



# Metro Mobility

2024 Evaluation Report

**Program Evaluation Division**  
**Office of the Legislative Auditor**  
State of Minnesota

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April 2024

Members of the Legislative Audit Commission:

Through Metro Mobility, the Metropolitan Council provides transportation services for thousands of eligible individuals with disabilities and other health conditions in the Twin Cities Metropolitan Area. Minnesota statutes and federal regulations require the Metropolitan Council to provide services in different geographic areas; both require the Council to establish a process for resolving rider complaints.

We found that the Metropolitan Council applies different service standards when scheduling Metro Mobility rides in the two service areas. Further, Metro Mobility trip providers denied more than 5,000 ride requests in Fiscal Year 2023, while also struggling to meet performance goals related to the timeliness of service. Additionally, the complaints process includes multiple issues that undermine its effectiveness. We offer several recommendations to the Metropolitan Council and the Legislature to improve the quality of Metro Mobility services and the complaints process.

Our evaluation was conducted by Mariyam Naadha (project manager), Will Harrison, and Kyle Malone. The Metropolitan Council cooperated fully with our evaluation, and we thank them for their assistance.

Sincerely,



Judy Randall  
Legislative Auditor



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# Metro Mobility

In an effort to meet demand for rides in the federally mandated service area, the Metropolitan Council established lower standards for services in the state-mandated service area. In addition, rider complaints may not always be addressed appropriately.

## Report Summary

### Quality of Metro Mobility Services

The Metropolitan Council applies different standards when scheduling rides in the state-mandated service area compared to the federally mandated service area. Metro Mobility also struggled to meet performance goals related to the timeliness of ride services in Fiscal Year 2023.

- Unlike rides in the federally mandated service area, ride requests in the state-mandated service area are not guaranteed at the time of the request and may be scheduled to occur more than one hour beyond the rider’s requested pick-up time. (pp. 17-18)
- While the Metropolitan Council largely met the demand for Metro Mobility services in Fiscal Year 2023, it permitted providers to deny ride requests in the state-mandated service area. (pp. 19-20)

**Recommendation** ► The Legislature should consider amending statutes to explicitly identify service requirements in the state-mandated service area. (pp. 25-26)

- Metro Mobility services failed to meet the performance goals for on-time pick-ups and drop-offs in Fiscal Year 2023. (pp. 20-22)
- The Metropolitan Council has taken actions to address service quality issues, including the use of penalties; however, trip providers have still struggled to meet performance goals. (pp. 23-24)
- The Metropolitan Council has paid trip providers a bonus related to meeting all ride requests when they have not earned it. (p. 24)

**Recommendations** ► The Metropolitan Council should take additional steps to address service quality issues and ensure that the bonus related to fulfilling all ride requests is only given in instances when the trip provider has earned it. (p. 24)

### Background

Metro Mobility provides transportation services for thousands of eligible individuals with disabilities and other health conditions in the Twin Cities Metropolitan Area. The Metropolitan Council oversees Metro Mobility and contracts with private companies to provide ride services.

State statutes and federal regulations require the Metropolitan Council to adhere to specific service requirements and to establish a process for addressing rider complaints. Federal regulations require the Metropolitan Council to provide services within three-quarters of a mile of the fixed-route transit system. Statutes require the Metropolitan Council to provide services in a larger geographic area than the area required by federal regulations.

State appropriations have comprised the largest portion of Metro Mobility funding in recent years. The Metropolitan Council also generates funding through fares collected for services, and in recent years also received federal relief funding for Metro Mobility services.

## Metro Mobility Complaints Process

Several issues related to the Metro Mobility complaints process undermine its effectiveness, resulting in a process that does not ensure that the Council receives all riders' complaints or that appropriate action is taken to address rider complaints.

