

FTA RESEARCH

FEDERAL TRANSIT ADMINISTRATION

Compliance with FTA Requirements in Transit/Shared Mobility Partnerships

Welcome!

We will begin shortly...



U.S. Department of Transportation
Federal Transit Administration



FEDERAL TRANSIT ADMINISTRATION

Shared Mobility and TNCs – Legal Considerations for Public Transit

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FTA Office of Chief Counsel
October 23, 2019



U.S. Department of Transportation
Federal Transit Administration

Introduction

- Transportation Network Companies (TNCs) seeking to partner with transit
- Transit agencies seeking to partner with TNCs
- Legal issues include -
 - Eligibility for FTA funds
 - Applicability of federal requirements
 - Civil rights issues, e.g., ADA and Title VI
 - Drug and alcohol testing

www.transit.dot.gov/shared-mobility



- Shared Mobility FAQs
- Shared Mobility Definitions
- Shared Use Mobility Center/FTA Mobility On Demand Learning Center
- DOT Dear Colleague Letter (Equity, Access for Shared Mobility Initiatives)

Types of Service

- First mile last mile, in particular to rail stations
- Replacing fixed route service when demand is low (e.g., late night)
- Supplementing ADA paratransit service
- Provision of new demand response service
- Non-service partnerships: Linking to TNC apps, Marketing

Eligibility for FTA funds

- FTA funds may be used to support the capital and operating costs of shared ride service that is open to the general public or a segment of the public defined by age, disability, or low-income
 - Not every ride must be shared ride, but the service generally must be considered shared ride
 - Most TNCs are exclusive ride service and thus not eligible for FTA funds
 - If not shared ride, may be eligible for programs that allow alternatives to public transportation (e.g., 5310, JARC)

Civil Rights

- Americans with Disabilities Act (ADA) prohibits discrimination on the basis of disability
- Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin
 - Disparate impact – neutral policy that results in unintentional discrimination
 - Disparate treatment – intentional discrimination

Basic Principles - ADA

- ADA applies regardless of Federal funding
- DOT ADA regulations apply to public and private entities
- Service must be provided in the most integrated setting
- “Stand in the Shoes”
 - Private entities entering into a contract or other arrangement or relationship with public entities are subject to public entity provisions

Fixed Route Service

- All vehicles must be accessible to and usable by individuals with disabilities, including wheelchair users (49 CFR 37.71)
- Interaction between passenger and service does not make otherwise fixed route service demand responsive
 - Flag stops

Demand Responsive Service

- Inaccessible vehicles may be acquired if the system, when viewed in its entirety, provides a level of service to individuals with disabilities, including wheelchair users, that is equivalent to service provided to individuals without disabilities
- Equivalent service standards (49 CFR 37.77(c)):
 - Response time
 - Fares
 - Geographic area of service
 - Hours and days of service
 - Restrictions or priorities based on trip purpose
 - Availability of information and reservations capability
 - Any constraints on capacity or service availability

TNCs – Demand Responsive

- When partnering with a TNC, the public transit agency has the obligation to meet the equivalent service standard.
- This can be met with accessible vehicles provided by:
 - The TNC operator
 - Another operator (e.g., taxis with accessible vehicles)
 - Use of transit agency assets

ADA Paratransit

- FTA permits use of sedans as long as accessible vehicles are dispatched for those who need them
- All paratransit service criteria apply
 - Origin-to-destination service
 - Service area (3/4-mile)
 - Response time (next-day)
 - Fares (2x fixed route fare)
 - No restrictions on trip purpose
 - Hours and days of service (same as fixed route)
 - No capacity constraints

ADA Paratransit

- TNC partnerships represent potential opportunity to reduce paratransit costs
- Disability Community Concerns:
 - TNCs may offer better service as an incentive, but only for ambulatory persons with disabilities
 - Next-day paratransit becomes segregated, second-class service for wheelchair users unless sufficient accessible vehicles are available

