



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Transit Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	April 22, 2022
SUBJECT/REPORT NO:	Accessible Transportation Services Eligibility Audit Management Response (PW21055(a)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Michelle Martin (905) 546-2424 Ext. 2765
SUBMITTED BY:	Maureen Cosyn-Heath Director, Transit Public Works Department
SIGNATURE:	

RECOMMENDATION

- (a) That the Director of Transit be given delegated authority to create and administer a Policy for applications to Accessible Transportation Services (ATS) services, including making subsequent revisions to the Policy and associated forms and ancillary documents in their reasonable discretion as may be required, so that ATS can conduct a records management exercise for the safety of its clients, expected to conclude by June of 2023.
- (b) That no eligibility reassessments be undertaken during the above process as set out in (a).
- (c) That the Director of Transit be given delegated authority to update and revise the existing 2005 Accessible Transportation Services Policy entitled Trip No Shows, Late Cancellations and Excessive Cancellations (Appendix “A” attached to Report PW05051 – Policy 2005-01) on an ongoing basis in their reasonable discretion.

EXECUTIVE SUMMARY

At its October 7, 2021 meeting, the Audit, Finance and Administration Committee received Report PW21055 Consultant Report to Accessible Transportation Services, which presented a path to implement key recommendations for process improvement

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from Office of the City Auditor in Report AUD20009. The consultant engaged for that work, Dillon Consulting, subsequently calculated the impact and cost savings that would result from combining all their outlined recommendations, adjusted to reflect the potential impact of the COVID-19 pandemic; estimated savings was \$5.8 million by 2031 with full implementation according to the timeline provided.

The consultant's report was comprehensive, with many recommendations. Given the complexity associated with addressing the recommendations and the ATS commitment to a reasonable pace of change with adequate opportunity for Advisory Committee for Persons with Disabilities (ACPD) and stakeholder communication, ATS will proceed with a phased-in approach. As per GIC Report 21-024 Recommendation 8 ,regarding ACPD Report 21-012 (Item 10.1), this Recommendation Report PW21055(a) is being posted approximately 2 weeks earlier than the usual date of posting by Clerks to allow time for the Advisory Committee for Persons with Disabilities to review and provide comment ahead of Committee review.

To commence addressing the recommendations, ATS has established the following goals for the balance of 2022, which can be accommodated within the existing budget:

- Collect updated applications to ensure updated and relevant health data, consents, and contact information for those who:
 - have not used ATS since January 1, 2019;
 - are residents of long-term care, or who require support on board or at destinations;
 - are otherwise active clients not captured in the above categories; and
- Effectively implement and administer an updated Accessible Transportation Services Trip No Shows, Late Cancellations and Excessive Cancellations Policy, to improve scheduling efficiency and maximize available trips for all users.

Alternatives for Consideration – See page 9

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Using the adjusted forecast model in Appendix “A” attached to Report PW21055(a), Dillon Consulting projects net annual savings of up to \$5.8 million by 2031. The net savings projected by Dillon Consulting in a given year will be affected by the ATS timeline to implement any recommendations, by the ongoing effects of COVID-19 on ridership, and by which recommended steps Council approves.

Specific to Recommendation (b) on Page 1 of this report, Dillon Consulting is projecting a gross reduction of \$355,200 to the annual DARTS budget by 2031 through more efficient scheduling and use of group trips and recommends using a points system to track and enforce late cancel and no show violations to help achieve this.

In the second phase, and in Q3 of 2022, ATS will present an update to this report regarding the recommendations from AUD 20009 and Dillon Consulting that will impact the 2023 budget. These include:

- increase the trip conditions that are applied when making determinations of conditional eligibility;
- upgrade existing scheduling software and software training to enable effective application of trip conditions when determining eligibility for individual trips according to client functional ability;
- allow for in-person, on-site evaluation of functional ability to use transit;
- reassess all existing clients at regular intervals;
- pilot integration of specialized and conventional transit on two HSR corridors; and
- implement an in-house, expanded travel training program to support improvements to conventional transit accessibility.

