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November 2012

# ADA PARATRANSIT SERVICES

## Demand Has Increased, but Little is Known about Compliance



G A O

Accountability \* Integrity \* Reliability

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Highlights of [GAO-13-17](#), a report to the Committee on Banking, Housing, and Urban Affairs, U.S. Senate

## Why GAO Did This Study

The ADA, a civil rights law enacted in 1990, provided that it shall be considered discrimination for a public entity that operates a fixed-route transit system to fail to offer paratransit service to disabled individuals that is comparable to services provided to those without disabilities. FTA is responsible for overseeing compliance with ADA requirements for paratransit services. As requested, GAO examined: (1) the extent of compliance with ADA paratransit requirements, (2) changes in ADA paratransit demand and costs since 2007, and (3) actions transit agencies are taking to help address changes in the demand for and costs of ADA paratransit service. GAO analyzed FTA's ADA compliance reports; conducted a generalizable web-based survey of 145 transit agencies; interviewed federal officials; and interviewed officials from 20 transit agencies, chosen based on a variety of characteristics, including geographic diversity.

## What GAO Recommends

The Secretary of Transportation should direct the FTA Administrator to (1) document and make publicly available a formal approach for selecting transit agencies for ADA paratransit compliance reviews, (2) post the backlog of ADA's compliance-review final reports and establish a process for the timely posting of future reports, and (3) provide guidance to transit agencies on how to accurately complete existing ADA paratransit data fields in the NTD. The Department of Transportation neither agreed nor disagreed with the recommendations and provided clarifying comments, which GAO incorporated.

View [GAO-13-17](#). For more information, contact David J. Wise at (202) 512-2834 or [wised@gao.gov](mailto:wised@gao.gov).

# ADA PARATRANSIT SERVICES

## Demand Has Increased, but Little is Known about Compliance

### What GAO Found

Little is known about the extent of transit agencies' compliance with the Americans with Disabilities Act (ADA) paratransit service requirements. FTA does receive some assurance that agencies are complying with federal statutes and regulations, including ADA paratransit requirements, because transit agencies that receive FTA funding are required to self-certify and assure that they are complying with the Department of Transportation's ADA regulations. Additionally, FTA conducts specialized ADA paratransit compliance reviews that examine multiple aspects of an agency's paratransit services; however, few transit agencies are selected for review each year. FTA generally relies on complaints, media reports, experience with an agency, and other information to select agencies for review, but does not have documented criteria for selecting agencies. This informal selection process does not align with federal guidance on internal controls related to communication, documentation, and monitoring. Lastly, according to FTA officials, all finalized ADA paratransit compliance review reports are to be available on FTA's website, but GAO identified nine final review reports—conducted from 2004 to 2010—that have not been posted to FTA's website.

Based on GAO's survey, the demand for ADA paratransit trips increased, since 2007 for some transit agencies, and costs for providing the trips remain high. The average number of annual ADA paratransit trips provided by a transit agency increased 7 percent from 2007 to 2010; from 172,481 trips in 2007 to 184,856 trips in 2010. Increases in demand for ADA paratransit services were driven by the 10 largest transit agencies, measured according to the population size of their service areas. Also, ADA paratransit trips are much more costly to provide than fixed-route trips. Similarly, the average cost of providing an ADA paratransit trip in 2010 was \$29.30, an estimated three and a half times more expensive than the average cost of \$8.15 to provide a fixed-route trip. The average cost of providing an ADA paratransit trip increased 10 percent from 2007 to 2010. GAO's analysis of ADA paratransit data available in FTA's National Transit Database (NTD) found that, according to GAO standards for data reliability, the data are not sufficiently reliable for the purpose of assessing changes in ADA paratransit demand and costs. For example, GAO found discrepancies, such as incomplete data, that may understate or overstate the number of ADA trips and amount of ADA expenses. According to FTA officials, some transit agencies fail to report these data, while others misunderstand the data fields and make reporting errors as a result.

Transit agencies are taking actions such as coordinating with other transportation providers, offering travel training, and improving accessibility to address changes in ADA paratransit demand and costs. According to GAO's survey, about 59 percent of transit agencies are coordinating with health and human services providers to improve ADA paratransit services or address the costs of providing such services. About 44 percent of transit agencies are coordinating with other local transportation providers. Additionally, about 55 percent are using travel training to help paratransit riders' transition to fixed-route services. Furthermore, GAO's survey results showed that over 62 percent of transit agencies have made accessibility improvements to their fixed-route systems since 2007.

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# Contents

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Letter		1
	Background	4
	Little Is Known about ADA Compliance for Paratransit	10
	Demand for ADA Paratransit Has Increased for Some Transit Agencies, and Costs Remain High	16
	Transit Agencies Are Taking a Number of Actions to Address Paratransit Demand and Costs	23
	Conclusions	28
	Recommendations for Executive Action	29
	Agency Comments	30
Appendix I	Objectives, Scope, and Methodology	31
Appendix II	Reliability of ADA Paratransit Data in FTA's National Transit Database	36
Appendix III	GAO Contact and Staff Acknowledgments	40
Tables		
	Table 1: ADA Minimum Paratransit Service Requirements for Comparability to Fixed-Route Service	5
	Table 2: Types of ADA Paratransit Eligibility Determination Processes Used by Transit Agencies	6
	Table 3: Transit Agency Interviews	32
	Table 4: Percentage of Transit Agencies Reporting ADA Trips and ADA Expenses in NTD, 2005 through 2010	38
	Table 5: Percentage of Transit Agencies Reporting Demand-Response Service, ADA Trips, and ADA Expenses in NTD, 2005 through 2010	39
Figures		
	Figure 1: Basic Scheduling and Dispatching Operation of a Paratransit System	8
	Figure 2: Major Steps in the Compliance Review Process	12
	Figure 3: Average Number of Individuals Registered to Use ADA Paratransit Services at a Transit Agency and Average	

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Number of ADA Paratransit Trips Provided by a Transit Agency, 2007 and 2010	17
Figure 4: Average Reported ADA Paratransit and Fixed-Route Per-Trip Costs, 2010	19
Figure 5: Percentage of Transit Agencies Reporting the Following as Major Contributors to Cost Increases in ADA Paratransit Services	21
Figure 6: Average Reported ADA Paratransit and Fixed-Route Costs and Fares Per Trip, 2010	22

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### Abbreviations

ADA	Americans with Disabilities Act
DOJ	Department of Justice
DOT	U.S. Department of Transportation
FTA	Federal Transit Administration
NTD	National Transit Database
TCRP	Transit Cooperative Research Program

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Accountability \* Integrity \* Reliability

United States Government Accountability Office  
Washington, DC 20548

November 15, 2012

The Honorable Tim Johnson  
Chairman  
The Honorable Richard C. Shelby  
Ranking Member  
Committee on Banking, Housing, and Urban Affairs  
United States Senate

Since 1970, it has been our nation's policy that individuals with disabilities have the same right as other individuals to use public transportation service, that special efforts be made in planning and designing public transportation service to ensure that it can be used by individuals with disabilities, and that all government programs assisting public transportation "shall carry out this policy."<sup>1</sup> In 1990, the Americans with Disabilities Act (ADA), a civil rights law, prohibited discrimination against individuals with disabilities in several areas, including public transit, and applied to public entities whether or not they receive federal financial assistance.<sup>2</sup> U.S. Senate and House of Representative reports accompanying the ADA stated that *paratransit* service was often inadequate;<sup>3</sup> in addition to requiring accessibility of regular fixed-route bus and rail transit systems, the ADA provided that it shall be considered discrimination for a public entity that operates a fixed-route system to fail to provide paratransit service to individuals with disabilities that is comparable to the level of service provided to individuals without disabilities who use the fixed-route system.<sup>4</sup> Regulations issued under the ADA established requirements for who was eligible for ADA paratransit

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<sup>1</sup> Formerly at 49 U.S.C. § 5301(d). The new surface reauthorization act has modified this provision. See Section 20003 of *Moving Ahead for Progress in the 21st Century Act*, Pub. L. No. 112-141 (July 6, 2012).

<sup>2</sup> Pub. L. No. 101-336, 104 Stat. 327 (July 26, 1990).

<sup>3</sup> *Paratransit* service, broadly defined, is accessible, origin-to-destination transportation service that operates in response to calls or requests from riders. It is an alternative to fixed-route transit service, which operates according to regular schedules along prescribed routes with designated stops. Paratransit service is defined in Department of Transportation regulations as "comparable transportation service required by the ADA for individuals with disabilities who are unable to use fixed route transportation systems". 49 C.F.R. § 37.3

<sup>4</sup> Pub. L. No. 101-336, § 223(a), codified at 42 U.S.C. § 12143(a).

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service and the minimum requirements for what ADA paratransit service must entail.

The Federal Transit Administration (FTA) within the Department of Transportation (DOT) is responsible for overseeing federal grants for public transportation, a responsibility that includes overseeing compliance with ADA requirements for paratransit service. In 2007, we reported that although there are indications that the accessibility of public transit is improving, less is known specifically about the extent of compliance with ADA paratransit requirements. We also reported that as more individuals are being served by ADA paratransit, transit agencies are struggling to balance the provision of these services with the increased costs of a growing paratransit ridership.<sup>5</sup> As a result, many transit agencies are pursuing methods to contain paratransit costs while maintaining ADA compliance.

In this context, you asked us to review the provision of ADA paratransit service. We addressed the following questions:

- (1) What is known about the extent of compliance with ADA paratransit requirements?
- (2) What changes have occurred in ADA paratransit demand and costs since 2007?
- (3) What actions are transit agencies taking to help address changes in the demand for and costs of ADA paratransit service?

To determine what is known about the extent of compliance with ADA paratransit requirements, we reviewed ADA regulations, FTA guidance on the regulations, and FTA's ADA compliance reports from 2005 to 2011. In addition, we examined FTA's National Transit Database (NTD) to assess the extent to which it contains data related to ADA paratransit services and transit agencies' compliance with ADA paratransit requirements. We also interviewed FTA officials about how the agency assesses compliance and consulted our prior work on transportation accessibility. To identify changes that have occurred in ADA paratransit demand and

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<sup>5</sup> GAO, *Transportation Accessibility: Lack of Data and Limited Enforcement Options Limit Federal Oversight*, [GAO-07-1126](#) (Washington, D.C.: Sept. 19, 2007).