Title VI Considerations

- TNC services tend to rely on smartphones and credit cards, which can be a barrier for low-income and limited English proficient (LEP) individuals
 - Low-income not a protected class, but minority communities are disproportionately low-income
- Consider LEP communities when linking to TNC apps
- Consider Title VI implications when establishing locations of pilot programs

Drug and Alcohol Rules

- DOT's drug and alcohol rules apply to recipients and subrecipients of 5307, 5309 and 5311 funds, as well as their contractors and subcontractors.
 - TNC is likely to be a contractor providing a safety-sensitive function (operating a revenue vehicle), even if not providing public transportation (shared ride service)
 - Private operators are not exempt from the rule
 - Taxicab exception may apply to TNCs

Taxicab Exception

- When a public transit passenger randomly chooses from among a number of taxicab companies providing service, the testing regulations do not apply.
 - practical difficulty of trying to administer a drug and alcohol testing program in connection with multiple companies.
 - example: guaranteed ride home program, in which the transit agency contracts with multiple (two or more) taxicab companies in the area and a passenger may choose which taxicab company to contact to get a ride home.

Taxicab Exception

- The taxicab exception does not apply when a passenger does not choose the taxicab company providing the service.
 - For example, many ADA paratransit agencies contract with taxicab companies and other entities to provide ADA paratransit service to ambulatory passengers. In those situations, when the ADA paratransit provider (not the passenger) contacts the taxicab company to schedule the ride, the drug and alcohol rules apply to the taxicab company providing the service.
 - If a public transit agency provides vouchers to passengers to use for one taxicab company, the passenger does not have a choice of which company to contact, so the drug and alcohol rules apply.

Application of Taxicab Exception to TNCs

- When a public transit agency has a contractual or other arrangement with two or more TNCs or taxicab companies to provide a specific service or type of service, and the public transit passenger chooses among the providers, the exception applies (drug and alcohol testing not required).
- A transit agency may contract with two or more TNCs plus a taxi company to ensure access to all passengers.
 - Taxi company may be only entity that has accessible vehicles, or that can schedule trips over the phone and accept cash.
 - Some passengers only have one choice, but this does not change the fact that many passengers have more than one choice, so the taxicab exception will apply to all of the providers.

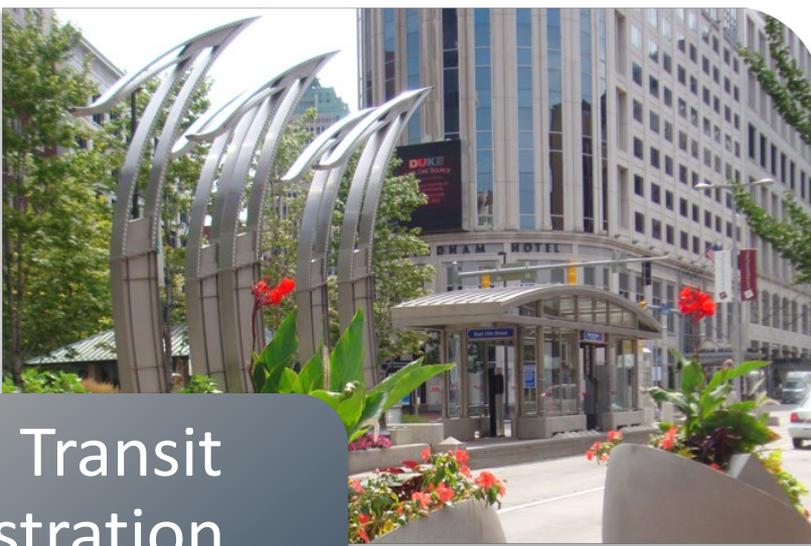
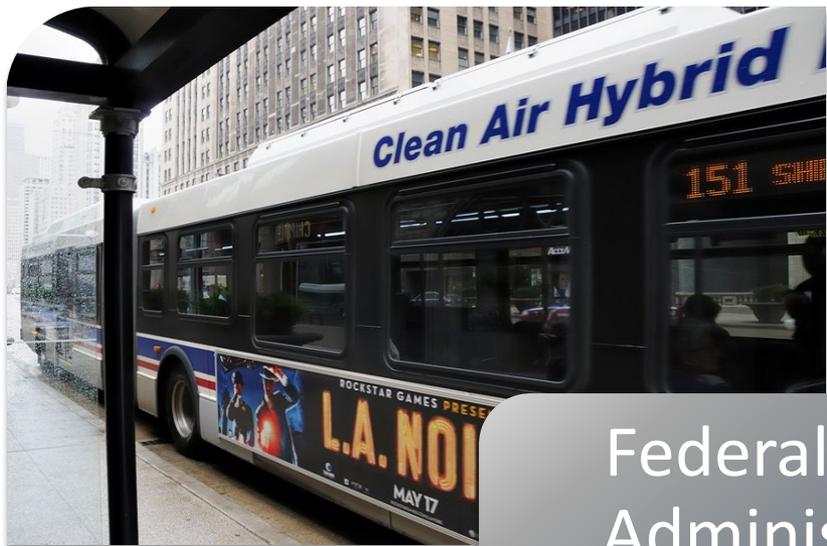
Application of Taxicab Exception to TNCs