The exact impact on the 2023 budget has not yet been assessed and will be determined by which recommendations are implemented. The above recommendations will require additional FTE and other resources.

Staffing: There is no immediate impact to staffing levels for the balance of 2022. In Q3 of 2022, ATS will present an update to this report regarding the recommendations from AUD 20009 and Dillon Consulting recommendations that will require an increase in 2023 staffing levels if implemented.

Legal: ATS has worked closely with Legal Services and Clerks to ensure all language employed on the updated application form regarding personal information and consent is current and complies with relevant legislation and City of Hamilton (City) policy.

HISTORICAL BACKGROUND

In 2005, ATS presented Report PW05051 – Accessible Transportation Services Policy Trip No Shows, Late Cancellations and Excessive Cancellations. It included Policy No. 2005-01 (Appendix “A” attached to Report PW05051), which outlined a system to administer no shows and late cancellations. This is currently the posted policy on the Accessible Transportation Services web page.

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It is important to manage Trip No Shows, Late Cancellations and Excessive Cancellations so that ATS can effectively maximize the greatest number of possible trips available to customers of the service. The policy is not designed to be detrimental to those who have an urgent matter arise that prevents travel at the scheduled time but is in place for habitual infractions.

In 2019, at its meeting on November 18, 2019, the Public Works Committee requested the Office of the City Auditor (OCA) to complete an eligibility audit of ATS clients (Item 10.6). In 2020, the Office of the City Auditor presented Audit outcomes to the Public Works Committee at its meeting on December 4, 2020 (Report AUD20009), which outlined a total of 14 recommendations for ATS Management response.

In 2021, ATS The Transit Division engaged with Dillon Consulting to address audit key recommendations from Report AUD20009. The outcomes of the Dillon Consulting report were presented to the Audit, Finance and Administration Committee on October 7, 2021 (Appendix "A" attached to Report PW21055) and Dillon subsequently provided their COVID-adjusted combined savings calculation to ATS (Appendix "A" attached to Report PW21055(a)). The Dillon report and Report AUD 20009 inform the above recommendations and will inform additional recommendations in Q3.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The Accessibility for Ontarians with Disabilities Act (AODA) Integrated Accessibility Standards Regulation provides the categories of eligibility for specialized transit to which ATS adheres in order to be compliant with the legislation. They are listed and defined as follows:

1. A person with a disability that prevents them from using conventional transportation services shall be categorized as having unconditional eligibility.
2. A person with a temporary disability that prevents them from using conventional transportation services shall be categorized as having temporary eligibility.
3. 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. O. Reg. 191/11, s. 63 (2).

The AODA also states: "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. O. Reg. 191/11, s. 63 (3)." In order to accomplish this determination of functional ability to use conventional transit, ATS provides a portion of its application forms to be completed by a health care professional. ATS may contact the health care professional completing the application form for additional information or clarification.

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In addition, the AODA states: “A specialized transportation service provider shall have policies respecting the collection, use and disclosure of personal information collected for purposes of determining eligibility under this section. O. Reg. 191/11, s. 64 (8).”

ATS also has obligations under the Freedom of Information and Protection of Privacy Act, the Personal Health Information Protection Act, and the Municipal Freedom of Information and Protection of Privacy Act to ensure applicants are duly notified of why and for what purpose their information is being collected, and to whom and for what purpose their information may be provided. The ATS application form has been updated to ensure this is duly communicated to all new applicants and to anyone who is reapplying for service.

With respect to the enforcement of late cancels and no shows, it should be noted that the 2005 Accessible Transportation Services Policy Trip No Shows, Late Cancellations and Excessive Cancellations outlined in Report PW05051 was, in part, a response to a 2004 settlement approved by Council with the Ontario Human Rights Commission (OHRC) and Complainants under the Ontario Human Rights Code to provide a policy to ensure excessive no shows and cancellations are addressed fairly and equitably.

