



INFORMATION REPORT

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	November 18, 2019
SUBJECT/REPORT NO:	Eligibility Requirements for Riders to Access DARTS Transit System (PW19105) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
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SUBMITTED BY:	Debbie Dalle Vedove Director, Transit Public Works Department
SIGNATURE:	

COUNCIL DIRECTION

Public Works Committee, at its meeting of February 4, 2019; and then subsequently amended by Council on Monday, February 13, 2019 approved the following motion:

(Item 11)

Eligibility Requirements for Riders to Access DARTS Transit (Item 11.1)

- WHEREAS, the Disabled and Aged Regional Transit System (DARTS) provides paratransit service for people with disabilities on behalf of the City of Hamilton, through a Master Operational Agreement;
- WHEREAS, to be eligible for DARTS service, citizens must meet certain eligibility criteria;
- WHEREAS, the number of trips delivered by the DARTS service have increased by 64% between 2013 and 2019 and is projected to continue rising;

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- WHEREAS, the number of trips reported to be delivered by the DARTS service are one of the highest in Canada among comparable municipalities on a per capita basis; and,
- WHEREAS, an increase in trips and an increase in registered and active customers beyond projections have been identified as key budget drivers;
- THEREFORE, BE IT RESOLVED, *As Amended*:
 - a) That staff be directed to review the Disabled and Aged Regional Transit System (DARTS) service and report back to the Public Works Committee on the following:
 - (i) The current eligibility criteria for DARTS service in conjunction with comparative reference groups;
 - (ii) The definition of what constitutes a “trip” within the context of the service numbers reported by DARTS;
 - (iii) The ridership projections for the anticipated number of trips to be delivered by DARTS based on anticipated population trends and demographics;
 - (iv) Human rights and other legal implications if alterations to the current DARTS service eligibility criteria were to be made;
 - (v) The number of ambulatory riders who are transported;
 - (vi) The number of non-ambulatory riders who are transported and, of these, how many are transported by DARTS vehicles and how many are transported by private sector vehicles; and,
 - (vii) The scope of service that is currently provided and if there is an obligation to go beyond the services of the transit system.

This Information Report has been prepared by staff to address the motion, as amended, and report back to the Public Works Committee. Responses to each item in the motion are provided below in the order that they appear in the motion.

CONTEXT

The City of Hamilton offers specialized transit services to people with disabilities, with service provided by the Disabled and Aged Regional Transportation Service (DARTS).

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As outlined in the Ontario Human Rights Code, the term “disability” covers a broad range and degree of conditions, some visible and some not visible. A disability may have been present from birth, caused by an accident, or developed over time. There are physical, mental and learning disabilities, mental disorders, hearing or vision disabilities, epilepsy, drug and alcohol dependencies, environmental sensitivities, and other conditions.

We currently have approximately 17,000 clients registered for specialized transit service, about half (~9,000) of which are ‘active’ clients, defined as taking one (1) or more trips per year. While the Accessibility for Ontarians with Disabilities Act (AODA) allows for reassessment of registered clients, Hamilton does not exercise this option. We do, however, send clients for a third-party assessment when applying for the service, if and when required.

The AODA provides standards for Transportation Service Providers, which guide both our conventional and specialized transit service delivery. Specifically, sections 63-74 (of Part IV) provide standards for Specialized Transportation Service Providers. The City was compliant within the prescribed deadlines for each standard, implementing changes from 2011 – 2017. In some cases, we were able to become compliant ahead of schedule.

For the purposes of this Information Report, the comparative reference group includes the following municipalities:

- Burlington, Milton, Oakville
- Durham Region
- Ottawa
- Peel Region
- Toronto
- Region of Waterloo (Kitchener, Waterloo, Cambridge)
- York Region

INFORMATION

- (i) The current eligibility criteria for DARTS service in conjunction with comparative reference groups;
As per AODA Categories of Eligibility (63):

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- 1) Every specialized transportation service provider shall have three categories of eligibility to qualify for specialized transportation services,
 - a. unconditional eligibility;
 - b. temporary eligibility; and
 - c. conditional eligibility.
- 2) For purposes of eligibility for specialized transportation services, specialized transportation service providers shall categorize persons with disabilities as follows:
 - (i) A person with a disability that prevents them from using conventional transportation services shall be categorized as having unconditional eligibility.
 - (ii) A person with a temporary disability that prevents them from using conventional transportation services shall be categorized as having temporary eligibility.
 - (iii) A person with a disability where environmental or physical barriers limit their ability to consistently use conventional transportation services shall be categorized as having conditional eligibility.
- 3) A specialized transportation service provider may deny requests for specialized transportation services to persons who are categorized as having temporary eligibility or conditional eligibility if the conventional transportation service is accessible to the person and the person has the ability to use it.
- 4) Specialized transportation service providers shall meet the requirements of this section by January 1, 2017.

