



CENTRAL MIDLANDS REGIONAL TRANSIT AUTHORITY
PO BOX 214 COLUMBIA SC 29202

DIAL-A-RIDE TRANSIT

**NO SHOW/LATE
CANCELLATION POLICY
APPEALS PROCESS
INCENTIVE PROGRAM**



Effective April 1, 2006

**DART services and fares are subject to all
changes made to the Fixed Route Bus System**

WWW.GOCMRTA.COM

NO SHOW/LATE CANCELLATION POLICY

The CMRTA has developed the following policy and administrative process for addressing no-shows and late cancellations for the Dial-A-Ride-Transit (DART) service (CMRTA's paratransit service for the disabled).

Subpart F, Section 37.125 of the ADA Complementary Paratransit Guidelines provides that a public transit service provider entity may suspend the provision of paratransit service to ADA eligible individuals who establish a pattern or practice of excessive No-shows and/or Late Cancellations.

A “No-show” shall be recognized as an ADA eligible person who fails to appear for, fails to board the vehicle, and/or use his/her scheduled transportation within the standard “ready window.”

A “Late Cancellation” shall be recognized as an ADA eligible person who fails to cancel the appointment for pick-up at least twenty-fours (24) hours before the scheduled pick-up time.

No Show/Late Cancellation Incentive Program

In addition to the No Show/Late Cancellation Penalty Policy, the CMRTA intends to implement an incentive program to reward those passengers who do take all of their rides and cancel 24 hours in advance. The incentive program has two parts: One for passengers who are considered demand response and one for those passengers who are considered subscription riders. The CMRTA DART brochure outlines these classifications in detail.

Demand Response Rides

At the end of a month DART staff will print a report from Trapeze which will produce a list of all the passengers who rode in that month. All of the names of the passengers who have demand response trips and did not have a No Show/Late Cancellation during the month will be put in a drawing for a prize. This prize will be ten (10) free DART tokens. The winner shall be notified by mail and awarded the prize within fourteen (14) days of the end of the previous month.

Subscription Rides

Quarterly, DART staff will print a report from Trapeze which will produce a list of all the passengers who had subscription rides for the past 3 months. All of the names of the passengers who had subscription rides and did not have a No Show/Late Cancellation during the month will be put in a drawing for a prize. This prize will have a value of \$25-\$50 and most likely be a gift certificate. The winner shall be notified by mail and awarded the prize within fourteen (14) days of the end of the previous month.

Names of winners will be made available upon request.

Step 2: Appeal Panel Actions (continued)

4. The Appeal Panel review/hearing shall be conducted as scheduled and the Panel shall be afforded no more than 14 calendar days, from the review/hearing date, to deliberate and issue a formal decision. In appeals involving service eligibility, if the Appeal Panel has not issued a formal decision within the 14-day period, presumptive eligibility shall apply until a formal final decision is rendered.

5. Individuals appealing to the Appeal Panel shall be provided formal written notification, via registered mail, of the final decision of the Panel within 21 calendar days of the review/hearing date. Such notification shall state the basis upon which the decision was rendered.

The final, formal decision issued by the Appeal Panel shall stand as the “Due Process” resolution of appeals under the CMRTA’s formal written Administrative Appeal Process described herein.

Trips missed by an individual for reasons beyond his/her control (including, but not limited to trips which are missed due to doctor’s office canceling an individuals appointment with less than twenty-four hour notification) shall not be the basis for determining that such a pattern or practice exists. The CMRTA reserves the right to verify such a medical provider cancellation with the medical service provider.

It shall be the policy of the CMRTA that in the event of either a “no-show” or a “late cancellation,” all service users will be required to pay the standard DART fare for the trip not taken and/or the trip cancellation made less than 24 hours in advance of the scheduled pick-up. This payment must be made by the rider before any subsequent services will be provided by the CMRTA.

Individuals with No-Shows/Late Cancellations shall be suspended from service according to the following guidelines:

A. First Occurrence: If an individual has one No-Show/Late Cancellation, the CMRTA shall contact the individual by telephone to determine if there was a reason the reserved trip was missed and shall mail a letter to the individual emphasizing the lack of consideration to others when cancellations are not made within the proper timeframe or a passenger fails to take the trip altogether.

B. Second Occurrence: If an individual has a second No-Show/Late Cancellation within thirty (30) days of the first No-show/Late Cancellation incident, DART shall mail a letter to the individual reminding them of the cost when a scheduled trip is not taken and/or cancelled in the required timeframe. In addition, individuals will be notified that a third No-Show/Late Cancellation within thirty (30) days of the first incident will result in suspension of their paratransit service for thirty (30) days.

C. Third Occurrence: If an individual has a third No-Show/Late Cancellation within thirty (30) days of the first No-Show/ Late Cancellation the individual shall be suspended for thirty (30) days. A letter will be sent stating the date that service will be terminated and when service will resume.

Step 2: Appeal Panel Actions

1. Within (7) calendar days of receipt of a written notification of Intent to Appeal, the Chairman of the Accessibility Advisory Committee (AAC) shall appoint a replacement representative if a current panel member is unable to serve for any reason and name the Appeal Panel's Chair for that appeal. In addition, the Appeal Panel shall be provided with a copy of the written notification of Intent to Appeal and any other pertinent documentation.