- Riders' concerns must meet certain conditions for the Metropolitan Council to track them as complaints that require action. (p. 38)

**Recommendation** ► The Metropolitan Council should systematically track data related to all rider concerns and use the information to improve riders' experiences. (p. 47)

- Contracts disincentivize trip providers from forwarding complaints to the Metropolitan Council, despite the Metropolitan Council requiring trip providers to do so. (p. 37)

**Recommendation** ► The Metropolitan Council should change the incentive structure in contracts with trip providers to encourage providers to forward complaints to the Metropolitan Council. (p. 46)

- The role that trip providers play in processing Metro Mobility riders' complaints undermines the integrity of the complaints process. (pp. 38-39)

**Recommendation** ► Metropolitan Council should limit the role of trip providers in the complaints process. (pp. 44-45)

- The Metropolitan Council has not established clear guidance for how staff should resolve complaints, which could result in inconsistent approaches. (p. 42)

**Recommendation** ► The Metropolitan Council should update its written procedures to provide more complete guidance to staff. (p. 45)

- The Metropolitan Council has sometimes paid trip providers a complaints-based bonus when they have not earned it. (p. 44)

**Recommendation** ► The Metropolitan Council should ensure that it only pays bonuses to providers when those bonuses are earned. (p. 47)

### Summary of Agency Response

In a letter dated April 30, 2024, Metropolitan Council Chair Charles Zelle wrote that the Council agrees with the recommendations in the report and “generally find[s] they align well with current and upcoming efforts to adjust and improve Metro Mobility service.” He said, “Increased demand and ongoing workforce constraints have created program capacity challenges,” including a shortage of drivers, but that contractors have had success attracting drivers in recent months. He reported that this, combined with new replacement buses and “ongoing technology improvements,” among other factors, has resulted in zero ride request denials since the start of 2024.

Chair Zelle said that the Council “will take steps to ensure [rider] concerns are fully documented” and that contractors forward all complaints to the Council. He added that the Council has “taken initial steps to revise work instructions to increase staff guidance on the handling of complaints.” Finally, Chair Zelle wrote that the Council has “corrected existing reporting to ensure any contractual performance bonuses are appropriately verified.”

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# Table of Contents

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<b>1</b>	<b>Introduction</b>
<b>3</b>	<b>Chapter 1: Background</b>
3	Metro Mobility Overview
10	Program Services
11	Program Administration
13	Program Funding
<b>15</b>	<b>Chapter 2: Metro Mobility Services</b>
15	Service Requirements in Law
16	Metro Mobility Ride Scheduling
18	Quality of Metro Mobility Services
26	Perspectives on Metro Mobility Services
<b>31</b>	<b>Chapter 3: Complaints Process</b>
31	Legal Requirements
32	Overview of Complaints Process
35	Adequacy of Complaints Process
42	Performance Indicators
44	Recommendations
<b>49</b>	<b>List of Recommendations</b>
<b>51</b>	<b>Appendix: Policies and Practices of Paratransit Providers in Other States</b>
51	Conditional Eligibility
54	Centralized Reservation and Dispatch System
57	Integrating Transportation Network Companies
<b>61</b>	<b>Agency Response</b>



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# Introduction

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Metro Mobility is a transportation service of the Metropolitan Council, available to eligible individuals in the Twin Cities Metropolitan Area who are unable to use the regular-route public transportation system due to a disability or health condition. Eligible individuals can access the services for any purpose and travel to any location within the Metro Mobility service area; the services can be essential for accessing healthcare and employment.

In recent years, some legislators have expressed concerns about the quality of Metro Mobility services. In May 2023, the Legislative Audit Commission directed the Office of the Legislative Auditor to evaluate Metro Mobility. We focused our evaluation on the following questions:

- **To what extent does Metro Mobility provide reliable, effective, and efficient services as required by law?**
- **How well does Metro Mobility meet the demand for its services?**
- **To what degree has the Metropolitan Council established an effective system to address customer complaints?**
- **What strategies have paratransit providers in other states used to improve the quality and cost-effectiveness of their services?**

To answer these questions, we reviewed relevant requirements in federal and state laws, examined Metro Mobility's written procedures, and interviewed Metropolitan Council staff and service providers. We also analyzed Metro Mobility data from fiscal years 2019 and 2023 on Metro Mobility riders, rides, rider suspensions, and rider complaints. Additionally, we conducted a survey of Metro Mobility riders. We also spoke with representatives of organizations working with people with disabilities and older Minnesotans. Finally, we conducted a limited review of practices and strategies paratransit providers in other states have used to improve the quality or cost-effectiveness of services.