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costs, we examined data from the NTD on the number of ADA paratransit trips provided annually and total annual expenditures attributable to ADA complementary paratransit requirements. In reviewing NTD data on ADA paratransit services, we determined that they were not reliable for our purpose, which was to assess changes in ADA paratransit demand and costs. Appendix II contains a more detailed discussion of our data reliability assessment. To identify changes that have occurred in ADA paratransit demand and costs since 2007 and to determine what actions agencies are taking to help address such changes, we conducted a generalizable Web-based survey of transit agencies from May through July 2012. We identified 546 transit agencies that provided *demand-response service* in 2010 and sampled 145 of these agencies for participation in the survey.<sup>6</sup> To identify the 145 transit agencies to be sampled, we first selected the 10 largest transit agencies in the United States, measured according to the population size of their service areas. These 10 agencies represent 29 percent of the total service area population in our total sample. We then randomly selected an additional 135 transit agencies to survey, ordered by size as measured by the population size of their service areas. About 77 percent of our sample (112 respondents) completed the survey, including all 10 of the largest transit agencies.<sup>7</sup> This report does not contain all of the results from the survey; our questionnaire and a more comprehensive tabulation of the results can be viewed in an electronic supplement to this report.<sup>8</sup> To address our second and third objectives, we conducted semi-structured interviews with 20 transit agencies regarding their provision of ADA paratransit services. We selected transit agencies to interview based on the size of the agency (small and large, measured according to the

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<sup>6</sup> *Demand-response service* is service in which vehicles operate in response to calls or requests from passengers. Demand response service includes ADA paratransit service and other generic demand responsive services that are unrelated to ADA requirements. Transit agencies that report providing demand response services to the NTD do not necessarily provide ADA paratransit service. However, the demand response field in NTD is most closely associated with provision of ADA paratransit service, according to FTA officials. Our first ADA paratransit survey question establishes whether or not an agency provided ADA paratransit service.

<sup>7</sup> Unless otherwise noted, all percentage estimates based on this survey have 95 percent confidence intervals of within +/- 10 percentage points of the estimate itself. See Appendix I for additional information on sampling error of estimates.

<sup>8</sup> GAO, *ADA Paratransit Services: Survey of Public Transit Agency Officials on Services and Costs*, an E-supplement to [GAO-13-17](#), [GAO-13-18SP](#) (Washington, D.C.: Nov. 15, 2012).

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number of ADA paratransit trips provided in 2010); geographic diversity; and other factors. We also interviewed representatives from relevant industry and disability advocacy groups. In addition, to identify the actions that transit agencies are taking to help address changes in demand for and costs of ADA paratransit service, we reviewed relevant literature pertaining to leading practices for addressing demand for and costs of paratransit services. Appendix I contains a more detailed discussion of our objectives, scope, and methodology.

We conducted this performance audit from September 2011 to November 2012 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.

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## Background

The ADA requires that fixed-route transit systems be made accessible to persons with disabilities—for example, by having lift and ramp equipped vehicles and announcing transit stops—but acknowledges that some disabled individuals are not able to use fixed-route services even with such accessibility features.<sup>9</sup> To ensure that these individuals have equal access to public transportation, the ADA introduced a requirement that all public entities operating a fixed-route transit system must provide complementary and comparable ADA paratransit service.

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## ADA Paratransit Requirements

DOT issued final regulations to implement the ADA's public transportation provisions on August 22, 1991.<sup>10</sup> The regulations do not explicitly state how transit agencies are to provide paratransit service; rather, they require such agencies to offer a level of service that is "comparable" to the level of service offered to the general public without disabilities.

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<sup>9</sup> The ADA regulations require that all newly purchased or leased vehicles used in fixed-route service must be accessible. Additionally, vehicles which are remanufactured to extend their useful life beyond a given number of years must include accessibility features. Moreover, new transit facilities must be accessible and alterations to older transit facilities must include features to make them accessible.

<sup>10</sup> 56 Fed. Reg. 45584 (Sept. 6, 1991). DOT regulations for paratransit as a complement to fixed-route service are at 49 C.F.R. Part 37, Subpart F.

Comparability is defined using six ADA minimum service requirements: service area, hours and days of service, fares, response time, trip purpose restrictions, and capacity constraints (see table 1).

**Table 1: ADA Minimum Paratransit Service Requirements for Comparability to Fixed-Route Service**

ADA paratransit requirement	Description
Service area <sup>a</sup>	Generally within ¾ mile of a fixed route.
Hours and days of service <sup>b</sup>	Same hours and days as fixed route.
Fares <sup>c</sup>	Fares may not exceed twice the fare that would be charged to an individual paying full fare for a trip of similar length, at a similar time of day on the fixed route. A personal care attendant shall not be charged.
Response time <sup>d</sup>	Paratransit service must be provided at any requested time on a particular day in response to a request for service made the previous day. Real time scheduling, in which a call to the transit provider would result in pickup the same day, is explicitly allowed but not mandated.
Trip purpose restrictions <sup>e</sup>	No restrictions or priorities based on trip purpose are allowed.
Capacity constraints <sup>f</sup>	The following are not allowed: restrictions on the number of trips per eligible individual; waiting lists for access to the service; substantial numbers of significantly untimely pickups for initial or return trips; substantial numbers of trip denials or missed trips; and substantial numbers of trips with excessive trip lengths.

Source: GAO analysis of ADA requirements.

<sup>a</sup>49 C.F.R. § 37.131(a)

<sup>b</sup>49 C.F.R. § 37.131(e)

<sup>c</sup>49 C.F.R. § 37.131(c)

<sup>d</sup>49 C.F.R. § 37.131(b)

<sup>e</sup>49 C.F.R. § 37.131(d)

<sup>f</sup>49 C.F.R. § 37.131(f)

ADA paratransit service is generally an origin-to-destination service, meaning that paratransit vehicles pick up riders at their homes or other locations and take them to their desired destinations.<sup>11</sup> Transit agencies are allowed to establish whether they will provide door-to-door service, wherein the driver offers assistance from the rider’s door to the vehicle (and comparable assistance at the destination), or curb-to-curb service, wherein assistance is not provided until the rider reaches the vehicle. According to DOT guidance, if the base model of service chosen is curb-to-curb, it may still be necessary to provide door-to-door service for those

<sup>11</sup> 49 C.F.R. § 37.129(a).

persons who require it in order to travel from their point of origin to their point of destination.<sup>12</sup>

## ADA Paratransit Eligibility Process

All public transit agencies required to provide ADA paratransit services must establish a process for certifying individuals (including both local residents and visitors in the transit agencies' respective service area) as ADA paratransit eligible.<sup>13</sup> The ADA does not specify a process for how transit agencies determine eligibility, but it states the criteria that must be used to make the determination.<sup>14</sup> A Transit Cooperative Research Program (TCRP) report on ADA paratransit eligibility certification practices found that most included a combination of the processes identified in table 2.<sup>15</sup>

**Table 2: Types of ADA Paratransit Eligibility Determination Processes Used by Transit Agencies**

ADA eligibility determination processes	Description
Self-certification by the applicant	Requires the applicant to fill out an application form, with verification by a medical professional on an as-needed basis.
Professional verification via written documentation and/or telephone conversation	Requires a medical professional to independently verify and document the physical condition and mobility needs of the applicant. Additionally, professional verification interviews may be conducted by telephone or in person, depending on the situation.
In-person interview	Requires that some or all applicants receive a face-to-face interview to determine the level of service for which the applicant does or does not qualify.
In-person functional assessment	Requires some or all applicants to undergo observation or testing of their specific abilities, skills, or limitations to accurately determine their functional ability to access the fixed-route system.
In-person cognitive assessment	If the information provided by the applicant and professional is not sufficient to make a determination, the transit agency may ask the applicant to participate in a cognitive assessment.

Source: GAO analysis of information from the TCRP.

<sup>12</sup> U.S. DOT, *Origin to Destination Guidance*, Sept. 2005.

<sup>13</sup> 49 C.F.R. § § 37.125, 37.127.

<sup>14</sup> 49 C.F.R. § 37.123(e). Individuals may be paratransit eligible on the basis of a permanent or temporary disability.

<sup>15</sup> TCRP, *ADA Paratransit Eligibility Certification Practices*, TCRP Synthesis 30, 1998.

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While the ADA establishes minimum requirements for ADA paratransit, transit agencies are free to provide any additional level of service that they or their communities find appropriate.<sup>16</sup> Types of additional services could include operating paratransit service beyond the fixed-route service area (which may include collecting fares for such trips in excess of twice the fixed-route service fare); providing service when the fixed-route system is not operating; and allowing same-day trip requests.

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## Providing ADA Paratransit Service

According to the Center for Transportation Research, scheduling trips and dispatching vehicles are critical functions in providing ADA paratransit service. Scheduling ADA paratransit trips requires providers to match available vehicles to riders' trip time and destination requests. In general, the process starts when a passenger calls to reserve a trip. At that time the passenger's eligibility to receive the service is verified. Service must be provided on at least a next-day basis, though DOT's ADA regulations permit transit agencies to accept advance reservations up to 14 days in advance.<sup>17</sup> A destination request is then either entered into paratransit's scheduling software or scheduled manually. On the day of the trip, the dispatcher creates a log sheet or manifest with the trip information for the driver, and the passenger is then picked up and dropped off (see fig. 1).<sup>18</sup>

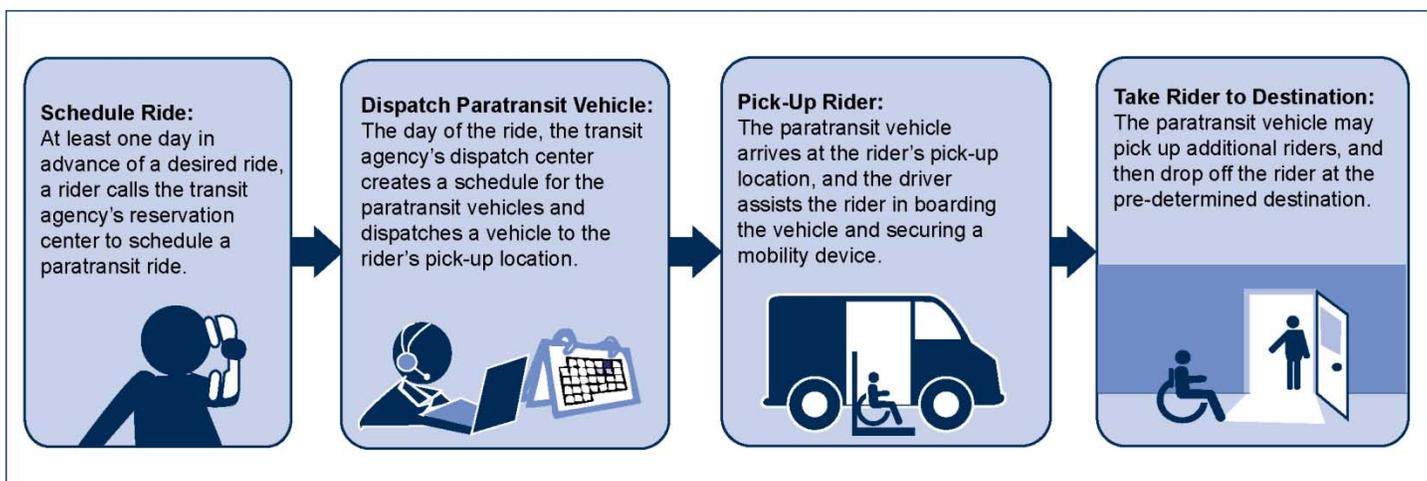
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<sup>16</sup> 49 C.F.R. § 37.131(g).

