Know Your Rights
Access Paratransit in King County

Under the ADA and the New 2019 Contract between Metro and MV
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Overview

What is Access?

Metro Access, or Access, is King County’s federally mandated paratransit service for people with disabilities under the Americans with Disabilities Act (ADA). The ADA requires all public transportation agencies to provide door-to-door transportation services that are comparable to its public fixed route system for people who are unable to use the fixed route service.
Where Do Access Riders’ Rights Come From?

The ADA outlines parameters around eligibility, scheduling, service area, trip denials, wait times and on-board times. In King County, Metro subcontracts the operation of Access to a for-profit contractor; as of October 26, 2019 the new contractor is MV Transportation, or MV. This pamphlet outlines your rights under the ADA as well as under the contract with MV.
Common Violations

If you’ve been riding Access for some time or following the news regarding Access since the King County Auditor’s Office released its 2017 Audit of Access Paratransit in King County, then you are aware that there is a pattern and practice of Access trips taking longer than fixed route; pick-ups and drop-offs being unreliable, with riders regularly getting dropped off excessively early and sometimes late; a lack of equity underserving riders with limited English proficiency; a lack of comparable options for fare payment; a failure to get web scheduling software online since purchasing software in 2010; and problems with customer service and long wait times calling the Call Center, among others.
New King County Transit Ombuds

An Ombudsman, or Ombuds, is a government appointee who investigates complaints by private persons against the government. In response to riders organizing to get a contract that complies with the ADA and improves service to riders, the King County Council created a new Transit Ombuds inside the King County Office of the Ombuds. The Transit Ombuds can assist you in making complaints to Metro and tracking these complaints until they are resolved satisfactorily.
Disabled Riders are Organizing to Hold Metro Accountable

For years, riders have been told that we need to wait for a new contract in order to see meaningful changes. We fought hard to get improved standards into the new contract. Unfortunately, Metro is now reporting that a number of these issues will still not be resolved as of the start of the new contract. It is clear that riders need to continue organizing together to put ongoing pressure on Metro to do right by its disabled riders\(^1\) and obey federal law.

\(^1\) This pamphlet focuses on Metro Access. Additionally, disabled riders are experiencing many violations on other Metro services. Contact the Transit Riders Union & ADAPT if you are a disabled rider experiencing problems with public transit, whichever service you use, and want to organize with other disabled riders to improve our public transportation.
Equity

You have a right to communicate with the Call Center and Access drivers in a language that you understand.

Since the Audit, Metro has been working to streamline access to the Language Line and to translate Access brochures and written materials into a diversity of languages. If you don’t see your language represented or access to the Language Line is taking too long let the Ombuds know.

The Equity and Social Justice Ordinance calls for King County to "consider equity and social justice impacts in all decision-making so that decisions increase fairness and opportunity for all people, particularly for people of color, low-income communities and people with limited English proficiency or, when decisions that have a negative impact on fairness and
opportunity are unavoidable, steps are implemented that mitigate the negative impact.”

The Auditors exposed Metro’s failure to conduct an Equity Impact Review (EIR) for Access. However, more than 2 years since the audit, Metro has conducted a Request for Proposals process and has been making many decisions regarding Access, without publishing the findings of an EIR to guide decisions by the “fair and just” principle. Join Access riders in calling for the Equity Impact Review for Access to be made public so that it may influence Access policies and procedures.
Eligibility

The Federal Transit Administration (FTA) has extensive criteria regarding eligibility. In King County, Metro contracts eligibility determination to Harborview Medical Center.

There are 3 categories of eligibility:

a. Can't Navigate the System Independently
b. Needs an Accessible Vehicle
c. Obstacles Prevent Reaching the Bus or Train
There are 3 types of eligibility:

a. Unconditional Eligibility (All Trips)
b. Conditional Eligibility (Some Trips)
c. Temporary Eligibility

If you are not found eligible, you have a right to appeal.

The local appeal process must include an opportunity to be heard and to present information and arguments. If the applicant needs transportation to the appeal hearing, the transit agency must provide it.

The decision on an appeal must be made by a person or panel of people uninvolved with the initial decision to deny eligibility.
If you are registered for paratransit in your home city, you are eligible to ride other paratransit systems while you are traveling in other areas of the country.