Our evaluation focused on the Metropolitan Council's role in administering and overseeing the program. While we interviewed representatives of trip providers, we did not evaluate their procedures for delivering services. We also did not independently evaluate practices of paratransit providers in other states. Instead, we reviewed evaluations and research conducted on select practices and strategies. Finally, we limited our review of Metro Mobility's compliance with federal regulations, since the Federal Transit Administration regularly conducts compliance reviews of Metro Mobility.



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# Chapter 1: Background

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For thousands of Twin Cities residents who are unable to use the regular-route transit system due to a disability or health condition, Metro Mobility provides critical transportation services. Metro Mobility is administered by the Metropolitan Council and is subject to requirements in federal and state laws.

In this chapter, we provide an overview of Metro Mobility, including federal and state requirements, and eligibility criteria for the service. We also provide information about Metro Mobility service administration. Lastly, we briefly discuss how Metro Mobility is funded.

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## Metro Mobility Overview

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In Fiscal Year 2023, the Metropolitan Council provided Metro Mobility services to more than 18,500 riders.<sup>1</sup> Metro Mobility ridership decreased substantially during the COVID-19 pandemic and had not entirely recovered as of Fiscal Year 2023. In Fiscal Year 2023, riders booked more than 1.9 million rides, down from about 2.2 million booked rides in Fiscal Year 2019.<sup>2</sup> Riders may use Metro Mobility for any purpose, including employment, medical appointments, or socializing.

The majority of Metro Mobility rides consist of prescheduled, standard shared-ride services. Fares for most Metro Mobility shared-ride services range from \$1.00 to \$4.50, depending on the location, day, and time of day.<sup>3</sup> The Council also offers Metro Mobility riders access to subsidized same-day taxi rides.

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## Legal Requirements

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**As required by law, the Metropolitan Council provides transportation services to individuals who are unable to use the public transit system due to a disability or health condition.**

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The Metropolitan Council provides services through Metro Mobility to meet requirements in state and federal laws. Minnesota statutes require the Council to offer a transportation service with the goal of providing “greater access to transportation for the elderly, people with disabilities, and others with special transportation needs in the metropolitan area.”<sup>4</sup>

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<sup>1</sup> The fiscal year we use throughout the report is the state fiscal year.

<sup>2</sup> Rider cancellations at the time of pick-up or rider failure to meet the vehicle, in addition to missed trips due to a provider failure, mean that not every booking resulted in a completed ride.

<sup>3</sup> In some circumstances, an additional \$0.75 is added to rides that are more than 15 miles. The discounted taxi services have a different fare structure. We provide more details about fares later in this chapter.

<sup>4</sup> *Minnesota Statutes* 2023, 473.386, subd. 1(a).

Federal law requires public entities that operate fixed-route transit to provide “paratransit” services to individuals with disabilities.<sup>5</sup> The Metropolitan Council (through Metro Transit) provides fixed-route transportation services throughout much of the Twin Cities Metropolitan Area. This means that federal law requires the Council to provide paratransit services that complement their fixed-route services.



### Paratransit and Fixed-Route System

**Paratransit** “means comparable transportation service required by the [Americans with Disabilities Act] for individuals with disabilities who are unable to use fixed route transportation systems.”

The **fixed-route transportation system** is “a system of transporting individuals (other than by aircraft), including the provision of designated public transportation service by public entities and the provision of transportation service by private entities, including, but not limited to, specified public transportation service, on which a vehicle is operated along a prescribed route according to a fixed schedule.”

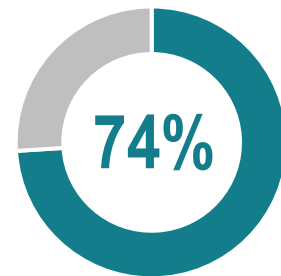
— 49 *CFR*, 37.3 (2023)

### Minnesota statutes require the Metropolitan Council to provide Metro Mobility services in a larger geographic area than is required by federal regulations.