- Drug and alcohol rules do not apply to section 5312 research funds, even if recipient also receives 5307, 5309 or 5311 funds.
- Drug and alcohol rules do apply to pilot programs that do not use any FTA funds.

TCRP Report

TCRP Project J-05/ Topic 17-03, Legal Considerations in Relationships Between Transit Agencies and Ride-Sourcing Service Providers (2018):

<http://www.trb.org/Publications/Blurbs/177575.aspx>



Federal Transit
Administration
www.transit.dot.gov



Limited Access Connections



Equitable Innovation:
first and last mile
solutions with
Pierce Transit and Lyft

Penny Grellier
Business Partnership Administrator



Limited Access Connections

The purpose of this project and its funding is to determine if TNCs, transit and partners can work together to improve availability of shared-use mobility options.



Limited Access Connections

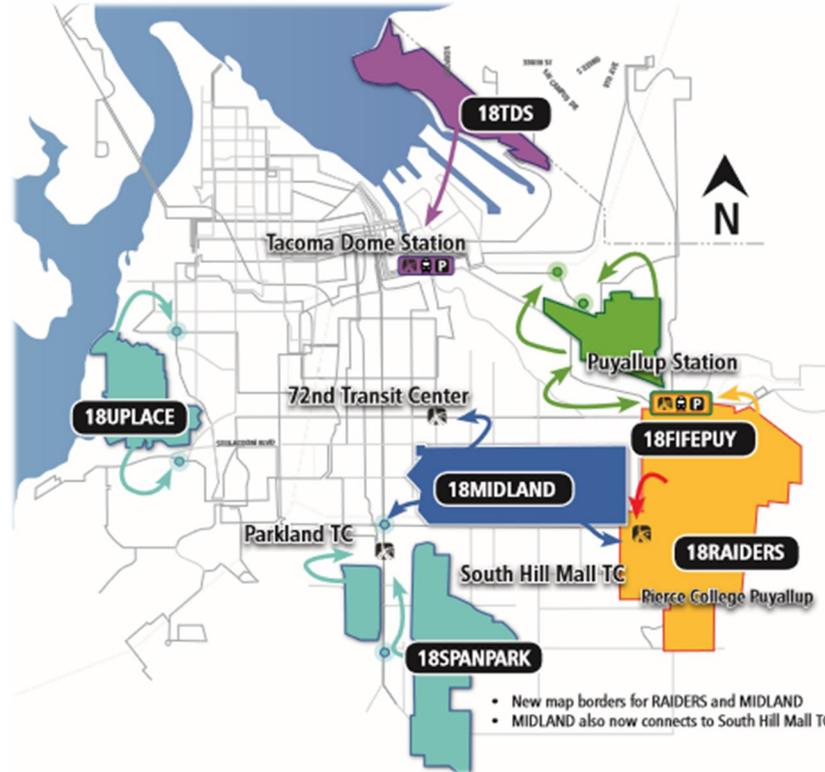
- **Goal:** to provide first and last mile connections to transit hubs and bus stops in areas/times of limited service
- **Challenges**
 - negotiations, data sharing with TNC
 - equity in service provision (WAV, phone, unbanked)
 - getting the word out
- **Status:** launched May 15, 2018; ends Dec 31, 2019



