding a bus. Depending on the applicant's disability, not all individuals will be asked to perform the third part of the assessment. The assessment process does not work on an "all or nothing" approach. The assessment must consider when applicants may encounter certain conditions when they cannot use public transportation.

All assessors are licensed medical professionals under contract with NYC Transit. Depending on the type of disability to be assessed the assessor may be a physical therapist, registered nurse, physician's assistant or psychiatrist. The assessors receive training in the eligibility criteria specified

under the ADA and NYC Transit staff conducts refresher training and monthly unannounced visits to the assessment sites.

In connection with the change requiring all applicants to undergo in-person assessment the AAR eligibility period was lengthened to 5 years from 3 years, reducing the frequency in which a customer is required to recertify their eligibility. In addition we will continue the practice of granting continual eligibility to customers whose disability is unlikely to improve and is of such severity that it is likely that the condition will worsen over time. Customers with this designation are not required to be recertified, but merely to update their registration information at the end of the 5 year eligibility period.

These recent revisions to the application process have resulted in a more timely and equitable method of determining eligibility for Access-A-Ride service. We are aware of the concerns expressed about this change in the process. You should be aware that prior to implementing these revisions we sent announcements to over 400 social service agencies and disability advocacy groups. These agencies include groups that serve both the disability and senior communities.

I would note that as of April 20 we have received many more calls for applications than the previous mail-in system and this has resulted in an increase in referrals and eligibility determinations. Our outreach activities

continue where we average 8 to 10 visits to community organizations each month. We meet with our Paratransit Advisory Committee bi-monthly to listen to the concerns of the community and address concerns where feasible. We will continue to closely monitor the process and make adjustments when needed.

We're now prepared to answer your questions.



STATEMENT

PATRICIA DOLAN—DIRECTOR
QUEENS CONNECTION
PARATRANSIT FOR SENIORS

A Program of the Queens Community House

City Council Committees on Transportation, Aging, Mental Health

May 3, 2007
City Hall

In late February, Access a Ride customers and senior service learned of the Transit Authority's decision to change the enrollment process for new applicants for Access a Ride as well as for those renewing their eligibility. There was no notice of this change in the enrollment process. NYCTA's stated reason was to reinstate a practice that would better able the agency to determine applicants' disabilities.

Many advocates who work daily with seniors with disabilities suspect believe that NYCTransit, faced with spiraling Access a Ride costs Access a Ride, is seeking to discourage applicants and thus reduce surging demand for service and thus costs. Conversations with TA managers imply that the Authority believes there is widespread fraud among Access a Ride customers.

It is too early to say with any assurance what the effect of the Transit Authority's new policy is on applicants.

So I will tell you the experience of a Queens senior who needed to renew her service eligibility.

Joan, age 75, has been an Access a Ride customer since 2001. She suffers from permanent chronic back pain, which prevents her from walking more than a block or two from her home. Using public transportation is out of the question for Joan. She maintains an active social life, visiting friends and family, taking care of her personal needs, including medical appointments and visiting the local senior center—all thanks to Access a Ride. In March, when she

learned her eligibility expired and that she would have to be interviewed, she panicked. But she made an appointment for an interview and in April went to JFK airport for her interview, which she likened to an IRS audit.

She was not given access to an application until she arrived for the interview. The interviewer challenged every claim she made—ranging from the distance of the nearest subway station to her home---a subway station she used daily before retiring twenty years ago—to the pains she experiences. The interviewer refused to accept a copy of her doctor's letter, making her feel as though she was trying to defraud the MTA. When she could not climb the model steps the interviewer asked her to climb, he repeated the request at least three times before accepting her plea for mercy.

Joan is still waiting to hear from Access a Ride.

Neither disabled seniors nor their advocates want service from Access a Ride that they are not entitled to. The seniors I know who depend on Access a Ride would much prefer the bus. No reasonable person would want to depend on Access a Ride—with all its problems—if he or she could use mass transit. But Transit needs to be reasonable too. When a person is certified as permanently disabled, Transit should respect that. Many disabled seniors suffer from varying degrees of dementia—incurable—and we have a real fear that some of them will discard their interview notices and lose service. These seniors, whose disability is largely invisible, are at risk of poorly.