The Application form, attached to Report PW19105 as Appendix “A”, can be summarized as having two (2) key sections, and this is consistent among Ontario municipalities:

1. Self-reported section: this section is used to determine if someone can use conventional transit, and to determine the appropriate type of eligibility
2. Evaluation by a certified / licensed healthcare professional: this section is used to determine if someone has a disability that constitutes eligibility for the service
 - Accepted health care professionals include: audiologist, chiropractor, nurse practitioner, occupational therapist, optometrist, physician, physiotherapist, psychiatrist, recreational therapist, registered nurse, and speech pathologist

The table below summarizes some of the similarities and differences to the eligibility evaluation criteria that Hamilton has in comparison to the municipalities in the comparative reference group previously listed. Wording varies as to how questions are asked in the respective municipalities’ application form, so the criteria have been paraphrased.

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Common criteria among comparative reference group	Hamilton
Type of assistive device used	Same as comparative reference group
Access to conventional transit (service area)	Same as comparative reference group (note: Hamilton provides service beyond the conventional transit service area)
Ability to use conventional transit	Same as comparative reference group
Ability to wait outside at a bus stop (measured by length of time)	Same as comparative reference group
Ability to walk to a bus stop (measured in metres)	Hamilton considers a 'city block' to be 100m, whereas our comparator reference group defines it as 175m
Presence of a sidewalk leading to your bus stop	Hamilton asks about ability to cross the street in the presence of curb cuts
Presence of a clear path to the bus stop (clear of snow and ice)	Not specifically
Ability to walk up and down steps (with handrails)	Same as comparative reference group
Ability to ask an operator for directions	Same as comparative reference group
Ability to understand verbal instructions, visual information, and / or audio announcements	Same as comparative reference group
Ability to get in and out of a vehicle without assistance	Same as comparative reference group
Ability to use conventional transit during inclement weather	Same as comparative reference group

- (ii) The definition of what constitutes a “trip” within the context of the service numbers reported by DARTS;

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From Canadian Urban Transit Association (CUTA) Fact Book Glossary: “The number of passengers includes eligible riders who used dedicated and / or non-dedicated (taxi) specialized transit service, as well as attendants, companions, and other non-paying riders. A passenger trip is defined as a one-way trip from origin to destination. Passengers who request round-trip (two-way) service are counted twice.”

There are multiple terms that people use to describe a trip, which essentially mean the same thing:

- Trip
- One-way trip
- Passenger trip
- Support person trip
- Ride
- Booking

(iii) The ridership projections for the anticipated number of trips to be delivered by DARTS based on anticipated population trends and demographics;

Year	Projected	Actual	Variance
2013	443,721	480,715	36,994
2014	509,721	529,876	20,155
2015	564,721	579,124	14,403
2016	639,721	650,494	10,773
2017	709,721	684,848	-24,873
2018	720,404	773,733	53,329
2019	787,226		
2020	846,116		

NOTE: This is currently under review. The ‘Projected’ numbers in the above chart were calculated in 2017. Staff will be presenting updated ridership projections to Council through the 2020 budget process.

(iv) Human rights and other legal implications if alterations to the current DARTS service eligibility criteria were to be made;

Human rights and other legal implications depend on the nature of any alteration being considered. Currently, the City’s Accessible Transportation Services program is fully compliant with the AODA compliance schedule.

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Eligibility Determination

Eligibility for specialized transit (paratransit) is mandated by Section 63 of the AODA 'Categories of Eligibility', and Section 64 'Eligibility Application Process' of the Accessibility for Ontarians with Disabilities Act, 2005, Ontario Regulation 191/11, Integrated Accessibility Standards. The Accessible Transportation Services (ATS) eligibility program was developed and implemented to meet the criteria within these sections of the AODA legislation.