“Persons with disabilities visiting King County from outside the Puget Sound area should contact Metro's Accessible Services office in advance to establish visitor status. Visitors can receive paratransit service for 21 days out of any 365-day period. Receiving service beyond 21 days requires an eligibility determination by King County.”
Using Access Paratransit

No trip denials

Access may not deny trips for eligible riders for any reason. If your trip has been denied contact the Ombuds.

Right to use the bathroom

Contact the Ombuds if your request to use the bathroom is denied.
Service Area

You may schedule Access to go anywhere a Metro bus or light rail goes at that time and on that day of the week. Under the ADA, the service area is a corridor whose width extends $\frac{3}{4}$ of a mile on each side of and around each fixed route. Metro does better than the ADA here, by doubling the corridor to 1.5 miles.

Comparable options for payment

Access Fare — for Adult or Youth — is $1.75 one way. There are no transfers.

A monthly pass for Access is $63.
Transit provides more payment options to fixed-route passengers than Access passengers.


Access riders may only pay with 1. Cash, 2. ORCA: Monthly pass, 3. Transit GO Ticket only available with a smart phone.

According to the Auditors, only 9% of Access riders use Access enough to justify the cost of a ORCA: Monthly Pass.

As riders we need to keep pressure on Metro to respect our right to comparable payment options.
Right to be picked up during your 30-minute pickup window

If Access arrives before your 30-minute pickup window, Access must wait for you until 5 minutes after your pickup window starts.

“FTA considers pickup windows longer than 30 minutes in total to be unacceptable, because they require riders to wait an unreasonably long time for service.” The FTA has ruled similarly regarding drop-offs. It appears that Metro is failing to protect these windows as mandated under the ADA.

Under the new contract, MV can be at fault for 8.5% of pickups and drop-offs, or roughly 7,500 trips each month in each category, according to Metro’s own projections. MV can pick riders up 59 minutes after the start of their pickup window roughly 7,500 times a month with no consequence;
or drop riders off an hour early an equal number of times with no consequence.

This is one reason why we believe that Metro should not be subcontracting this public service.

Monitoring your trips can help all of us to hold Metro accountable for failing to enforce a 30-minute pickup window and drop-off window. Reach out to TRU if you would like support monitoring your trips.

Travel time should not be excessive

As of October 26, 2019, in King County, an excessively long trip is defined as more than 15 mins longer than the trip would take on fixed-route transit
(including the amount of time it takes for a typical non-disabled passenger to get to and from the transit stop).

Metro has been shirking its responsibility under the ADA to monitor trip length to ensure that there is not a pattern or practice of excessively long trips.

Thanks to the advocacy of riders, Metro will now be monitoring trip length, and also penalizing the contractor if more than 4% of trips in any given month are excessively long. By Metro’s projections nearly 3,500 preventable excessively long trips will be allowed in any given month without penalty. Unfortunately, our attempts to institute a lower threshold were unsuccessful.
Scheduling Your Ride

You may call to schedule your ride between 8:00 a.m. to 5:00 p.m. daily. Currently, phone is still the only way to schedule a ride on Access.

You may schedule your ride by pickup time or by appointment time, and you will be given a 30-minute pickup window. You also may schedule your return trip by pickup time, by appointment time or by Will Call.

Negotiating Your Pickup Window

When scheduling by pickup time, the ADA allows Access to negotiate pickup times, but Access cannot require anyone to schedule a trip more than one hour before or after their desired departure time.
It is important for Access to consider the overall travel needs of riders when negotiating a pickup window. For example, if a rider indicates that they need a ride home from work, get off work at 5 p.m. and request a 5:15 p.m. pickup, the 30-minute pickup window must begin in the hour between 5:15 p.m. to 6:15 p.m.

Helpful Tip if there is a dispute with what was said on a call:

Sometimes Access makes a mistake and gives you one pickup window while entering a different pickup window into the computer, or entering the wrong appointment time. All phone calls are recorded. If there is ever a discrepancy, you have a right to ask Metro to pull the audio recording of the call and listen together to corroborate what you know you were told. The Ombuds or volunteers from TRU are happy to support you with this if you feel uncomfortable asking for audio yourself.
Scheduling by appointment

You can either let Access know what time you want to be picked up or what time you want to be dropped off.