I would like to conclude my remarks by thanking the City Council, and in particular Chairman Liu for your generosity in including in last year's budget \$4million in funds to help run the vans that elderly New Yorkers depend on for transportation and to deliver meals to the homebound. And to urge you to continue this critically needed funding in the 08 budget.

Patricia Dolan can be reached at the Kew Gardens Community Center, 80-02 Kew Gardens Road, Kew Gardens, NY 11415, 718 268-5960.

Testimony to the New York City Council Committees on: Transportation; Aging; Mental Health, Mental Retardation, Alcoholism, Drug Abuse & Disability Services

Joint City Council Hearing: The New Access-a-Ride renewal & Applications Process

5/3/07

To whom it may concern:

My issues with Access-A-Ride stem from three primary faults which can be corrected with the following suggestions. The first deals with drivers being allowed to leave a site and declare it as a no-show without a phone call to get the actual passenger's status and whereabouts. It could be a situation whereas the passenger is at the location but at a different part of the building which has the same address. A call could have been made to assure that the passenger isn't left stranded without at least a phone call from AAR to make sure it is definite no-show. Many people can't transfer to a cab and need service. Why can't the dispatch operators call the driver and tell him to turn around. In many cases this can be done without messing up the schedule of pickups to come afterwards. Why must the passenger wait for upwards of an hour for a late driver, still not getting a phone call about the driver being late as for the passenger to prepare for the delay but the driver can leave after only 5 minutes, without even a phone call to the passenger to make sure they know the ride is waiting?

The second would be the hiring of disabled and capable persons to work within the staff of the AAR phone operators. Having people who go through the same things in terms of a normal day and being disabled would help excuse the rudeness from not all but some of the operators when dealing with a situation concerning a trip. If there were more disabled persons working in the staff of operators, there may be more constructive interaction between the passenger and the dispatch operators because they now understand what the passenger is going through. The AAR dispatch should want to help the passenger at all costs instead of being defensive of the current situation. They are in an office while many passengers are left in the freezing cold or the overwhelming sun, depending on location, waiting on a driver that has left and deemed it a no-show.

My last concern is with the renewal process. I missed my renewal date as I'm only 3 years injured and didn't know my service was to be cut if I didn't respond or respond late. My service has been out for 3 months total and after I mailed in my application, it was mailed back to me with a letter to attend a mandatory evaluation. I completed the evaluation on April 18th and still haven't received my renewed membership. It's been two weeks after my evaluation but 3 months even more so in terms of overall length without a valid ID. My injury didn't change so why should my AAR status?

I appreciate what AAR offers me as a disabled New Yorker. I just have these problems and potential solutions to add to the conversation of overall improvement. Thanks!

Chris Noel

Testimony to the New York City Council

Aging;

Transportation;

&

**Mental Health, Mental Retardation, Alcoholism, Drug
Abuse & Disability Services Committees**

May 3rd, 2007

**The New Access-a-Ride Renewal & Applications
Process**

Edith M Prentiss

President, 504 Democratic Club

**1st Vice President, Disabled In Action of Metropolitan
New York**

I am Edith Prentiss; the 1st Vice President of Disabled In Action, President of the 504 Democratic Club and a member of the Disabilities Network of New York City.

I would like to thank the Committees and especially Chairwoman Maria Del Carmen Arroyo, and Chairmen Oliver Koppel and John Liu for the opportunity to express my opinion about the new Access-A-Ride application and renewal process.

I think the Access-A-Ride is correct in requiring new applicants and the first renewal for all current participants. But I question their logic to have most, other than the small portion they believe are not likely to ever, no longer need service to be recertified in person. I believe Access-A-Ride needs to also look at whether a user's transportation options will improve in the five years before the renewal.

Because I live in Washington Heights, luckily on the A rather than the 1, I rarely need / use Access-A-Ride. I live about a half a mile from the 175th Street Station and a mile from both 168th and 207th Streets, all three of which are accessible. If I lived up on Fort George Hill or on Amsterdam Avenue on the 1 train, I would use Access-A-Ride more frequently. Although there are numerous east-west buses crossing Manhattan, the problem is that at present there are no stops on the A between 125th and 50th Streets.