RELEVANT CONSULTATION

Dillon Consulting worked closely with ATS to examine current processes, costs, benefits and best practices, to support ATS to respond to some of the recommendations in Report AUD20009, as noted above (Appendix “A” attached to Report PW21055, and Appendix “A” attached to Report PW21055(a)).

Dillon Consulting presented their workplan to the ACPD Transportation Working Group and received questions, comments and feedback at their meeting on June 22, 2021 to inform their final report (Advisory Committee for Persons with Disabilities Meeting #21-008, Item 6.4 (a)). The Transportation Working Group expressed concern about people losing access to services they need; ATS committed to the goal of responding to Report AUD20009 recommendations to ensure system sustainability while making sure applicants have access to appropriate transit, and to closely aligning conditions of specialized transit eligibility with conventional transit route, stop and destination accessibility.

Members of the Transit Leadership Team provided comment and input to Dillon Consulting. They were given the opportunity to review the draft report and have provided comments to ATS.

ATS informed community stakeholders present at the ACPD Transportation Roundtable on October 14, 2021 that the Dillon Consulting Report is now completed and publicly posted. ATS also provided a summary of the work done and provided ATS contact information. ATS has similarly informed members of the public who have viewed the

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2021 Virtual Annual Accessibility Information Event on the City of Hamilton YouTube channel, posted December 1, 2021.

Legal Services and Clerks have been consulted in the updates to the ATS application form, including the creation of a shorter form for use by Long-Term Care facilities.

It should be noted that the Office of the City Auditor has not completed any work to validate the potential for cost savings identified by Dillon Consulting.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Reapplication Process as of March 31, 2022, there are 20,666 registered users. Of these, 9,589 are active users who have taken at least one trip since January 1, 2019. To date, a mass reapplication process has not been undertaken.

The staff recommendations on Page 1 of Report PW21055(a) will address, in part, some of the recommendations outlined in AUD20009 (Revised Appendix “B” attached to Report AUD20009):

- Recommendation 3: We recommend that standard operating procedures and assessment guidelines be created for all assessment processes. These procedures may include instructions and evaluation strategies to assist staff in making consistent and supported eligibility decisions.
- Recommendation 5: We recommend that management incorporate more in-person contact into the eligibility assessment process within the next year.
 - Related to this, the detailed report notes: Research performed by the OCA suggests that in-person contact, either through an interview, telephone conversation or functional assessment, results in more accurate eligibility outcomes than reviewing a paper application alone (Page 18, Appendix “A” attached to Report AUD20009).
- Recommendation 8: We recommend that management explore the feasibility, potential savings, costs and benefits of the following service options: expanded Taxi Scrip Program, integrated service model, expanded travel training, shuttles and community buses.
- Recommendation 14: We recommend that management address the administrative issues identified by:
 - Ensuring staff only accept completed current versions of the application form

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- Creating a separate, shortened application for long term care and nursing home applicants that obtains more information from their health care provider

The revised application form will increase safety and confidence of the client records by standardizing a reapplication process for all registrants, help ATS to update current addresses, emergency contact information, and identify changes in support needs or those who otherwise may no longer require service. This will position ATS staff to both appropriately collect information from health care professionals and conduct more client phone interviews, supporting recommendations AUD20009 Recommendations 3 and 5, while adhering to relevant privacy and consent legislation.

Most critically, the revised application forms will have additional language to determine when support persons may be required for an applicant on board a vehicle or upon arrival at destinations, to assist health care professionals to provide accurate information regarding travel support needs, for items such as do not leave unattended (DNLU) and personal care attendant (PCA). The report generated by the Office of the City Auditor highlighted the need to update these particular client fields for safety reasons and by incorporating this in the new application process, we improve that standard.

A shortened application form has been developed for clients who reside in long-term care. (Recommendation 14). By standardizing a recurring reapplication process for our most vulnerable clients who live in Long-Term Care or who have documented mandatory travel support needs, ATS records will be updated to reflect emergency contacts, but also their current authorized representatives, and their current consent to share information between ATS and the health care professional completing the application, the assessment agency authorized by ATS to make sure they are safe when travelling, and the contractor to the City for specialized transit, DARTS (or any successor) and its subcontractors, to ensure the Applicant receives appropriate service.