Limited Access Connections

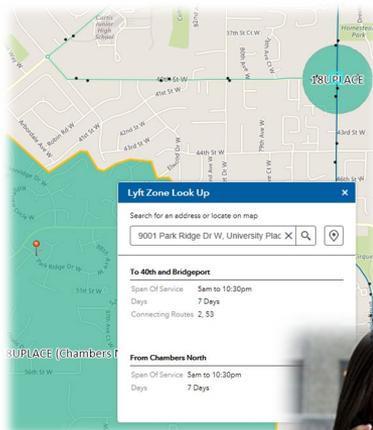
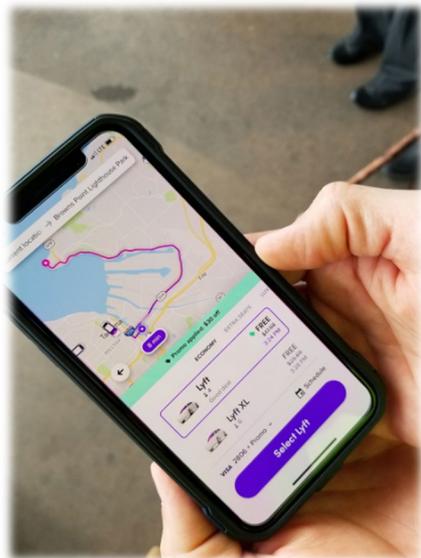
Zones

- selected based on population density, walkability, and fixed route service limitations
- designed to provide congestion relief, connections to trunk routes and late-night rides home



Limited Access Connections

How it works



Limited Access Connections

Wheelchair accessible vehicles

- Issues

- Lyft has no call center
- Unknown service levels, number of vehicles, demand
- Two RFPs, no responses

- Responses

- In-house paratransit service to respond
- Set up dedicated phone line
- Trained CSRs on Concierge tool



Limited Access Connections

Unbanked/no smartphone

- Issues

- Lyft is app-based
- Not all customers have smartphones or credit cards
- Cannot connect to ORCA card

- Responses

- Trained CSRs on Concierge tool
- Lyft invoices monthly



Limited Access Connections

How public input shaped the project

- Ride share signage at transit centers
- Expansion of zones
- Adjusted times of service
- Adjusted fixed route service
- Update & simplify messaging