<sup>17</sup> 49 C.F.R. § 37.131(b) (4).

<sup>18</sup> Center for Transportation Research, University of Texas at Austin, *Transit Scheduling Data Integration: Paratransit Operations Review and Analysis* (May 2000).

**Figure 1: Basic Scheduling and Dispatching Operation of a Paratransit System**



Source: GAO analysis.

## Federal Roles and Responsibilities

Two federal agencies, DOT and the Department of Justice (DOJ), have key roles in monitoring, overseeing, and enforcing ADA requirements and providing technical assistance.<sup>19</sup> Their general roles and responsibilities are as follows:

- **Regulations.** The Secretary of Transportation has sole authority to issue regulations to carry out the section of the ADA governing paratransit as a complement to fixed-route service.<sup>20</sup> FTA has primary responsibility for administering these regulations.<sup>21</sup>

<sup>19</sup> There is a memorandum of understanding established between DOJ and FTA to coordinate enforcement responsibility over the ADA. A copy of this memorandum can be found at [http://www.fta.dot.gov/civilrights/12875\\_3898.html](http://www.fta.dot.gov/civilrights/12875_3898.html). Accessed September 21, 2012.

<sup>20</sup> 42 U.S.C. 12143(b); *Boose v. Tri-County Metro. Transp. Dist. Of Or.*, 587 F.3d 997, 1001 (9<sup>th</sup> Cir. 2009); *Abrahams v. MTA Long Island Bus*, 644 F.3d 110, 115 (2d Cir. 2011).

<sup>21</sup> FTA is a small agency within DOT, accounting for 568 staff in headquarters and regional offices. It has 10 regional offices to provide support to and oversight of transit agencies. FTA regional offices also work with local transit officials in developing and processing grant applications. FTA's Office of Civil Rights has 28 staff in headquarters and regional offices, and 5 full time staff directly involved with compliance.

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- Oversight. As part of DOT's oversight, FTA conducts general and special oversight reviews to evaluate the use of funds and adherence to civil rights laws, among other things, by recipients of Urbanized Area Formula Program grants (grantee) use of funds and adherence to civil rights laws, among other things.<sup>22</sup> Civil rights reviews are one of five types of special reviews.<sup>23</sup> FTA's Office of Civil Rights is responsible for civil rights compliance and monitoring to ensure nondiscriminatory provision of transit services. ADA compliance reviews are a subset of civil rights special reviews,<sup>24</sup> and can be targeted to one of three specific ADA areas: fixed-route compliance, rail station compliance, and ADA paratransit service compliance.<sup>25</sup> FTA also provides technical assistance to transit agencies on fulfilling ADA requirements and investigates discrimination complaints filed by the public.

Data. FTA is also responsible for maintaining the NTD, which was established by Congress to be the primary source for information and statistics on the nation's transit systems. Recipients or beneficiaries of certain grants from FTA are required to submit data to the NTD on information such as their operating expenses, revenue, and services.<sup>26</sup> Transit agencies reporting to NTD are required to provide two data points related to ADA paratransit services: the number of ADA paratransit trips provided annually and total annual expenditures for paratransit services that are attributable to ADA requirements.

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<sup>22</sup> FTA Order 5400.1, Oversight Reviews, November 1, 1994. Formula grants, as the name suggests, are apportioned among urban areas by a statutory formula based on population data and statistics for transit service and ridership.

<sup>23</sup> The other special reviews are the Drug and Alcohol Abuse Program Review, Financial Management Oversight Review, Procurement System Review, and the State Safety Oversight Review.

<sup>24</sup> Civil Rights Reviews began in the 1980s, according to officials in FTA's Office of Civil Rights. They include four discretionary oversight reviews assessing grantees' compliance with the Americans with Disabilities Act of 1990, Title VI regulations, Disadvantaged Business Enterprise requirements, and Equal Employment Opportunity requirements.

<sup>25</sup> FTA's ADA fixed-route reviews focus on fixed-route bus lift or ramp maintenance and reliability, fixed-route bus-stop announcements, and route identification. FTA's ADA rail station reviews focus on rail-stop announcements and route identification or key, new, or renovated rail station compliance.

<sup>26</sup> Recipients and beneficiaries of grants from FTA under the Urbanized Area Formula Program (49 U.S.C. § 5307) or Other than Urbanized Area (Rural) Formula Program (49 U.S.C. § 5311) are required by statute to submit data to the NTD. 49 U.S.C. § 5335.

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- **Enforcement.** DOJ's ADA enforcement responsibility generally involves either filing a federal lawsuit upon referral of a finding of noncompliance by DOT or by intervening in a privately filed lawsuit. DOJ may also resolve complaints of ADA noncompliance through settlement agreements and consent decrees with public transit agencies aimed at obtaining ADA compliance.

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## Little Is Known about ADA Compliance for Paratransit

There is no national level information to accurately measure the extent to which agencies providing ADA paratransit service are complying with ADA's paratransit service requirements. However, as a condition of receiving federal funds, every transit agency has to self-certify and assure that it is complying with the DOT ADA regulations.<sup>27</sup> According to FTA, this certification and assurance is its starting point for assessing transit agencies' compliance with ADA requirements. Additionally, every Urbanized Area Formula Program grantee receives the general oversight FTA triennial review once every 3 years, which is one of the primary means FTA uses to evaluate whether grantees are meeting federal requirements. Although the triennial reviews include a review of the grantee's compliance with ADA requirements, they provide no detailed information about ADA paratransit compliance because ADA compliance is 1 of 24 areas of transit operations covered in the review.<sup>28</sup> According to FTA officials, negative triennial review findings may be considered in selecting transit agencies for a specialized ADA paratransit review.<sup>29</sup>

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<sup>27</sup> FTA Certifications and Assurances—before FTA awards transit assistance or funding to support a project, an applicant must provide certain certifications and assurances required by federal law or regulation. One area of certification and assurance is the “Assurance of Nondiscrimination on the Basis of Disability,” which includes assuring compliance with the requirements of the ADA. 76 Fed. Reg. 67534, 67537 (Nov. 1, 2011).

<sup>28</sup> As of fiscal year 2012 there are 24 triennial review areas. They are: 1) legal, 2) financial, 3) technical, 4) satisfactory continuing control, 5) maintenance, 6) procurement, 7) disadvantaged business enterprise, 8) Buy America, 9) debarment and suspension, 10) lobbying, 11) planning/program of projects, 12) Title VI, 13) public comment on fare and service changes, 14) half fare, 15) Americans with Disabilities Act, 16) charter bus, 17) school bus, 18) National Transit Database, 19) safety and security, and 20) drug-free workplace, 21) Drug and Alcohol Program, 22) equal employment opportunity, 23) ITS architecture, and 24) American Recovery and Reinvestment Act.

<sup>29</sup> For more information about GAO analysis of FTA's triennial review program, see GAO, *Public Transportation: FTA's Triennial Review Program Has Improved, but Assessments of Grantees' Performance Could Be Enhanced*, [GAO-09-603](#), (Washington, D.C.: June 30, 2009).

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FTA's specialized ADA paratransit compliance reviews examine multiple aspects of a transit agency's paratransit service. Compliance reviews include an examination of the selected transit agency's policies and standards for providing ADA complementary paratransit services. Reviews also include a determination of whether capacity constraints or areas of non-compliance exist. For example, a capacity constraint determination can be made by reviewing data on the selected transit agency's on-time performance, on-board travel time, telephone-hold times, and trip denials. The review also examines compliance related to eligibility determinations, fares, and other ADA paratransit service requirements.

FTA uses contractors to conduct the vast majority of its grantee oversight reviews, including specialized compliance reviews such as an ADA paratransit compliance review, although FTA is responsible for overseeing the work performed by its contractors.<sup>30</sup> The results of compliance reviews are documented in written reports. Data about review findings are entered into FTA's electronic oversight-tracking system, OTRAK. If a deficiency is identified in the course a compliance review, FTA requires the transit agency to take steps to correct the deficiency and monitors the transit agency's progress. FTA can keep compliance reviews open and delay final report publication until problems are resolved, a resolution that could occur quickly or take years. (See fig. 2 for a description of the major steps in the compliance review process.)

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<sup>30</sup>U.S. Department of Transportation, *Office of the Inspector General Audit Report: Improvements Needed in FTA Grant Oversight Program*. Report MH-2012-168 (Washington, D.C.: Aug. 2, 2012).

**Figure 2: Major Steps in the Compliance Review Process**



Source: GAO review of FTA information.

While compliance reviews represent an in-depth examination of a transit agency's paratransit service, few transit agencies have been selected for an ADA paratransit compliance review. FTA's most recent contract calls for only 10 compliance reviews of complementary paratransit services to

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be conducted from 2008 through 2011, or roughly 2 to 3 reviews per year.<sup>31</sup> According to FTA officials, there are approximately 628 urbanized area fixed-route transit agencies that could be eligible for ADA compliance reviews. Officials told us that the limited number of ADA paratransit compliance reviews conducted each year is because of resource constraints and the time needed to complete an in-depth review. We analyzed 15 ADA paratransit compliance review final reports from January 2005 through April 2011 posted on the FTA website.<sup>32</sup> We found that all 15 transit agencies reviewed from 2005 to 2011 had findings of non-compliance or recommendations related to ADA paratransit service. The following are examples of non-compliance findings and recommendations from the final reports we reviewed:

- Fourteen out of 15 agencies had findings of capacity constraints with their ADA paratransit service. For example, one agency was found to have policies around reservations and scheduling that lead to wait lists and difficulties ensuring scheduled ride times adhered to ADA requirements. Another agency had findings of non-compliance with its telephone access and hold times for trip scheduling because of inadequate staffing capacity.
- All 15 transit agencies reviewed also had findings related to their ADA paratransit eligibility processes. For example, one FTA compliance review found that a local transit agency was improperly denying ADA complementary paratransit service to some individuals who should be eligible. As a result, the agency proposed several changes to its eligibility determination process to correct the issues. In another final report, there were 24 findings or recommendations related to the transit agency's eligibility processes. These findings ranged from information forms containing insufficient eligibility process detail to findings of non-compliance related to rider-eligibility suspension policy.