While the reapplication process is not triggering a reassessment of eligibility, the process may result in the following outcomes:

- ATS finds a client ineligible for service due to a decline in functioning that results in them being found unsafe for travel on specialized transit;
- ATS finds a client eligible for a higher level of service due to a change in their disability or medical condition;
- ATS requires a support person to accompany a client when travelling on specialized transit, in order to travel safely;
- ATS requires an attendant to meet a client at destinations when travelling on specialized transit, in order to be safe on arrival; and

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- ATS suspends eligibility for clients who do not provide an updated application in a timely manner, or for clients who cannot be contacted.

Reapplication of a client whose eligibility status is Temporary may result in a reassessment of eligibility, as is the current process. Legacy Taxi Scrip only clients will not be required to participate in the records update reapplication process.

Trip No Shows/Late Cancellation and Excessive Cancellations Policy

Municipal benchmarking of ten transit agencies conducted by Dillon Consulting found that most had conducted some level of reapplication for existing clients in the last few years (page 21, Appendix “A” attached to Report PW21055). Only 27% of current ATS registrants have submitted an updated application form. The oldest ATS application forms are only two pages in length, with much less detail about functional level or support needs; some active ATS clients have been on service since the 1980s.

Municipal benchmarking conducted by Dillon Consulting also shows an average rate of late cancellations and no shows of 4.78% for the ten transit agencies interviewed, compared to the 2019 Hamilton rate of 16.54% (page 95, Appendix “A” attached to Report PW21055). Bringing our rate closer to the average will of course improve scheduling efficiency to not only increase the number of passengers travelling per hour, but also the potential for group trips (AUD20009 Recommendation 8).

ATS has drafted the points system below to apply directly to late cancel and no show codes in the software that is used to schedule trips for more efficient tracking and to bring ATS more in line with comparator municipalities. The points system parallels the former, frequency-based system, but removes excessive cancellations as a violation; a reduction in cancellations overall does not directly translate into operational improvement, and in many cases, a cancellation is preferable to a late cancellation, a cancellation at door, or a no show.

Triggers for No Show/ Late Cancel Policy Violations in one Calendar-Month Period	
ATS Policy 2005-01	Proposed Update
Six (6) late cancellations	Late cancellation – 1 point up to a maximum of 7 points combined total
Three (3) no shows	No show or cancellation at door – 2 points up to a maximum of 7 points combined total
Seven (7) combined late cancellations and no shows	7 points combined total late cancellations, no shows and cancellations at door
Excessive cancellations of 25% (with minimum of 10 occurrences) of subscription and/ or casual booking trips cancelled	Removed

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ALTERNATIVES FOR CONSIDERATION

1. With respect to the application updates, there are no alternatives for consideration, for the safety and privacy of ATS clients.
2. Council could direct ATS to rewrite the Accessible Transportation Services Policy Trip No Shows, Late Cancellations and Excessive Cancellations to update it according to the current duties of ATS and DARTS staff members and to remove the excessive cancellations rule, while leaving the frequency-based system of tracking violations in place. This would be more cumbersome for ATS to track but would not result in different outcomes.

Financial: There are no financial implications associated with this alternative.

Staffing: There are no staffing implications associated with this alternative.

Legal: There are no legal implications associated with this alternative.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

A transit system that aligns with the City's vision "To be the best place to raise a child and age successfully" will support the needs of its citizens to access specialized or accessible conventional transit with as much flexibility as possible, respecting their unique functional abilities.

Healthy and Safe Communities

Hamilton is a City where all have access to the services and support we need to be healthy and active.

Culture and Diversity

Hamilton provides services that help create a community that provides equitable access to safe and supportive environments for all.

Our People and Performance

Hamiltonians have a high level of trust that their government is delivering municipal services in the most efficient and effective way possible.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PW21055(a) - Memo ATS Consolidated Ridership and Cost Forecasts

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