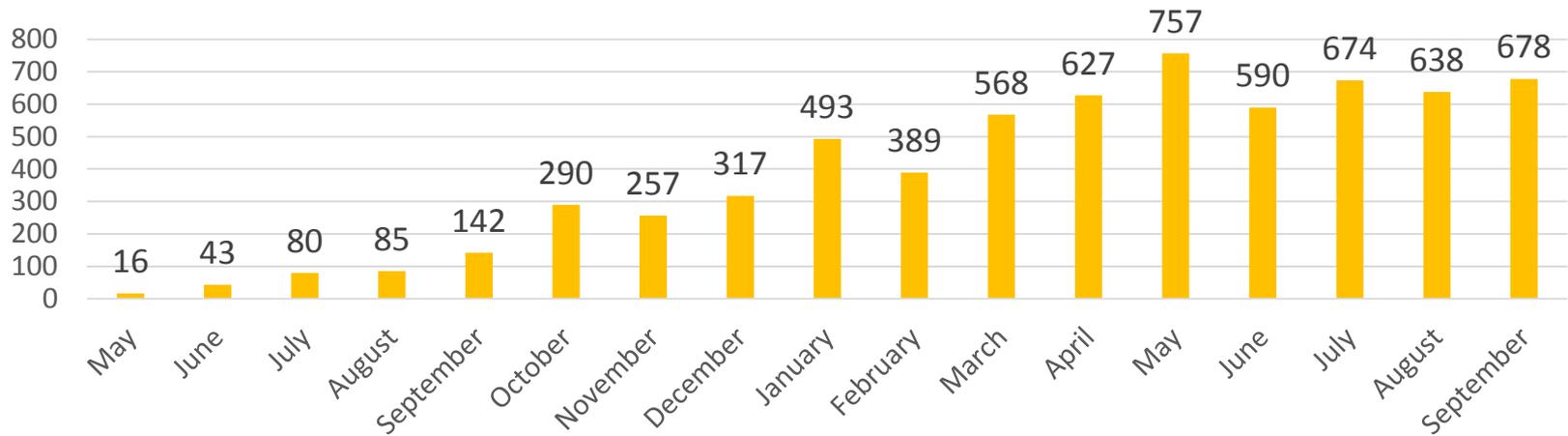


Note: no direct access to 95% of customers

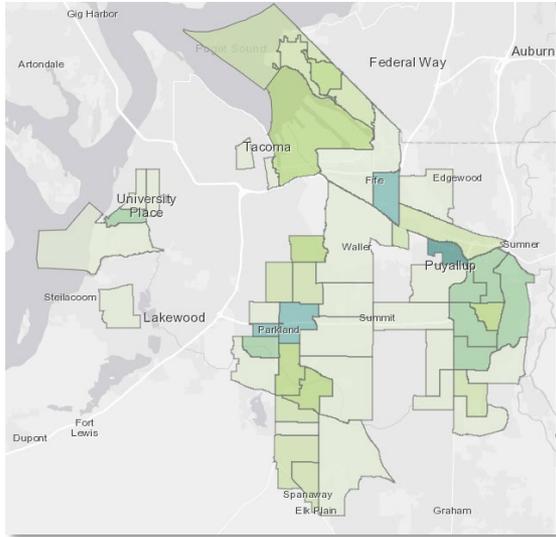


Limited Access Connections

Total Trips by Month



Limited Access Connections



Pick Ups

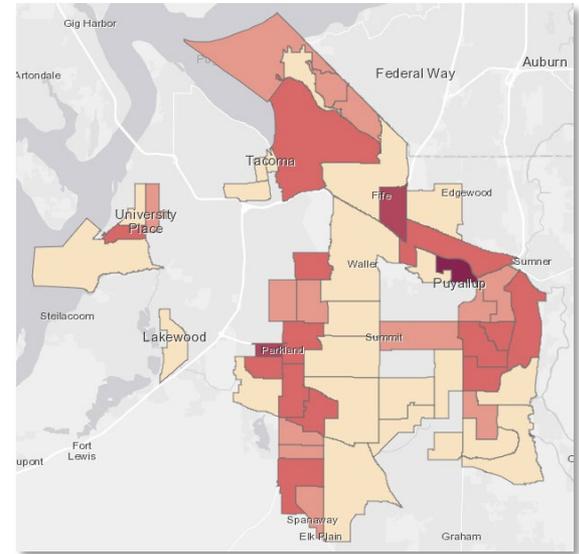
Top three zones

1. FIFEPUY
2. SPANPARK
3. MIDLAND and TDS

Ave. duration: 10 minutes

Aver. distance: 4 miles

Ave. cost per trip: \$11.09



Drop Offs



Limited Access Connections

What's next?

- Rider survey (Lyft)
- Independent Evaluation
- Report to community
- Continue service in top zone(s)



Limited Access Connections

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THE
COMET
CENTRAL MIDLANDS TRANSIT

Central Midlands Regional Transit Authority

Created in 2000 under Chapter 25 of the Regional Transportation Authority Law of the South Carolina Code of Laws.

An updated intergovernmental agreement was signed in 2013 between Richland County, Lexington County, Cities of Forest Acres and Columbia.

Legal boundaries are the same boundaries of the Central Midlands Council of Governments – Richland, Lexington, Newberry & Fairfield Counties.