Most disabled New Yorkers are not as lucky to be near as many accessible subway stations. To go to downtown Brooklyn, I take the A to Penn Station, exit the subway. Wheel through Penn and take the 2 or 3 to Brooklyn. But getting the Lexington requires the A to 125, a bus across to Lexington and then that train. Such a trip is too arduous for many leaving them only Access-A-Ride as an option. I'm very leery to try the shuttle, especially when I broke a caster fork two weeks ago coming off the E at WTC.

I have been certified twice for Access-A-Ride because it is "sort of required" in discharge planning from inpatient rehab. The first time was in spring 1992 and I might have used it three or four times, those were the days when getting a trip from Washington Heights was difficult. The second time was in fall of 2005. And, since then I've used it three times, once that winter to go home from a New York City Transit ADA Compliance meeting, and twice this spring for political dinners in the Bronx.

I only use Access-A-Ride for when a trip is just too long or if I can't figure out how to get somewhere by mass transit. I have used it from 2 Broadway because the area is desolate late at night and the curb cuts are simply terrible between there and the E train at WTC.

I use Access-A-Ride where traveling to an unknown destination or when I really have no idea how to get there. If we didn't have a book 24 hours in advance, I'd likely use it more often. For example, if I'm not feeling strong enough to wheel to and ride the subway, I cancel my commitment. If I could call and get same day service and travel more easily, I would.

I rarely take the subway when traveling somewhere for the first time, as I don't know if I can trust that elevator nor do I know how to change my route in case an elevator is out of service. I'll also use Access-A-Ride late at night when I can't depend on frequent bus service or when I'd be uncomfortable in an unknown area of the city.

If the totality of the transportation continuum were accessible, including cabs and car service, I certainly would have used that option to Pelham and the east Bronx rather than Access-A-Ride. Similarly, if we could depend on the elevators to work on a regular basis and there were more accessible subway stations, perhaps fewer people would use Access-A-Ride.

Even if I rarely used Access-A-Ride in New York City, maintaining my certification is very important to be able to use it in other locations. In New Orleans, there was no other accessible transportation from the airport to the hotel where the State Independent Living Congress was held this past January. Being able to use STAR in Albany is an important part of any wheelchair user's Lobby Day itinerary. It is hard enough to plan an itinerary in New York City when we live here, try planning one for another city.

My medical condition is not going to improve nor is the accessibility of the subways, cabs or liveries. So why would I be any less eligible or less likely to need Access-A-Ride? Thank you

The Center for Independence of the Disabled, NY

**May 3, City Council Hearing About Access-A-Ride**

My name is Paula Wolff and I work as a Direct Services Supervisor at the Center for Independence of the Disabled, New York, (CIDNY). CIDNY is an advocacy organization dedicated to removing the barriers that keep persons with disabilities from achieving full equality and integration in all areas of life in the community.

Transportation is essential to participate in school, the workforce, job training programs, to access healthcare, and to participate in recreational and cultural activities. Access-A-Ride, the NYC paratransit service that provides transportation to those persons with disabilities who are unable to in certain circumstances use public transit is essential in enabling persons with disabilities to participate fully in community life and to achieve individual goals.

In my work at CIDNY I have helped many consumers to apply for Access-A-Ride service, have gone for a few for eligibility interviews, and have helped some with appeals. I am also an Access-A-Ride user myself and use the service to travel to work and to travel to other types of community events. I have experience helping hundreds of applicants apply in a previous position.