There are two (2) options available to municipalities under AODA legislation to ensure that clients are registered appropriately:

1. Third-party assessments to assist in determining eligibility of new applicants, which is currently in place in Hamilton. Among our comparators used in gathering information for this report, all but Ottawa use their professional discretion to determine, on a case-by-case basis, whether to conduct a third-party assessment. Ottawa contracted their eligibility application process, including assessments, to a professional health care provider in 2018.
2. Reassessment of clients at reasonable intervals; this option allows municipalities to determine, on an on-going basis, if the client can use conventional transit.

The definition of a 'reasonable' interval for re-assessment is something that staff have not yet developed. While we can consult with our comparators, our approach depends on the number of clients we have with eligibility conditions that warrant reassessment, and the time / cost to conduct reassessments, recognizing that re-assessments are an on-going investment, not a one-time exercise. One thing to note is that we have not re-assessed our registered clients since introduction of the service in 1975. A key investment that greatly increased accessibility to our conventional service was the transition to a fully-accessible (low-floor) fleet, completed in 2009.

As we continue to invest in the 10-year local transit strategy, our service, system, and network become more accessible, providing access to those who may not current be able to use it.

(v) The number of ambulatory riders who are transported;

In 2018, 626,724 rides were provided to ambulatory clients. An 'ambulatory' passenger is defined as someone who can board a vehicle without an aid, or at most with the aid of a walker or cane. The service provider breakdown for the past five (5) years is as follows:

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Year	DARTS	Subcontractors	Total Ambulatory Trips
2013	101,839	110,924	212,763
2014	127,953	121,056	249,009
2015	129,982	150,965	280,947
2016	162,157	156,376	318,533
2017	168,552	166,123	334,675
2018	188,503	342,334	530,837

Note: wheeled walkers were included as ambulatory trips starting in 2018, in conjunction with the transition to smaller vehicles. As stated in PW16015, it was estimated that many of our customers (almost 60% at the time) will fit comfortably into a non-accessible van, including those clients using a wheeled walker. Hence the significant increase in ambulatory trips delivered by subcontractors between 2017 and 2018.

- (vi) The number of non-ambulatory riders who are transported and, of these, how many are transported by DARTS vehicles and how many are transported by private sector vehicles; and,

In 2018, 147,009 rides were provided to non-ambulatory clients. A 'non-ambulatory' passenger is someone who cannot board a vehicle without the aid of a mobility device such as a wheelchair, scooter, power chair, or oversized chair. They are required to be secured to the vehicle. The service provider breakdown for the past five (5) years is as follows:

Year	DARTS	Subcontractors	Total Non-Ambulatory Trips
2013	229,333	38,619	267,952
2014	222,700	58,175	280,875
2015	214,373	83,804	298,177
2016	223,931	108,030	331,961

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Year	DARTS	Subcontractors	Total Non-Ambulatory Trips
2017	217,460	111,482	328,942
2018	192,327	50,569	242,896

Note: wheeled walkers were included as ambulatory trips starting in 2018, in conjunction with the transition to smaller vehicles. As stated in PW16015, it was estimated that many of our customers (almost 60% at the time) will fit comfortably into a non-accessible van, including those clients using a wheeled walker. Hence the significant decrease in non-ambulatory trips delivered by subcontractors between 2017 and 2018.

- (vii) The scope of service that is currently provided and if there is an obligation to go beyond the services of the transit system.

The City of Hamilton provides paratransit service, contracted to DARTS, to all locations within Hamilton's municipal boundary, which extends beyond the Council-approved urban transit boundary. Staff do not know of any legislative obligation to go beyond the urban transit boundary, however, it appears this practice has been in place since the inception of DARTS as a regional service in 1975. Over the years, as ownership / funding of the service has changed from being community-based, to (partially) Provincially-funded, to Regionally-funded, and finally to City-funded (as of amalgamation), the service area has remained the same.

As per the AODA requirement for co-ordination of service with adjacent municipalities (section 69):

- 1) Where specialized transportation services are provided in adjacent municipalities within contiguous urban areas, the specialized transportation service providers shall facilitate connections between their respective services.
- 2) Specialized transportation service providers to which subsection (1) applies shall determine the accessible stops and drop off locations in the contiguous urban areas that have specialized transportation services.

The current scope of our service outlines four (4) approved transfer points / drop-off locations outside Hamilton's municipal boundary

- 1) Joseph Brant Hospital
- 2) Aldershot GO Station

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- 3) Burlington GO Station
- 4) Royal Botanical Gardens

Exceptions are made on a case-by-case basis where specialty programs are not offered in Hamilton.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PW19105 - Hamilton ATS Application Form.