If you schedule your ride by appointment time: You have a right to be dropped off within 30 minutes of your appointment time.

If Access is trying to drop you off at your appointment more than 30 minutes before the appointment time that you gave when scheduling your trip and you feel unsafe being dropped off that early — especially if it is dark or cold or raining/snowing and the building is not open — you may request to stay on the bus and be dropped off during the 30-minute drop-off window before your appointment.
The time from the beginning of your pickup window to 30 minutes before your appointment time should not be longer than the standard for trip length, which is more than 15 minutes longer than the trip would take on a fixed route service.
Helpful Tip in determining how long your trip should take:

Use Google to learn how long your trip should take on fixed route\(^2\). Be sure to include the total time estimated by Google to get from your starting location to your final destination, so including the time to and from the transit stops for typical non-disabled passengers.

If scheduling by appointment use this formula to advocate for less transit time:

Beginning of pickup window + total trip time on fixed route + 15 mins = 30 mins or less before your appointment time.

\(^2\) Google has the most data and is the most accurate, more so than the King County Trip Planner and other tools. Even Access is switching over to use Google maps, according to what we have been told.
Will-Call Rides

Metro has a policy allowing Will-Call returns, or return trips without a specific scheduled time. Instead of scheduling your return by pickup time or by appointment time for when you’d like to be at your next destination, you can schedule a Will-Call, and call in when you are ready to leave. This can be helpful when you don’t know when you will be ready to leave.

In the new contract, Will-Call Rides home will be scheduled only as schedule permits, there’s no upper limit to how long you might be waiting.
Web Scheduling

Web Scheduling is more accessible for many riders, including riders with Limited English Proficiency.

For years Metro has been promising riders that we will be able to schedule our rides online. In 2010, Metro purchased web scheduling software that is still not online.

In August 2017, Metro promised us that we would have web scheduling by the beginning of the new contract. The start of the contract has been delayed by 15 months, but web scheduling will still not be available by October 26, 2019.
Public Oversight is Needed

Metro is mandated to monitor its contract with MV — but Metro needs our help with this. The 2017 Audit reported that Metro was not in compliance with a 2009 Audit finding to have a contract management plan.

One month before the new contract, there was no contract management plan in place.

Over the past 7 years of rider organizing, we have learned that Metro needs public pressure in order to carry out its responsibilities.

Join TRU and ADAPT in pressuring Metro to make its contract monitoring plan public.
Access Paratransit Advisory Committee

An ordinance by the King County Council is establishing an Access Paratransit Advisory Committee with members appointed by the Executive and approved by the King County Council.

All meetings of the Access Paratransit Advisory Committee are subject to the Open Public Meetings Act and the Open Public Records Act.

TRU & WA ADAPT intend to be represented on this committee and to support you in bringing your concerns forward. Join us in having a strong presence at these public monthly meetings and in organizing outside of these meetings to set priorities and direction that are responsive to riders’ needs.
Complaints, Commendations & Contacts

Thanks to our organizing, Access complaints will now be handled by Metro Customer Service. The contractor will no longer be able to determine which complaints to investigate. However, in most cases, the investigation will still be handled by the contractor.

Contact Metro Customer Service

**Phone:** 206-553-3000 (WA Relay: 711). Press 1 for an interpreter.

**Email:** access.customerservice@kingcounty.gov
Reservations can be requested 8:00 a.m. to 5:00 p.m. daily.

To request a reservation, call the Access Transportation Rideline: 206-205-5000 (WA Relay: 711)

Outside the Seattle metro area 1-866-205-5001 (WA Relay: 1-800-833-6384)

You can request rides from one to seven days before the day you need to travel.

Requests for inter-county travel must be received by 3:00 PM.

Unfortunately, at the time of publication, it was not clear how to request the Language Line for interpreters when calling Access.
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Contact the Transit Ombuds

If you need support filing a complaint regarding Access, you may reach out to the Transit Ombuds in the King County Office of the Ombuds.

**Phone:** 206-477-1050  
**Email:** transitombuds@kingcounty.gov

Contact the Transit Riders Union & ADAPT

**Email:** Access@transitriders.org