The COMET Services

The COMET is a service of the Central Midlands Regional Transit Authority and provides countywide public transit services on 34 fixed routes, four ReFlex services, with a vanpool service, subsidy programs with Lyft and Uber, 10 bikeshare stations in Columbia and DART ADA complementary paratransit service throughout Richland and eastern Lexington Counties.

The COMET transports approximately 2.8 million passenger trips a year on a fleet of 81 buses and vans.

The COMET operates generally Monday-Friday between 4:45 a.m. and 12 midnight, Saturday between 5:45 a.m. and midnight and Sundays between 5:45 a.m. and 11:45 p.m.



The COMET On The Go!

- Two programs to tackle transportation challenges in The COMET Service Area
 - COMET @ Night
 - COMET To The Market
 - Coming soon: COMET To Work
- \$5.00 maximum subsidy
- WAV service for those with mobility devices
- Ability for those unbanked to make reservations and use service
- \$150,000 budget



COMET @ Night

- 9 p.m. to 3 a.m.
- Anywhere there is The COMET fixed route service
- \$75,000 budget
- Replaced 12 bus routes that cost \$335,000 to operate with 1.5 passengers or less on average
- Code on buses only



THE
COMET

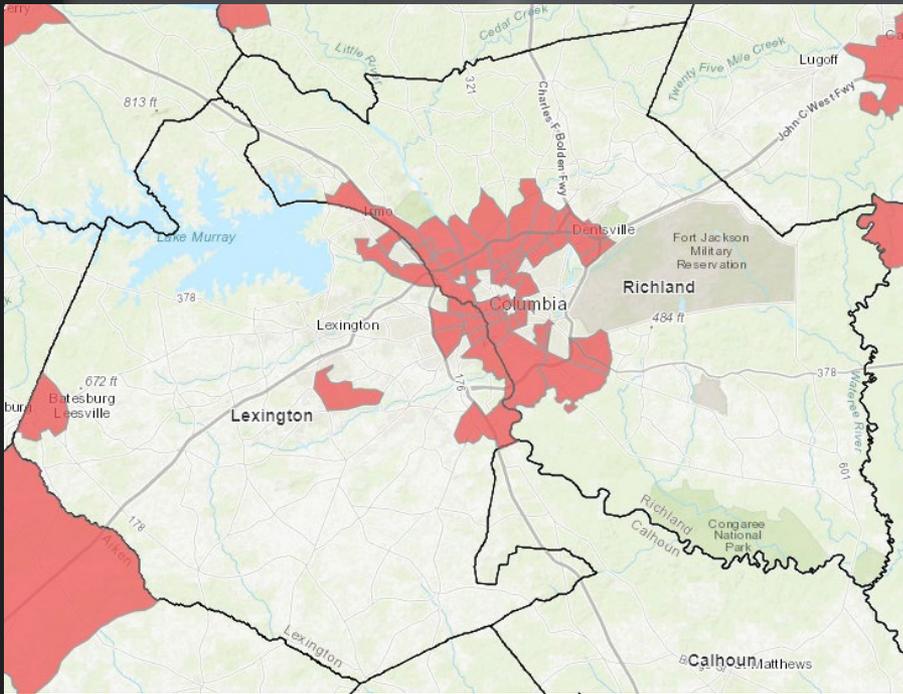
COMET To The Market

- Significant food deserts in Columbia
- \$75,000 budget
- 2 trips per week
- Geofenced to only allow service in The COMET Service Area and to grocery stores with fresh produce and meats
- 6 a.m. to 10 p.m. during hours of most grocery stores