These compliance reviews provide some information about how paratransit services are complying with ADA requirements, but they do

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<sup>31</sup>FTA has issued a request for proposals for a new contract for conducting ADA compliance reviews. According to FTA officials, the new contract will provide FTA with more flexibility in selecting locations and transit agencies for review.

<sup>32</sup>As of September 5, 2012, there are a total of 38 ADA compliance reviews publicly available on FTA's website. They account for final reviews posted from August 2000 through April 2011.

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not allow for a determination of the extent to which transit agencies overall are complying with ADA paratransit requirements. The findings of non-compliance in the reports discussed above are not generalizable to the 628 urbanized area fixed-route transit agencies, both because of the low number of reviews conducted and because the reviews were not conducted on a generalizable sample of transit agencies. Rather, FTA officials told us that the transit agencies that receive the specialized compliance reviews are specifically selected by FTA for review because FTA has reason to believe those agencies may be experiencing ADA paratransit compliance issues.

Although FTA uses a risk-based approach to determine which transit agencies are selected for compliance reviews, FTA does not have a formalized or transparent selection process. According to FTA officials, transit agencies may be selected for an ADA paratransit compliance review for any number of reasons including rider complaints, which, according to FTA officials, are the best indicators available for making the most effective use of compliance resources, media coverage, findings from triennial reviews, legal actions that do not involve FTA, information from the transportation industry, congressional interest, and input from FTA regional offices.<sup>33</sup> In selecting an agency for review, FTA may also consider the burden to a transit agency if it were to receive multiple oversight reviews, such as triennial reviews or state compliance reviews, in the same fiscal year. In those cases, FTA officials said they take steps to focus contractor and oversight resources to decrease burden on the transit agency, while still addressing possible compliance issues. FTA officials, however, could not provide documentation that outlines the compliance review selection criteria, and stated that there are no formalized criteria to guide the selection of transit agencies for review. As discussed above, the ADA paratransit compliance review process is documented, so the lack of documented selection criteria is notable. While the factors that FTA currently uses may be appropriate for selecting transit agencies for an ADA compliance review, FTA's informal process does not adhere to our guidance on internal control standards related to the communication of policy, documentation of results, and monitoring and reviewing of grantee activities and findings.<sup>34</sup> We have previously

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<sup>33</sup> General program information and policy is set at the FTA Headquarters in Washington, D.C.

<sup>34</sup> GAO, *Standards for Internal Control in the Federal Government*, [GAO/AIMD-00-21.3.1](#), p. 15.

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reported that these standards are critical to maintaining the thoroughness and consistency of compliance reviews.<sup>35</sup> The documentation should be readily available for examination and appear in management directives, administrative policies, or operating manuals. Additionally, grant accountability guidance states that as part of an agency's internal control system, preparing policies and procedures that outline what is expected in any particular program or process meets an important element of strong federal grant accountability best practices.<sup>36</sup>

In the past, FTA examined its process for selecting agencies for compliance reviews but decided to retain its informal selection process. Specifically, in 2006, FTA commissioned a report to help develop a method to prioritize transit systems for ADA compliance reviews, but FTA did not adopt the proposed methodology.<sup>37</sup> FTA officials told us that the proposed selection methodology was flawed because the selection criteria, such as select NTD data—fixed-route fleet size, ADA cost per trip, and changes in reported ADA expenses—were not indicators of non-compliance.<sup>38</sup> FTA officials, however, said that the current selection factors bring problem agencies and other possible ADA compliance issues to their attention and serve as a good means for selecting agencies for review. Whatever criteria FTA deems appropriate to select transit agencies for review, it cannot ensure that those criteria will be consistently applied if they are not documented and communicated to FTA regional offices, contractors, and transit agencies.

In addition, FTA officials told us that all final ADA compliance review reports should be publicly available on FTA's website. However, no additional final ADA compliance review reports have been posted to FTA's website since April 2011, resulting in a lag in transit agencies' and others' access to reports and findings. As of September 5, 2012, nine final ADA compliance review reports had not been posted on FTA's

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<sup>35</sup> GAO, *Motor Carrier Safety: Federal Safety Agency Identifies Many High-Risk Carriers but Does Not Assess Maximum Fines as Often as Required by Law*, [GAO-07-584](#) (Washington, D.C.: Aug. 29, 2007).

<sup>36</sup> Grant Accountability Project, *Guide to Opportunities for Improving Grant Accountability*, (Washington, D.C.: 2005).

<sup>37</sup> Federal Transit Administration, *Team MAC Final Report on ADA Program Management Support Contract No. DTFT60-05-R-00013* (October 31, 2006).

<sup>38</sup> See appendix II for more information about our analysis of NTD.

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website. These final reports account for reviews conducted from February 2004 through July 2010. Even though there are no official FTA requirements for when a report must be completed and posted on the website, FTA officials acknowledged that timeliness of a report's completion and online posting is a problem area that they are actively working to address. FTA officials said the backlog of reports needing to be posted online was because of technical issues. According to FTA, all finalized ADA compliance review reports are publicly available documents. However, if the reports have not been posted to FTA's website, then the only way to access their content is through a Freedom of Information Act request, which requires time and financial resources. Transit agencies and industry groups told us that they look to these compliance reviews as a form of guidance on FTA's interpretation of ADA requirements. Particularly, because FTA conducts a limited number of ADA paratransit compliance reviews, both transit agencies and FTA would benefit from posting final compliance reports in a timely manner.

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## Demand for ADA Paratransit Has Increased for Some Transit Agencies, and Costs Remain High

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### Demand

According to our survey of transit agencies, demand for ADA paratransit trips increased from 2007 to 2010.<sup>39</sup> Our survey indicates that demand increased across multiple measures, such as more riders registered to use ADA paratransit service and more ADA paratransit trips provided. Most transit agencies—about 73 percent—experienced an increase in the number of individuals registered to use ADA paratransit service.<sup>40</sup> In addition, about 64 percent of transit agencies provided more ADA

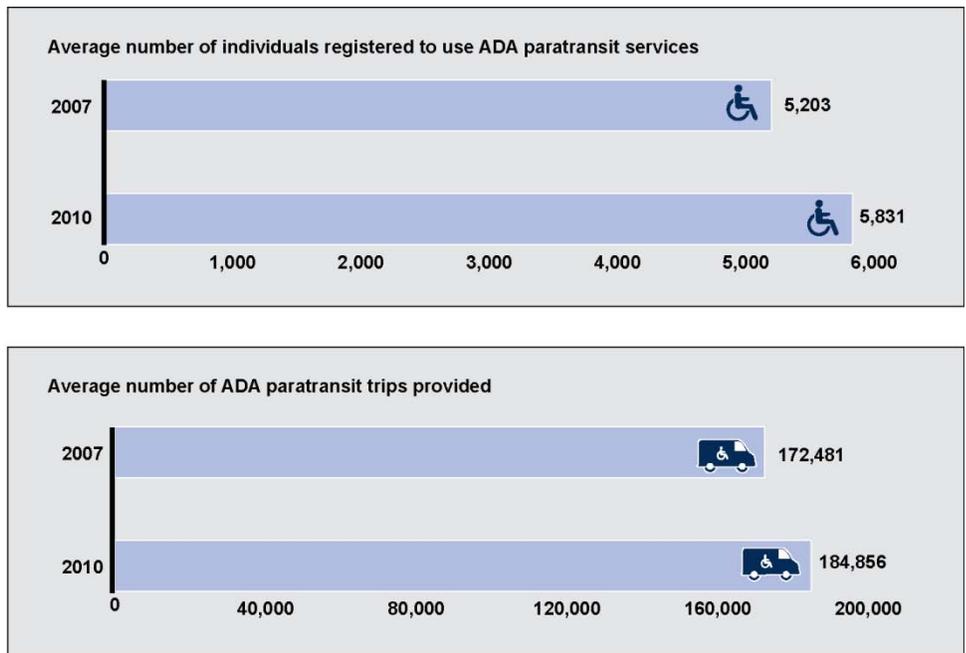
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<sup>39</sup> We attempted to use FTA's NTD to obtain information regarding ADA paratransit demand and costs. However, we determined that it contained limited and unreliable information (see app. II). To collect information on ADA paratransit demand and costs, we surveyed a generalizable sample of transit agencies (see app. I).

<sup>40</sup> This estimate has a 95 percent confidence interval of within +/- 12 percentage points of the estimate itself.

paratransit trips in 2010 than in 2007. From 2007 to 2010, the average number of individuals registered to use ADA paratransit service at a transit agency increased by 12 percent, and the average number of ADA paratransit trips provided by a transit agency increased 7 percent (see fig. 3).

**Figure 3: Average Number of Individuals Registered to Use ADA Paratransit Services at a Transit Agency and Average Number of ADA Paratransit Trips Provided by a Transit Agency, 2007 and 2010**



Source: GAO analysis of survey of transit agency officials regarding ADA paratransit services.

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Increases in demand for ADA paratransit services were driven by the 10 largest transit agencies.<sup>41</sup> ADA paratransit ridership at these transit agencies is substantially greater than at other transit agencies. The average number of individuals registered to use ADA paratransit services at the 10 largest transit agencies increased 22 percent from 2007 to 2010, from an average of 34,758 individuals in 2007 to 42,357 individuals in 2010, compared to a marginally significant average increase of 9 percent at other transit agencies not among the 10 largest agencies. For the 10 largest transit agencies, the average number of riders taking at least one ADA paratransit trip per year increased 27 percent, from an average of 14,202 riders in 2007 to 18,095 riders in 2010. In addition, the average number of ADA paratransit trips provided by these 10 transit agencies increased 31 percent, from an average of 1,533,707 trips in 2007 to 2,006,327 trips in 2010. Other transit agencies did not experience significant increases in the average number of riders taking at least one ADA paratransit trip per year or the number of ADA paratransit trips provided.

According to transit agency officials we spoke with, demand for ADA paratransit trips has increased for several reasons. One frequently cited reason was that other organizations that provide or previously provided transportation services for individuals with disabilities have increasingly relied on ADA paratransit services for transportation—a trend sometimes referred to as “ride shedding.” For example, one transit agency official said that demand for ADA paratransit trips increased dramatically when local nonprofit organizations discontinued their dial-a-ride transportation services. Riders who formerly used the dial-a-ride services now use the ADA paratransit system.

In addition, many transit agency officials we spoke with told us that ADA paratransit demand has increased because of the growing elderly

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<sup>41</sup> We sent surveys to and received responses from the 10 largest transit agencies, measured according to the population size of their service areas. These 10 agencies represent 29 percent of the population in the United States served by transit. The 10 largest transit agencies include New Jersey Transit Corporation (Newark, New Jersey), Access Services (El Monte, California), MTA New York City Transit (New York City, New York), Pace-Suburban Bus Division (Arlington Heights, Illinois), Massachusetts Bay Transportation Authority (Boston, Massachusetts), Southeastern Pennsylvania Transportation Authority (Philadelphia, Pennsylvania), Washington Metropolitan Area Transit Authority (Washington, D.C.), Suburban Mobility Authority for Regional Transportation (Detroit, Michigan), Orange County Transportation Authority (Orange, California), and Metropolitan Transit Authority of Harris County, Texas (Houston, Texas).