Statutes require the Metropolitan Council to provide Metro Mobility services within the boundaries of specific cities, towns, and unorganized territories in the seven-county metropolitan area.<sup>6</sup> In contrast, federal regulations require the Council to provide Metro Mobility services within three-quarters of a mile of fixed-route bus lines and rail stations.<sup>7</sup> As shown in the exhibit on the next page, the Metro Mobility service area required by statutes is larger than the federally required service area.

In providing Metro Mobility services, the Metropolitan Council is required to adhere to specific federal service requirements when a ride begins *and* ends within three-quarters of a mile of regular bus routes and rail stations (the federally mandated service area).<sup>8</sup> As such, a Metro Mobility ride that begins *and* ends within the federally mandated service area is a “federally mandated ride.” The state-mandated service area is the area outside of the federally mandated service area, but within the service area required by statutes. Therefore, a ride that begins *or* ends within the state-mandated service area is not subject to federal service requirements.

In Fiscal Year 2023,



**of the rides Metro Mobility provided were within the federally mandated service area.**

Source: Office of the Legislative Auditor, analysis of Metro Mobility rides data.

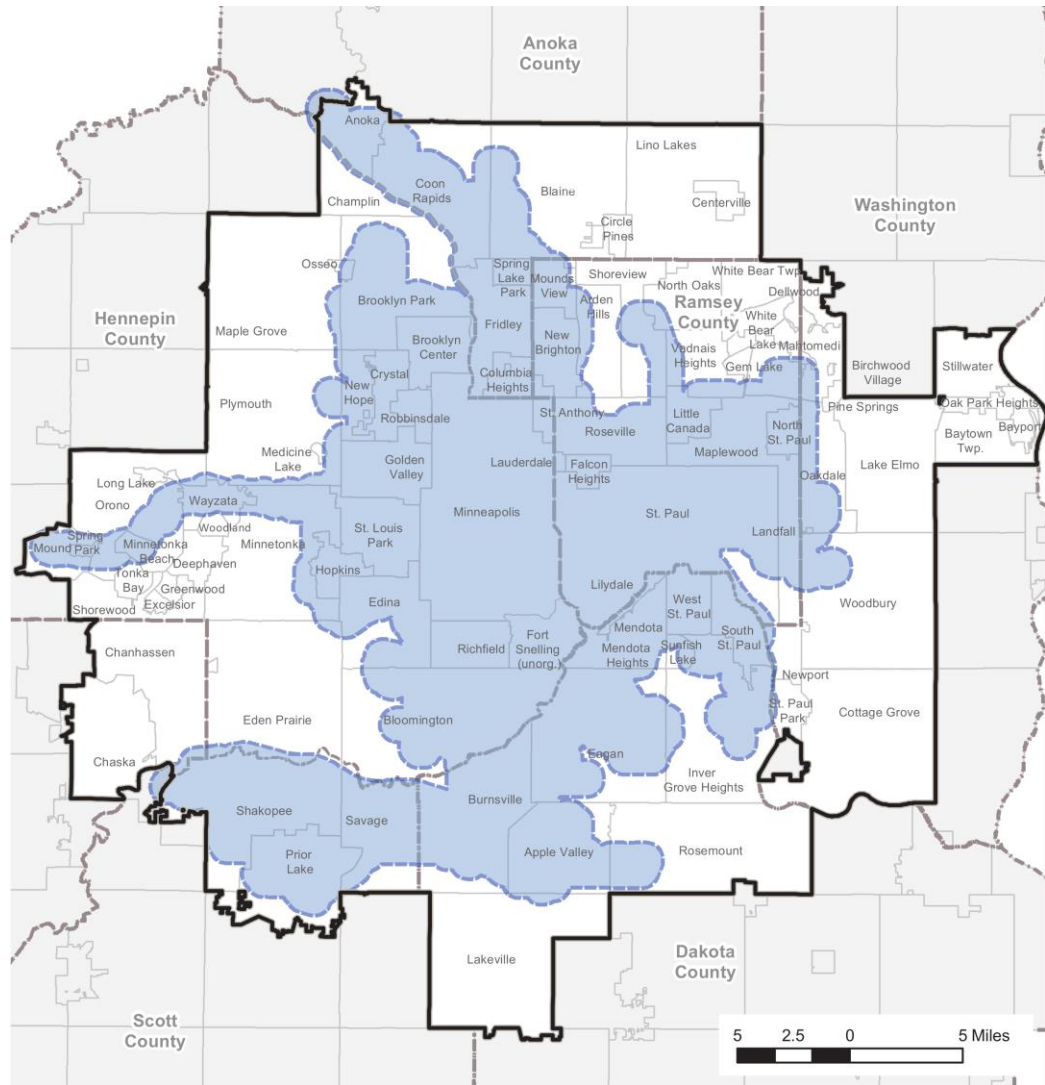
<sup>5</sup> Americans with Disabilities Act of 1990, Public Law 101-336, July 26, 1990, codified as amended at 42 *U.S. Code*, sec. 12143 (2023).