2. Within fourteen (14) calendar days of receipt of a written notification of Intent to Appeal, a time and location for a formal review by the Appeal Panel shall be scheduled. The formal review/hearing shall be scheduled within 21 days of the receipt of the original notification of Intent to Appeal.

3. The individual requesting an appeal review by the Appeal Panel shall be simultaneously notified by CMRTA in writing of the scheduled review/hearing and all members of the Appeal Panel shall be formally notified of the scheduled meeting.

(continued on next page)

Step 1: Letter of Intent to Appeal

Individuals desiring to exercise their right to due process shall provide written notification to the Chairman of the CMRTA Accessibility Advisory Committee within 14 calendar days of receipt of notification of denial of service eligibility, sanctions for No-Show/Late Cancellations incidents, or incidents of violent or threatening behavior. The written notification to CMRTA shall at a minimum include the following:

1. Full name, complete mailing and physical addresses and daytime telephone number.
2. A statement that an in-person review is requested before the Appeal Panel or that an in-person review is not requested but review by the Appeal Panel is being requested.
3. In the event that an in-person review is desired, the statement shall include the details of any support assistance that may be required (i.e., representation by another individual, transportation service for appearance, etc.).
4. A statement concerning the basis upon which the appeal is being made.
5. Any other information or additional documentation, which supports the individual's appeal.

The above-described written notification of the Intent to Appeal shall be addressed as shown below:

CMRTA Administrative Appeal Process

C/O Accessibility Advisory Committee

P.O. Box 214

Columbia, SC 29202

D. Fourth Occurrence: If an individual has a fourth No-Show/Late Cancellation within 30 days of the date that suspended paratransit service is reinstated, as a result of number three above, the CMRTA shall suspend service to the individual for a sixty (60) day period.

E. In the event that a fifth No-Show/Late Cancellation occurs after a sixty (60) day suspension, but still within one year of the first occurrence, the individual shall be suspended from the paratransit service for an additional ninety (90) days

F. Seven or more Occurrences: If an individual has more than six No-Show/Late Cancellations within one year, the CMRTA may suspend the individual's service for up to one year. The CMRTA reserves the right to have the Accessibility Advisory Committee review the No-Show/Late Cancellation records and render a decision regarding the duration of the additional service suspension.

Before Suspension of Paratransit Service, CMRTA shall take the following steps:

1. Notify the individual in writing that CMRTA proposes to suspend their service, citing with specificity the basis of the proposed suspension and setting forth the proposed sanction. Written notification and guidance on the CMRTA Administrative Appeal Process will be included with the notice of suspension. Written notice of intent to suspend services shall be provided via registered mail.

2. Initiate engagement of the CMRTA's formal, published Administrative Appeal Process so as to allow "due process" opportunity to individuals who desire to appeal CMRTA decisions related to No-shows/Late Cancellations.

APPEALS PROCESS

The following CMRTA Appeal Process shall apply to appeals regarding ADA eligibility denials; sanctions regarding suspension of paratransit services due to No-Show events or excessive Late Cancellations; and sanctions regarding incidents of violent or threatening behavior. The process has been designed as a means to provide individuals with full "Due Process".

In the event that CMRTA denies an individual's application for eligibility, CMRTA shall notify the individual in writing of the denial, shall state the reasons for the denial and inform the individual of his/her appeal rights. If, by a date 21 days following the submission of a complete application, CMRTA has not made a determination of eligibility, the applicant shall be treated as eligible and provided service until written notification has been provided as described herein.

In the event of a suspension but before suspending service, CMRTA shall (1) notify the individual in writing that CMRTA proposes to suspend service, citing with specificity the basis of the proposed suspension and setting forth the proposed sanction; and (2) inform the individual of his/her appeal rights as described in this policy. Sanctions are stayed pending the outcome of the appeal.

Details of the Administrative Appeal Process shall be provided in writing as a part of the correspondence related to the denial of eligibility for service, determinations of violation of the CMRTA No-Show/Late Cancellation Policy and incidents of violent or threatening behavior. The Administrative Appeal Process documents shall be provided in an accessible format that can be utilized by the individual making the request.

Appeals Panel

Drawing from the membership of the CMRTA's Accessibility Advisory Committee (AAC), a three-member Appeal Panel will be formed to review appeals regarding service eligibility determinations, sanctions for No-Show/Late Cancellation events and incidents of violent or threatening behavior. The Chairman of the AAC, at the beginning of his/her appointment or at the time of the appeal, shall appoint the individuals that will serve on the Appeal Panel. The Appeal Panel shall include the following representatives from the AAC:

- 1 Disability Advocacy Entity Representative
- 1 Disabled Service User
- 1 CMRTA Board Representative

The Appeal Panel shall not include any individuals who may be directly involved in the initial eligibility review/denial or the compilation of the record regarding No-Show/ Late Cancellations and/or incidents of violent or threatening behavior.

The final, formal decisions issued by the Appeal Panel shall stand as the "Due Process" resolution of the appeals under the CMRTA's formal written Administrative Appeal Process described herein.