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population. Officials pointed to the growth in the elderly population as a reason why more people are living with disabilities and need ADA paratransit services. According to 2010 U.S. census data, the population aged 65 and older grew 15 percent from 2000 to 2010, compared to growth of about 10 percent in the overall population, and the prevalence of disability increased with successively older age groups. Some transit agency officials said that ADA paratransit demand has also increased because of overall population growth, an increasing number of individuals with disabilities living independently, and improvements in ADA paratransit service that have made the service more attractive to riders.

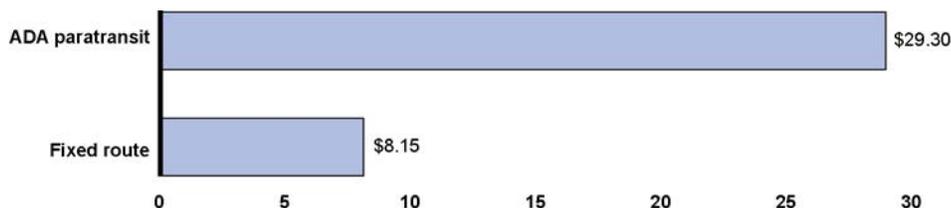
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## Costs and Fares

ADA paratransit trips are much more costly to provide than fixed-route trips. Based on our survey results, the average cost of providing an ADA paratransit trip in 2010 was \$29.30, an estimated three and a half times more expensive than the average cost of \$8.15 to provide a fixed-route trip (see fig. 4).<sup>42</sup> Survey respondents reported average per-trip costs for ADA paratransit in 2010 ranging from \$11.11 to \$69.25.

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**Figure 4: Average Reported ADA Paratransit and Fixed-Route Per-Trip Costs, 2010**



Source: GAO analysis of survey of transit agency officials regarding ADA paratransit services.

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<sup>42</sup> Cost and fare estimates are in nominal terms, unadjusted for inflation. The estimated costs of ADA paratransit trips (\$29.30) and fixed-route trips (\$8.15) are statistically different at the 5 percent significance level. Survey respondents reported including different costs in their estimates. Of the 80 survey respondents who answered a question about estimating ADA paratransit costs, about 93 percent of respondents reported including fuel costs; about 91 percent reported including vehicle maintenance costs; about 90 percent reported including administrative costs; about 81 percent reported including vehicle insurance costs; about 73 percent reported including information technology costs; about 66 percent reported including non-contractor operator wages and benefits; about 59 percent reported including contractor operator wages and benefits; about 50 percent reported including other contractor costs; about 21 percent reported including vehicle rental and lease costs; and about 18 percent reported including other costs.

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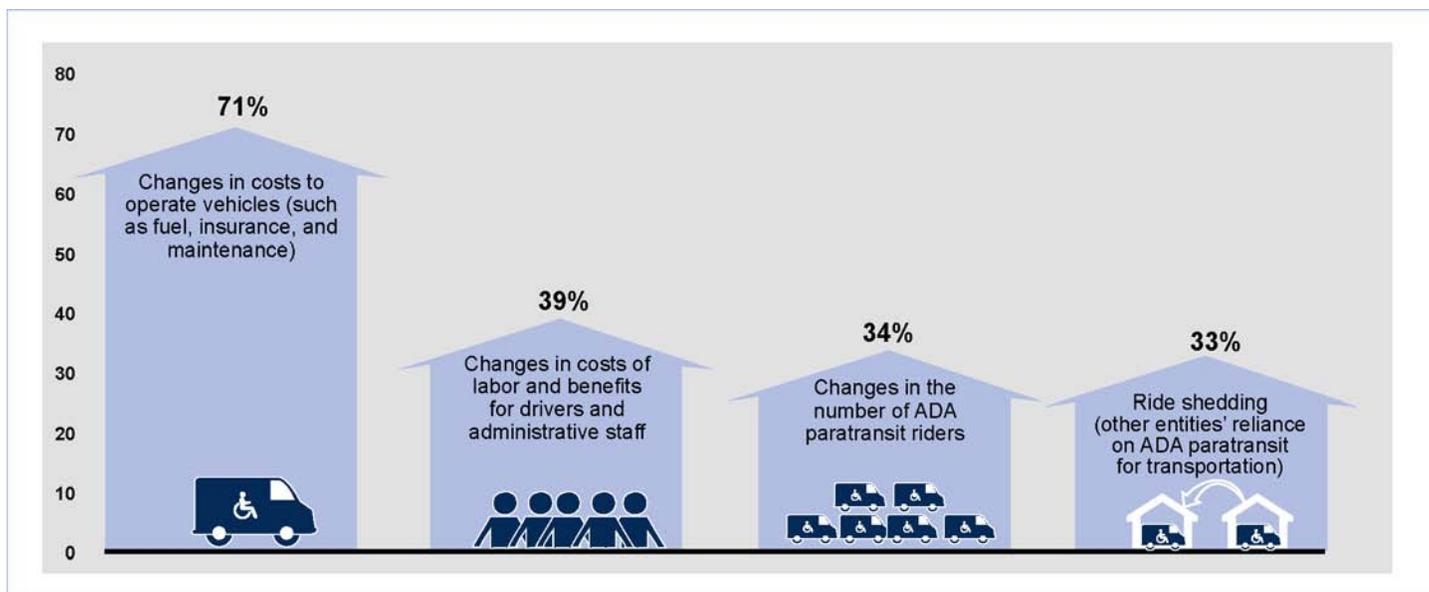
The costs of providing ADA paratransit and fixed-route services differed between the largest transit agencies and other transit agencies. On average, an ADA paratransit trip cost \$42.23 in 2010 for the 10 largest transit agencies, compared to \$28.94 per trip for other transit agencies. For fixed-route trips, average costs in 2010 were lower for the 10 largest transit agencies than for other transit agencies: \$3.82 for the largest transit agencies compared to \$8.24 for others. Despite these differences, the 10 largest transit agencies and other transit agencies spent similar portions of their budgets on providing ADA paratransit services in 2010, 14 percent and 18 percent on average, respectively.

The average costs of providing ADA paratransit and fixed-route services increased 10 percent and 9 percent, respectively, from 2007 to 2010. In our survey, transit agencies reporting increases in total costs to provide ADA paratransit attributed rising ADA paratransit costs to several factors. About 71 percent of transit agencies reported that changes in costs to operate vehicles—such as fuel, insurance, and vehicle maintenance costs—have been a major contributor to overall cost increases. At least a third of transit agencies cited other reasons as being major contributors to rising costs, including changes in labor and benefit costs,<sup>43</sup> changes in the number of ADA paratransit riders, and ride shedding (see fig. 5).

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<sup>43</sup> This estimate has a 95 percent confidence interval of within +/- 11 percentage points of the estimate itself.

**Figure 5: Percentage of Transit Agencies Reporting the Following as Major Contributors to Cost Increases in ADA Paratransit Services**



Source: GAO analysis of survey of transit agency officials regarding ADA paratransit services.

Note: Percentages represent transit agency responses of a “major reason” for increases in the total cost to provide ADA paratransit services since fiscal year 2007.

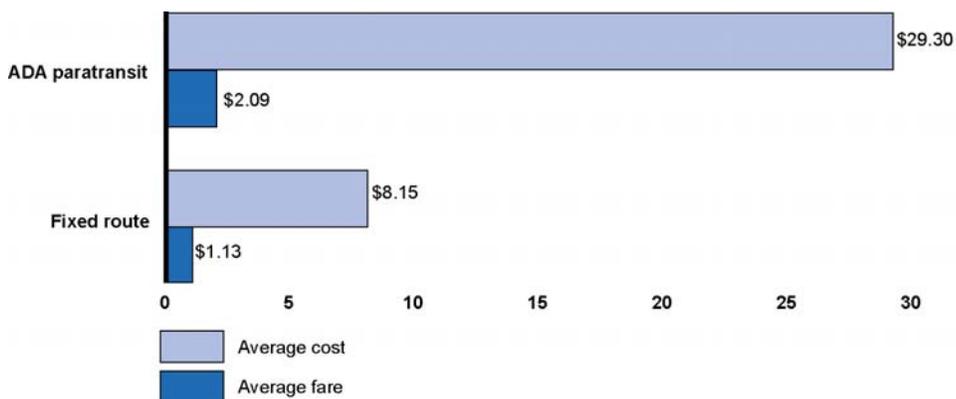
Transit agency officials we spoke with identified reasons similar to survey respondents for rising ADA paratransit costs. More than half of the transit agency officials we interviewed identified rising fuel costs as a contributor to increasing ADA paratransit costs. For example, an official at one transit agency told us that although the agency has been aggressive in keeping ADA paratransit costs static since 2009, it is still trying to identify a good strategy to address high fuel costs. The official told us that fuel costs currently account for about 15 percent of the agency’s per-trip cost for ADA paratransit. In addition, almost half of the transit agency officials said that rising wages and benefits for employees have caused ADA paratransit costs to increase. Specifically, officials identified rising health insurance costs as contributing to overall cost increases. Officials from two transit agencies also told us that ride shedding has increased demand, resulting in overall cost increases. For example, transit agency officials in one location told us that a state-level agency serving developmentally disabled individuals went from providing transportation for its clients to purchasing tickets from the transit agency for ADA paratransit trips. For every \$1 million in ADA paratransit tickets the state-

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level agency purchases from the transit agency, it costs the transit agency \$13 million to provide ADA paratransit services.

According to our survey, the average ADA paratransit fare was \$2.09 in 2010, far below the average cost of providing a trip (see fig. 6). This is not surprising given that transit agencies cannot base ADA paratransit fares on paratransit costs. Rather, one of the ADA requirements for complementary paratransit service is that transit agencies may not charge more than twice the average fixed-route fare for paratransit. The average fare collected for a fixed-route trip was \$1.13. Fares for ADA paratransit and fixed-route increased about 12 percent and 17 percent, respectively from 2007 to 2010.

**Figure 6: Average Reported ADA Paratransit and Fixed-Route Costs and Fares Per Trip, 2010**



Source: GAO analysis of survey of transit agency officials regarding ADA paratransit services.