I am here today because CIDNY is deeply concerned with some of the recent changes in the application and eligibility determination process which requires all applicants, both new applicants and those who are recertifying to go for in person interviews with Access-A-Ride Eligibility Certifiers. The current process requires the applicant to submit an application. The applicant may choose to submit a doctor's letter along with the application about how their disabilities affect their ability to travel and why they require paratransit service, although they are not required to do so. If their need for the service is clear, they will be accepted. If their eligibility cannot be determined, they will then be called in for an eligibility interview with a certifier. If the applicant disagrees with the determination, whether they are denied or given conditional eligibility, such as the right to use Access-A-Ride (AAR) for interborough trips



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only (because it is felt that they can use the bus to travel within their borough), then they can ask for an appeal either in writing or in person. I have found after doing hundreds of applications for consumers that those I had done were called for eligibility interviews or denied a handful of times. Our consumers got to have their applications completed at a community agency as part of their other service needs. They did not have to travel to an unfamiliar place, be interviewed by unfamiliar people, and funds that could have been used to provide for improved Access-A-Ride Vans, GPS devices, driver training, and other service needs could be used for these purposes rather than paying for costly and wasteful certifier interviews.

I have attended these interviews with consumers and found that the eligibility certifiers ask the consumers the identical questions which they have already answered on the AAR application. Having a "mock bus" at each AAR certification site and asking someone to walk on and off it and pull a buzzer cord is not a valid assessment of a person's ability to walk from their home to a bus stop which might be many blocks from their home, which might involve walking up and down hills, which might involve walking in rain, snow, on wet surfaces, which involves walking on cement and not on a wood or carpeted floor, which does not involve the ability to stand and wait for a bus, or to find one's way to and from the bus or to locate your stop if you are blind.

In addition to the hardship of having to go for an interview, and the high costs of having everyone having to be interviewed, there is the issue that some persons will have difficulty getting to the interview. Currently, AAR will provide transportation to the interview once. If there is a dispute over whether the AAR vehicle actually came, and the applicant needs to reschedule, AAR will not reschedule another trip to the certification center. Many consumers, unable to travel there by public transit and unable to pay the cost of a car service or cab would be denied access to the service. Also exceptions to the interview requirement would have to be made for those unable to come due to severe health hardship, for example, for those who are

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undergoing chemotherapy, or for those with other serious health conditions which make them unable to schedule an interview due to conflicting medical needs. Also, others with conditions which are unstable may be ill on the day of the interview and may need flexibility in scheduling, and may need another trip scheduled for assessment or may need the assessment interview waived, for example, for someone with very severe chronic fatigue syndrome, or some persons with multiple sclerosis.

I am glad to hear that AAR has decided to increase the period of eligibility for which people are certified for AAR eligibility from 3 to 5 years. It is also very positive that some persons with disabilities which are considered to be permanent will be classified as having a "Continual Disability" and will only have to reapply by giving updated information after 5 years. These individuals will not have to have another eligibility interview.

Recommendations For Access-A-Ride

Return to allowing people to apply using the application form. Add a statement that they are free to submit a letter from a physician, psychologist, social worker, or physical therapist explaining clearly how their disability makes them unable to use public transit and why they require Access-A-Ride service, whether they need an escort with them to travel, and how the escort assists them when they travel. Require an interview with an Eligibility Certifier only in those cases when eligibility cannot be determined from the application.

Provide training classes for interested community organizations in helping applicants complete AAR applications properly. This is easier for consumers and much less costly.

Make it clear what is required to be certified as having a "Continual Disability". Applicants should have the option of submitting evidence to show that they have a "Continual Disability". If you do, and your disability is not going to improve and you are going to continue to need AAR services, you should be able to just fill out an information

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update form every 5 years. There should be no need for a full application or additional eligibility interviews.

For those who need to recertify, recertifications should be done every 5 years. However, recertifications should only require a paper application. They should not require an interview with an eligibility certifier.

When giving information about Access-A-Ride to applicants, full eligibility and conditional eligibility should be explained, and it should be explained how it is expected that people use public transit for those trips they are able to do so, and use Access-A-Ride for trips they need it for, unless they require it for all trips, and explain about full and conditional eligibility. Too often, consumers do not understand this concept, and may get conditional eligibility with no understanding of what it means, or why they were given it. Eligibility statements should include why a consumer was given conditional eligibility, or why it was felt they were ineligible.

I thank you for the opportunity to speak to you today on this important issue.

**Paula Wolff, LMSW
Direct Services Supervisor
CIDNY**