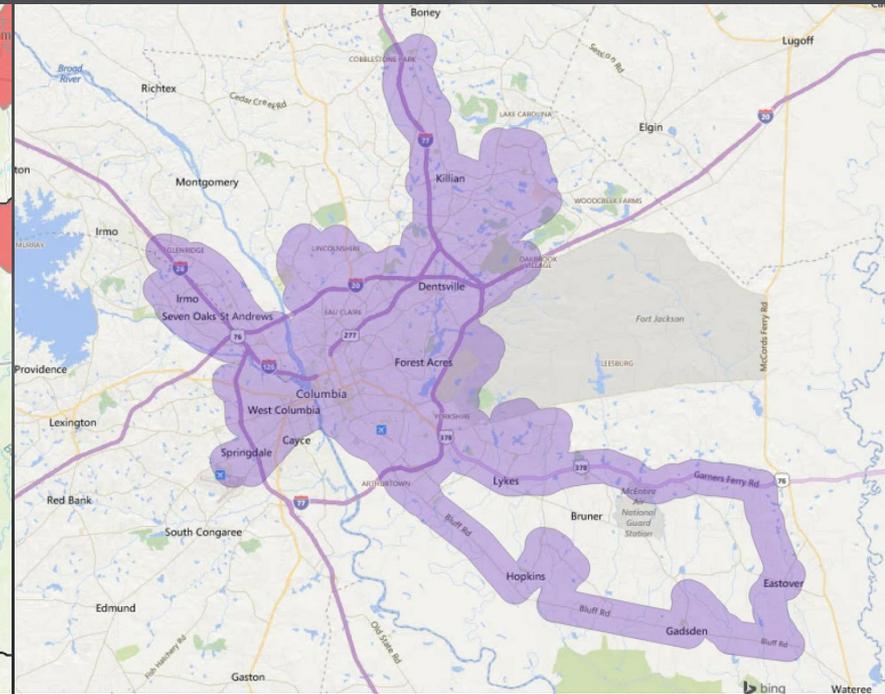


THE
COMET

Food Desert Map

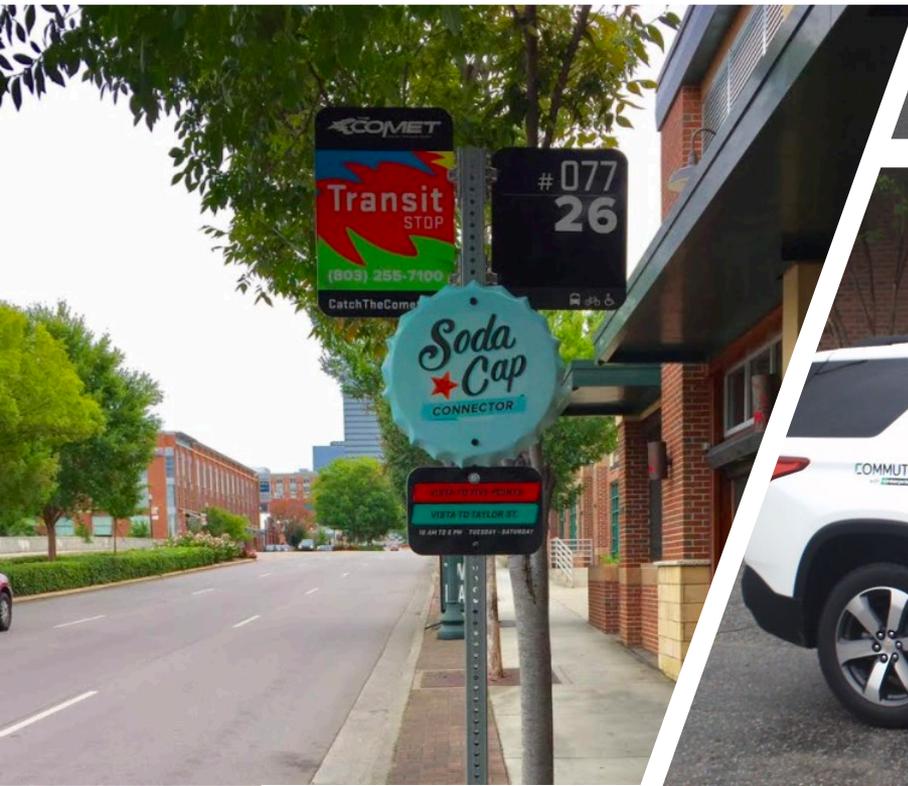


COMET On The Go! Map





THE
COMET



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Thank you!

Questions?



THE
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Question Time

Enter your questions in the
Chat Pod