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## ADA Paratransit Data in NTD

FTA's NTD contains two fields related to ADA paratransit demand and costs. However, our analysis of these data found that, according to our standards for data reliability, they are not sufficiently reliable for the

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purpose of assessing changes in ADA paratransit demand and costs.<sup>44</sup> Transit agencies reporting to NTD are required to provide data on the number of ADA paratransit trips provided annually (ADA trips) and total annual expenditures attributable to ADA complementary paratransit requirements (ADA expenses). In analyzing these data, we found data discrepancies, such as incomplete data, that may understate or overstate the number of ADA trips and amount of ADA expenses. Specifically, we found that about one-third of transit agencies did not report these data in the years of data we analyzed. According to FTA officials, some transit agencies that should report data on ADA paratransit services did not do so. FTA officials also noted that of the transit agencies that do report data, some misunderstand the definition of ADA paratransit services and make reporting errors as a result. We could not determine what effect the non-reporting transit agencies had on the ADA paratransit services' data because we could not determine how many transit agencies should have reported these data, but did not do so, and how many had valid reasons for not reporting. We also could not determine how many may have erroneously reported ADA paratransit data based on a misunderstanding of the definition of ADA paratransit trips or ADA paratransit expenses. The NTD is intended to provide timely, accurate information to help Congress and FTA apportion funding and assess the continued progress of the nation's public transportation systems.

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## Transit Agencies Are Taking a Number of Actions to Address Paratransit Demand and Costs

Transit agencies have implemented a number of actions aimed at addressing the growing demand for ADA paratransit trips and reducing the costs of ADA paratransit services. Types of actions agencies are taking include coordinating efforts among various service providers, transitioning passengers from ADA paratransit to fixed-route service, improving the accessibility of fixed-route service, ensuring more accurate eligibility determinations, realigning paratransit service with minimum ADA paratransit requirements, and improving technology for scheduling and dispatch.

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<sup>44</sup> Government auditing standards require that auditors assess the sufficiency and appropriateness of computer-processed information. According to GAO standards for assessing the reliability of computer-processed data, reliability means that data are reasonably complete and accurate, meet the audit's intended purposes, and are not subject to inappropriate alteration. For more information about GAO's data reliability standards, see GAO, *Applied Research and Methods: Assessing the Reliability of Computer-Processed Data*, [GAO-09-680G](#) (Washington, D.C.: July 2009). See appendix II for more information about our assessment of ADA paratransit services data in NTD.

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## Coordinating Efforts among Various Service Providers

To meet the needs of ADA paratransit-eligible riders, numerous transit agencies that we surveyed and interviewed reported that they are coordinating with health and human services, and other local transportation providers. According to our survey of transit agencies, about 59 percent of transit agencies are coordinating with health and human services providers in order to improve ADA paratransit services or address the costs of providing service. Also, about 44 percent of transit agencies are coordinating with other local transit agencies, including 6 of the 10 largest transit agencies. Some transit agency officials we interviewed also told us that they coordinate transportation services. For example, Lane Transit District (Lane County, Oregon) operates a one-call center. The call center coordinates a variety of transportation services, including ADA paratransit service and transportation for seniors and people with low incomes. According to an official, the one-call center makes it easier for people to access services and the agency benefits from efficiencies associated with providing more group trips.

Two of the transit agency officials that we spoke with said that they would like to implement coordination efforts, but have been unable to get various parties to come together. In June 2012, we reported several challenges that state and local entities face in their efforts to coordinate services for the transportation disadvantaged (a broader group than ADA paratransit riders), including insufficient federal leadership, changes to state legislation and policies, and limited financial resources in the face of growing unmet needs.<sup>45</sup>

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## Transitioning Passengers from ADA Paratransit to Fixed-Route Service

Some transit agencies are transitioning passengers from ADA paratransit services to fixed-route service in an effort to manage demand and contain a portion of their costs. According to FTA officials and others, fixed-route systems have become much more accessible since the enactment of the ADA, and nearly all fixed-route buses are now accessible to and usable by persons with disabilities, including wheelchair users.<sup>46</sup> This improved accessibility makes it possible to transition some passengers from paratransit to fixed-route services. Based on our literature review, one of

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<sup>45</sup> GAO, *Transportation Disadvantaged Populations: Federal Coordination Efforts Could Be Further Strengthened*, [GAO-12-647](#) (Washington, D.C.: June 20, 2012).

<sup>46</sup> In some cases, the inaccessibility of sidewalks could prevent the use of fixed-route systems.

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the most effective and long-lasting techniques that can be employed to reduce the demand for ADA paratransit is transitioning paratransit passengers to fixed-route service through travel training and offering incentives to encourage existing paratransit passengers to use the fixed-route transit service, where possible, which we explain more fully below. One source described this as a “win-win” proposition for both the transit agency and the individual. The transit agency is able to use excess capacity on its fixed-route system at minimal cost to the agency. By using the fixed-route system, the passenger may be able to access a wider variety of services and destinations, does not have to pre-schedule travel on paratransit vehicles, and could save money by paying lower fares for fixed-route trips.<sup>47</sup>

To assist ADA paratransit riders in transitioning to fixed-route service, several transit agencies are using travel-training programs that help show riders on how they can use the fixed-route system. Our survey results show that about 55 percent of transit agencies use travel training as a demand management and cost containment strategy. Some transit agency officials stated that travel training may reduce costs. For example, King County Metro (Seattle, Washington) reported spending about \$573,000 in 2011 to provide travel training to over 300 individuals, but estimated it saved about \$1,290,000 in paratransit costs by successfully transitioning paratransit patrons to the fixed-route system. Similarly, officials from New Jersey Transit (Newark, New Jersey) told us that they have been successful in getting riders to use the fixed-route system by offering travel training. They have not quantified how many trips are being diverted from paratransit, but told us that surveys of those who have taken travel training show that many are using the fixed-route system.

Some transit agencies offer financial incentives to ADA paratransit eligible individuals to use fixed-route transit services. These incentives are also sometimes extended to persons accompanying the ADA paratransit eligible rider, which may encourage use of the fixed-route system by persons who cannot use it independently. Some (5 of the 20) transit agencies we interviewed said that they offer fixed-route fare incentives. For example, Access Services (Los Angeles County, California) offers paratransit riders free fixed-route trips on fixed-route systems throughout

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<sup>47</sup> National Center for Transit Research, Center for Urban Transportation Research, University of South Florida, *Impacts of More Rigorous ADA Paratransit Eligibility Assessments on Riders with Disabilities* (May 2009).

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the county. According to Access Services, in July 2012, ADA paratransit registrants took 2.1 million trips on Los Angeles County fixed-route systems. On an annual basis—assuming that over 25 million trips will be taken per year at a cost of \$20 per trip—this represents a cost savings of \$500 million, according to Access Services. Officials from Bay Area Rapid Transit (Oakland, California) also told us that they offer fare incentives to get ADA paratransit riders to use the fixed-route system.

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### Improving the Accessibility of Fixed-Route Service

Our survey results showed that over 62 percent of transit agencies reported making accessibility improvements to their fixed-route systems since 2007. Additionally, one transit agency that we spoke with said that it has made changes to its vehicles to accommodate larger wheelchairs or mobility devices. Others have implemented feeder service as a way to transport passengers from their homes or other pick-up locations to fixed-route bus or train stops. However, according to FTA officials, one of the biggest challenges to using fixed route is the inaccessibility (or nonexistence) of sidewalks and pedestrian infrastructure. For example, lack of sidewalks may prevent persons with disabilities from traveling to fixed-route bus stops, thereby increasing the need for ADA paratransit services. However, such pedestrian improvements rarely fall under the transit system's direct influence or control. To assist transit agencies in addressing these improvements, FTA issued a policy in 2011 that simplifies the process for grantees to qualify for FTA funding for pedestrian improvements that are related to transit service. Additionally, transit agencies are required to maintain accessibility features (e.g., elevators and bus lifts) in good working order and to follow ADA policies, such as making stop announcements, needed to make the fixed route usable to persons with disabilities.

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### Ensuring More Accurate Eligibility Determinations

A number of transit agencies are seeking to more accurately determine riders' eligibility for ADA paratransit trips to manage changes in paratransit demand and costs. According to the National Council on Disability, determining eligibility for each specific trip request is one strategy that transit agencies are using to have at least some paratransit riders' trips accommodated on the fixed-route system rather than through ADA paratransit.

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According to our survey, almost 49 percent of transit agencies have implemented a more rigorous eligibility process in an effort to manage costs. About 36 percent of survey respondents use an in-person functional assessment, including 9 of the 10 largest transit agencies.<sup>48</sup> Additionally, some of the transit agency officials we spoke with use the eligibility process to manage demand for paratransit service and help ensure that the service remains available for those passengers who need it. These transit agencies are using in-person interviews or functional assessments to determine whether a disability prevents the applicant from using the fixed-route system. For example:

- Washington Metropolitan Area Transit Authority (Washington, D.C. area) certifies its riders' eligibility using in-person interviews and functional assessments. According to an official, the process begins with a staff consultation in which the customer's travel needs and transit knowledge are evaluated. The eligibility determination is then made based on: application data (including medical diagnoses from the customer's health care provider), the interview, and a functional assessment with physical and, when needed, cognitive components.
- Metro Mobility (St. Paul, Minnesota) uses a two-part paper application, with an in-person functional assessment and interview, if needed. The application includes a self-reported questionnaire and a professional verification of disability.

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## Realigning Paratransit Service with Minimum ADA Paratransit Requirements

In order to reduce costs, over 18 percent of the transit agencies we surveyed have realigned their paratransit service area to better match the minimum ADA paratransit requirement. Additionally, about 22 percent have realigned their paratransit service hours to better match the minimum ADA paratransit requirements. Officials at StarTran (Lincoln, Nebraska) told us that they are proposing to reduce their paratransit service area to the required  $\frac{3}{4}$  mile of fixed-route service and said that reducing the paratransit service area would result in considerable cost savings. In 2010, King County Metro projected the estimated savings if the agency aligned its service area, hours, service level, and fares with the ADA paratransit minimums. The estimated savings included \$2.1 million if the ADA minimum service area was adopted; \$700,000 if service

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<sup>48</sup> Functional assessments consist of specific observation or testing of a person's abilities, skills, or limitations.

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hours were adjusted; \$1.5 million for moving from a door-to-door to a curb-to-curb policy; and a savings of \$1.2 million in addition to \$741,000 increased revenues if fares were adjusted to the basic adult fixed-route fare.<sup>49</sup>

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## Improving Technology for Scheduling and Dispatch

Using available technologies such as computerized scheduling and dispatching software can help lower ADA paratransit service costs by increasing service efficiency, according to transit agency officials we spoke with and various studies. Officials at a majority of the transit agencies we spoke with (14 of 20) said that they are using available technologies.

- For example, Dallas Area Rapid Transit (Dallas, Texas) is using technology to help handle an increasing number of trips, clients, and vehicles. It has an automated system that allows riders to request and confirm trips over the phone without the need of a call taker. This approach makes trip requests more convenient for riders and less labor-intensive for the agency, thereby improving effectiveness and efficiency, according to transit officials.
- In 2007, New York City Transit made improvements to its automatic scheduling and dispatching system which schedules up to 22,500 paratransit trips on weekdays. The improvements feature an intelligent transportation-system automatic-vehicle-location and monitoring project to equip all vehicles with vehicle-location and mobile-data computers, thus freeing dispatchers to take corrective action based on accurate data and to communicate scheduling changes to drivers in real-time.<sup>50</sup>

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## Conclusions

The ADA's mandate for paratransit services has been an important catalyst for progress in providing equal access to public transportation for all individuals. Overseeing the provision of these services at hundreds of transit agencies is an important responsibility for FTA. ADA paratransit

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<sup>49</sup> King County Auditor's Office, *Performance Audit of Transit*, Report No. 2009-01D, (Seattle, WA: Sept. 15, 2009).

<sup>50</sup> Implementing ITS at New York City for Para-Transit Service, William Ho and Brian Altschul, 15th World Congress on Intelligent Transport Systems and ITS America's 2008 Annual Meeting, November 16-20, 2008.

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compliance reviews—although limited in number—examine compliance with ADA paratransit service requirements. As we noted, FTA selects agencies for review for various reasons, including rider complaints, media coverage, and findings from triennial reviews. However, FTA has no formalized criteria to guide the selection of transit agencies for review. Without a formalized, documented process for selecting transit agencies for compliance reviews, FTA is not following GAO’s internal controls and grantee-oversight best practices. FTA cannot ensure an effective oversight process if critical elements of internal controls are not present.

FTA’s process is to make publicly available, via its website, final ADA compliance review reports that contain findings from completed compliance reviews. However, nine final review reports—conducted from 2004 to 2010—have not been posted to FTA’s website. Even though there are no time frames governing when a report must be posted, timelier posting of these reviews would be beneficial to transit agencies and industry groups that use these compliance reviews as a form of guidance on FTA’s interpretation of ADA requirements. Having these publicly available, as soon as possible, could assist FTA in its oversight of transit agencies and assist transit agencies in their compliance efforts.

Finally, transit agencies reporting to NTD are required to provide limited data related to ADA paratransit services, including the number of ADA paratransit trips provided annually and total annual expenditures attributable to ADA paratransit requirements. We found that the required data fields were often incomplete. For example, for data from 2005 to 2010, the most recent year available, about 32 percent of transit agencies reporting to NTD did not provide data in one or more years on the number of ADA trips provided. Because the NTD is intended to provide timely and accurate information to Congress and others, FTA would benefit from advising transit agencies on how to accurately and consistently provide the required data.

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## Recommendations for Executive Action

We recommend that the Secretary of Transportation direct the FTA Administrator to take the following actions:

1. To help ensure that FTA’s ADA paratransit compliance reviews adhere to GAO recommended internal controls and grantee oversight best practices, document and make publicly available a formal selection approach for selecting transit agencies for review.

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2. To help transit agencies and stakeholders have access to up-to-date ADA paratransit compliance reviews and compliance findings, post the backlog of ADA compliance review final reports on FTA's website and establish processes for the timely posting of future compliance review reports.
  3. To improve NTD data collection for ADA paratransit, provide guidance to transit agencies on how to accurately complete existing ADA paratransit fields.

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## Agency Comments

We provided DOT with a draft of this report and the e-supplement for review and comment. DOT officials neither agreed nor disagreed with our recommendations, but provided technical comments, which we incorporated as appropriate. DOT did not have any comments on the e-supplement. DOT officials stated that FTA uses consumer complaints as programmatic criteria to identify areas of potential noncompliance and considers complaints to be the best available indicator of where to target its limited investigative resources. DOT officials reiterated that paratransit data collected for the NTD are intended to provide information useful for FTA's monitoring of the size of ADA paratransit services relative to demand response services. According to DOT officials, these data are not intended to assess overall ADA paratransit compliance.

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We are sending copies of this report to interested congressional committees, the Secretary of Transportation, and the Administrator of the Federal Transit Administration. We also will make copies available to others upon request. In addition, this report will be available at no charge on GAO's Web site at <http://www.gao.gov>.

If you or your staff have any questions about this report, please contact David Wise at 202-512-2834 or [wised@gao.gov](mailto:wised@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made major contributions to this report are listed in appendix IV.



David Wise  
Director, Physical Infrastructure

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# Appendix I: Objectives, Scope, and Methodology

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This report addresses the following three objectives:

- (1) What is known about the extent of compliance with the Americans with Disabilities Act of 1990 (ADA) paratransit requirements?
- (2) What changes have occurred in ADA paratransit demand and costs since 2007?
- (3) What actions are agencies taking to help address changes in the demand for and costs of ADA paratransit service?

To determine what is known about the extent of compliance with ADA paratransit requirements, we reviewed ADA regulations, the Federal Transit Administration (FTA) guidance on the regulations, and FTA's ADA compliance reports from 2005 to 2011. In addition, we examined FTA's National Transit Database to assess the extent to which it contains data related to ADA paratransit services and transit agencies' compliance with ADA paratransit requirements. We also interviewed FTA officials about the various processes it uses to assess compliance and consulted our prior work on transportation accessibility and FTA's oversight processes.

To identify changes that have occurred in ADA paratransit demand and costs since 2007, we examined data from FTA's National Transit Database on the number of ADA paratransit trips provided annually and total annual expenditures attributable to ADA complementary paratransit requirements. In reviewing National Transit Database data, we determined that they were not reliable for our purposes. Appendix II contains a more detailed discussion of our data reliability assessment.

To address our second and third objectives, we conducted semi structured interviews with 20 transit agencies regarding their provision of ADA paratransit services. We based our selection of these transit agencies based on a variety of characteristics, including geographic diversity, size of ADA paratransit system, and transit agencies deemed notable for their ADA paratransit systems. Because we used a non-generalizable sample of transit agencies, findings from these interviews cannot be used to make inferences about other transit agencies. However, we determined that the selection of these transit agencies was appropriate for our design and objectives and that the selection would generate valid and reliable evidence to support our work. Table 3 provides more detailed information about the transit agencies we interviewed.

**Table 3: Transit Agency Interviews**

FTA region	Transit agency	Transit agency location
FTA Region 1	Massachusetts Bay Transportation Authority	Boston, Massachusetts
	The Greater New Haven Transit District	Hamden, Connecticut
FTA Region 2	New Jersey Transit Corporation	Newark, New Jersey
	Niagara Frontier Transportation Authority	Buffalo, New York
FTA Region 3	Washington Metropolitan Area Transit Authority	Washington, D.C.
	ACCESS Transportation Systems, Inc. <sup>a</sup>	Pittsburg, Pennsylvania
FTA Region 4	Transit Authority of River City	Louisville, Kentucky
	Board of County Commissioners, Palm Beach County, PalmTran, Inc.	West Palm Beach, Florida
FTA Region 5	Metropolitan Council - Metro Mobility	St. Paul, Minnesota
	Toledo Area Regional Transit Authority	Toledo, Ohio
FTA Region 6	Dallas Area Rapid Transit	Dallas, Texas
	Capital Metropolitan Transportation Authority	Austin, Texas
FTA Region 7	Bi-State Development Agency (METRO)	St. Louis, Missouri
	StarTran	Lincoln, Nebraska
FTA Region 8	Utah Transit Authority	Salt Lake City, Utah
	Billings Metropolitan Transit	Billings, Montana
FTA Region 9	Access Services <sup>b</sup>	El Monte, California
	San Francisco Bay Area Rapid Transit District / Alameda-Contra Costa Transit District <sup>c</sup>	Oakland, California
FTA Region 10	King County Metro	Seattle, Washington
	Lane Transit District	Eugene, Oregon

Source: GAO.

<sup>a</sup>ACCESS Transportation Systems, Inc. is the ADA paratransit broker sponsored by the Port Authority of Allegheny County.

<sup>b</sup>Access Services provides ADA paratransit services on the behalf of public transit agencies in Los Angeles County.

<sup>c</sup>San Francisco Bay Area Rapid Transit and Alameda-Contra Costa Transit District partner to provide ADA paratransit services through a cooperative entity called East Bay Paratransit.

We also interviewed representatives from relevant industry and disability advocacy groups, including the following:

- American Public Transportation Association,
- Community Transportation Association of America,
- Disability Rights Education and Defense Fund,
- Easter Seals Project ACTION,
- National Independent Living Council, and
- Texas Statewide Council on Independent Living.

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Moreover, to identify the actions that transit agencies are taking to help address changes in costs of and demand for ADA paratransit service, we reviewed relevant literature pertaining to leading practices for addressing costs and demand of paratransit services.

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## ADA Paratransit Services Survey

We conducted a Web-based survey of transit agencies from May through July, 2012 to address the second and third objectives questions. Results of this survey and the survey instrument have been published in [GAO-13-18SP ADA PARATRANSIT SERVICES: Survey of Public Transit Agency Officials on Services and Costs](#), an E-supplement to [GAO-13-17](#) and can be found at the GAO website.

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## Survey Population and Sample Design

We constructed our population of transit agencies for our survey sample using 2010 data in FTA's National Transportation Database (NTD). Using NTD data, we determined that there were 546 agencies that provided demand response services, which according to FTA, was the mode of service most likely to correlate with provision of ADA paratransit services.<sup>1</sup> The total survey sample was 145 transit agencies. The survey sample was composed of two strata. One was a certainty sample of 10 transit agencies that, based on NTD data, were the top 10 transit agencies based on service area population in 2010, accounting for 29 percent of the total service area population in our total sample. The second stratum was ordered by population size and selected randomly to obtain representation from agencies with populations of various sizes. For this stratum we randomly selected 135 transit agencies that provide demand-response service from the remaining population after the certainty sample, a population of 536 agencies. We obtained completed questionnaires from 112 respondents, or about 77 percent of our sample. The survey results can be generalized to the population of transit agencies that provide demand-response service. And as noted above, we are issuing an electronic supplement to this report that shows a more complete tabulation of our survey results.

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<sup>1</sup> We assessed NTD data on the transit agencies that provided demand response services in 2010 by reviewing documentation about the dataset, taking steps to check completeness of the data, and when discrepancies occurred, resolving issues by contacting FTA officials. We determined that the NTD data on transit agencies that provided demand response services in 2010 were sufficiently reliable for the purpose of constructing our sample.

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## Administration of Survey and Quality Assurance

We developed a questionnaire to obtain information about transit agencies' provision of ADA paratransit services. GAO identified potential survey recipients from a list provided by FTA on its Urban Agency CEO Contact list. In early May 2012, an initial email alerting agency contacts to the upcoming web-based survey was sent and about a week later, the web-based survey was also delivered to recipients via email message. The web-based survey questionnaire requested baseline information about service and eligibility processes as well as information related to the cost, demand, and policies and practices transit agencies use to improve provision of ADA paratransit service. To help increase our response rate, we sent two follow-up emails and called agency officials from May through July 2012. The survey was available to transit agency respondents from May 2012 through July 2012.

To pretest the questionnaire, we conducted cognitive interviews and held debriefing sessions with five local transit agency officials with knowledge about their ADA paratransit operations. Three pretests were conducted in-person with phone participants while two were conducted solely on the phone. We selected pretest respondents to represent different sizes and locations of transit agencies that provide ADA paratransit service. We conducted these pretest to determine if the questions were burdensome, understandable and measured what we intended. Additionally we asked officials in FTA's Office of Civil Rights to review the questionnaire based on their expertise and knowledge of the program and interviewed them for their feedback on the survey questionnaire. On the basis of feedback from the pretests and expert review we modified the questions as appropriate.

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## Sampling Error and Estimation

To produce the estimates from this survey, answers from each responding case were weighted in the analysis to account statistically for all the members of the population, including those who were not selected or did not respond to the survey. Estimates produced from this sample are from the population of transit agencies that provided demand response services in the FTA's 2010 National Transit Database.

Because our results are based on a sample and different samples could provide different estimates, we express our confidence in the precision of our particular sample's results as a 95 percent confidence interval (for example, plus or minus 10 percentage points). We are 95 percent confident that each of the confidence intervals in this report include the true values in the study population. Unless we note otherwise, percentage estimates based on all transit agencies have 95 percent confidence

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intervals of within plus or minus 10 percentage points. Confidence intervals for other estimates are presented along with the estimate where used in the report.

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## Non-Sampling Error

In addition to the reported sampling errors, the practical difficulties of conducting any survey may introduce other types of errors, commonly referred to as nonsampling errors. For example, differences in how a particular question is interpreted, the sources of information available to respondents, or the types of people who do not respond can introduce unwanted variability into the survey results. We included steps in both the data collection and data analysis stages for the purpose of minimizing such nonsampling errors.

We took the following steps to increase the response rate: developing the questionnaire, pretesting the questionnaires with transit agencies that provide ADA paratransit service, conducting multiple follow-ups to encourage responses to the survey and contacting respondents to clarify unclear responses.

We conducted this performance audit from September 2011 to November 2012 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.

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# Appendix II: Reliability of ADA Paratransit Data in FTA's National Transit Database

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We conducted an analysis to determine whether ADA paratransit data in the NTD<sup>1</sup> were sufficiently reliable for the purpose of identifying changes that have occurred in ADA paratransit demand and costs since 2007. We examined data on ADA paratransit trips and ADA paratransit expenses from 2005 to 2010 and interviewed FTA officials about the database. We found data discrepancies, such as incomplete data, that may understate or overstate the number of ADA trips and amount of ADA expenses. As a result, we determined that the ADA paratransit data in the NTD were not sufficiently reliable for the purposes of our review.<sup>2</sup>

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## Methodology

To identify changes that have occurred in ADA paratransit demand and costs since 2007, we examined data from the NTD on the number of ADA paratransit trips provided annually (ADA trips) and total annual expenditures attributable to ADA complementary paratransit requirements (ADA expenses). We examined data for all transit agencies reporting these two data fields from 2005 through 2010, the most recent year of data available at the time of our review. We chose to assess data for 2005 through 2010 because we wanted to identify the extent to which we could report trends in data over this series of years. In addition, we chose to analyze data for these two fields because they are the only two fields

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<sup>1</sup> The National Transit Database was established by the Congress to be the nation's primary source for information and statistics on transit systems in the United States. Recipients and beneficiaries of grants from FTA under the Urbanized Area Formula Program (49 U.S.C. § 5307) or Other than Urbanized Area (Rural) Formula Program (49 U.S.C. § 5311) are required by statute to submit data to the NTD. 49 U.S.C. § 5335. Over 690 urbanized-area transit providers currently report to NTD on a variety of variables, including information on operating expenses, revenue, services, and relationships with contractors.

<sup>2</sup> Government auditing standards require that auditors assess the sufficiency and appropriateness of computer-processed information. According to GAO standards for assessing the reliability of computer-processed data, reliability means that data are reasonably complete and accurate, meet the audit's intended purposes, and are not subject to inappropriate alteration. For more information about GAO's data reliability standards, see GAO, *Applied Research and Methods: Assessing the Reliability of Computer-Processed Data*, [GAO-09-680G](#) (Washington, D.C.: July 2009).

related to ADA paratransit in the NTD.<sup>3</sup> We found that the NTD does not contain a data field that asks transit agencies whether they are required to provide ADA paratransit services.

To determine whether the NTD data on ADA trips and ADA expenses would be reliable for our purposes, we interviewed FTA officials who are knowledgeable about the design and uses of the NTD data. We also assessed the data's accuracy and completeness by analyzing the extent to which transit agencies reported these two data fields for all 6 years of interest. In addition, we compared the NTD data to data from our generalizable survey of transit agencies.

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## Results of Analysis

Our analysis found that about one-third of transit agencies reporting ADA paratransit data did not report these data in all 6 years of data we analyzed. We found that, when analyzing data from transit agencies that reported providing ADA trips in at least one year from 2005 to 2010, about 32 percent of the agencies did not provide data in one or more of the years of interest. Similarly, about 30 percent of transit agencies reporting ADA expenses in at least one year from 2005 to 2010 did not report data for all 6 years of interest (see table 4). Some of the transit agencies that did not report data for all 6 years skipped years of reporting—for instance, an agency might have reported in 2005, 2009, and 2010. Other transit agencies reported data for consecutive years, but not for all of the 6 years—for instance, they reported data in 2005, 2006, and 2007. Since the NTD does not contain a field regarding whether transit agencies are required to provide ADA paratransit services in a particular year, we could not assess whether those transit agencies reporting for fewer than 6 years were in error. In addition, we found that although larger transit agencies were less likely than smaller transit agencies to have missing data, the missing data from larger transit agencies—because they provide more ADA paratransit trips than smaller transit agencies—would probably have a greater impact on the overall data.

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<sup>3</sup> The NTD primarily collects data by mode of public transportation, including modes such as commuter rail, light rail, ferryboat, bus, and demand response. The demand response mode includes ADA paratransit service and other generic demand-responsive services that are unrelated to ADA requirements. As part of the reporting requirements for the demand response mode, transit agencies are required to report on the number of ADA paratransit trips provided annually and the total annual expenditures attributable to ADA complementary paratransit requirements.

**Table 4: Percentage of Transit Agencies Reporting ADA Trips and ADA Expenses in NTD, 2005 through 2010**

	Percentage of transit agencies reporting data in all 6 years	Percentage of transit agencies reporting data in less than 6 years
ADA Trips	67.7	32.3
ADA Expenses	69.6	30.4

Source: GAO analysis of NTD data.

We could not determine how many of the transit agencies that did not report data in all 6 years should have reported these data, and how many had legitimate reasons for not reporting in all years. FTA officials told us about cases in which transit agencies should report ADA paratransit data to NTD, but fail to do so. They also told us about cases in which valid reasons exist for transit agencies not to report data every year. Transit agencies may receive reporting waivers, for example because of hurricanes or other natural disasters, that make the agencies exempt from reporting any data to NTD. Transit agencies may also introduce or discontinue ADA paratransit services for various reasons, which can lead to the appearance of missing data. It is not possible to tell from the data, however, whether these missing data are because of valid reasons, such as reporting waivers or changes in service or because of a transit agency's failure to report. In addition, transit agencies may misunderstand the definition of ADA paratransit service and make reporting errors as a result—they may report ADA trips and ADA expenses erroneously one year because they think their specialized, demand-responsive service counts as ADA paratransit service, even though the service is not provided in order to comply with the ADA. When agencies correct the reporting error in subsequent years and do not report these data, it can appear that they have failed to report consistently. According to FTA officials, it is difficult to verify whether transit agencies that report ADA paratransit data are indeed reporting about ADA paratransit services, or whether they are reporting about generic demand-responsive services.

Without a field identifying those transit agencies that provide ADA paratransit, we attempted to use another field—those transit agencies that reported providing demand-response service—as a proxy to help determine which transit agencies should and should not report ADA paratransit data. Demand response is a broad service category that includes ADA paratransit service. Our analysis found that in each year from 2005 to 2010, 22 percent to 26 percent of transit agencies that reported providing demand-response service did not report providing ADA trips or having ADA expenses (see table 5).

**Table 5: Percentage of Transit Agencies Reporting Demand-Response Service, ADA Trips, and ADA Expenses in NTD, 2005 through 2010**

	Percentage of transit agencies reporting demand response service, but not ADA trips or ADA expenses	Percentage of transit agencies reporting demand response service and ADA trips, but not ADA expenses	Percentage of transit agencies reporting demand response service and ADA expenses, but not ADA trips	Percentage of transit agencies reporting demand response service, ADA trips, and ADA expenses
2005	22.4	0.2	2.0	75.4
2006	21.6	0.4	2.9	75.1
2007	23.3	0.0	0.8	75.9
2008	25.7	0.6	0.2	73.7
2009	25.2	0.2	0.4	74.3
2010	26.2	0.4	0.5	72.9

Source: GAO analysis of NTD data.

Based on results from our survey of transit agencies, only about 9 percent of transit agencies reported providing demand-response service but not ADA paratransit service—a lower percentage than the 22 to 26 percent that were found to report demand response service but not ADA trips or ADA expenses to the NTD. This suggests that some of the transit agencies reporting demand response service but not ADA trips or ADA expenses do indeed provide ADA paratransit services—and should have reported ADA trips and ADA expenses.

We could not determine what effect the non-reporting transit agencies had on the ADA paratransit services data because we could not determine how many transit agencies should have reported, but did not do so; how many had valid reasons for not reporting; and how many may have over-reported based on misunderstanding the definition of ADA trips or ADA expenses. As a result, we determined that the ADA paratransit services data available in NTD were not sufficiently complete and therefore were not reliable for our purposes, which were to provide information on changes in ADA paratransit demand and costs since 2007.

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# Appendix III: GAO Contact and Staff Acknowledgments

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## GAO Contact

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## Staff Acknowledgments

In addition to the individual named above, other key contributors to this report were Heather MacLeod, Assistant Director; Robert Alarapon; Dwayne Curry; Kathleen Gilhooly; Timothy Guinane; Delwen Jones; Katherine Killebrew; Luann Moy; Beverly Ross; Sonya Vartivarian; and Betsey Ward.

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