<sup>6</sup> *Minnesota Statutes* 2023, 473.386, subd. 3(9); and 473.446, subd. 2.

<sup>7</sup> 49 *CFR*, 37.131 (2023).

<sup>8</sup> Federal requirements related to paratransit do not apply to commuter bus, commuter rail, or intercity rail systems. 49 *CFR*, 37.121 (2023).

## Metro Mobility Weekday Service Area



Notes: This map shows the Metro Mobility weekday service area between November 2022 and February 2024. The federally mandated service area is in blue, and the state-mandated service area is in white.

Source: Metropolitan Council.

### Federal and state service requirements differ for some aspects of Metro Mobility services.

In addition to the differing geographic service area, statutes also direct the Metropolitan Council to provide “door-through-door” services, as shown in the box on the next page.<sup>9</sup> This means, in most instances, drivers are required to aid riders through the first entry door of the rider’s origin and destination. In contrast, federal regulations allow

<sup>9</sup> *Minnesota Statutes* 2023, 473.386, subd. 6.

the Council to decide if the service should be “door-to-door” or “curb-to-curb,” both of which constitute less assistance than “door-through-door” service.<sup>10</sup> The Council’s policy is to apply the more expansive “door-through-door” service requirement in statutes throughout the Metro Mobility service area.

Beyond requiring service in a specific geographic service area and “door-through-door” service, the only other service requirement in statutes concerns fares for service.<sup>11</sup> Federal regulations, however, have explicit service requirements meant to

ensure that paratransit services are comparable to fixed-route transit services.

For example, federal regulations prohibit placing restrictions on rides based on their purpose or limiting the number of rides provided to an individual.<sup>12</sup> Federal regulations also require services to be available at the same hours and days as the fixed-route transit system.<sup>13</sup> In addition, federal regulations require that fares for services not exceed twice the regular fixed-route fare.<sup>14</sup>



### Door-Through-Door Service

Metro Mobility services “shall provide the help necessary for door-through-door service, including help in entering and leaving the vehicle and help through the exterior entrance and over any exterior steps at either departure or destination buildings, provided that both the steps and the wheelchair are in good repair.”

— *Minnesota Statutes 2023, 473.386, subd. 6*

## Eligibility Determination

Federal regulations and Minnesota statutes also include requirements for determining eligibility for Metro Mobility services.<sup>15</sup> Federal regulations require the Metropolitan Council to “strictly limit” paratransit eligibility to certain individuals with disabilities, including those who require the assistance of another individual or who need a boarding assistance device, such as a wheelchair lift, to use the fixed-route system.<sup>16</sup> Individuals whose disability or health condition prevents them from traveling to a boarding location for the fixed-route system are also eligible.<sup>17</sup> Statutes require the Council to “establish criteria” for “determining individual eligibility” for Metro Mobility services.<sup>18</sup> Statutes also allow the Council to require that individuals be certified as eligible for services.<sup>19</sup>

<sup>10</sup> 49 *CFR*, 37.3 (2023).

<sup>11</sup> *Minnesota Statutes 2023*, 473.386, subd. 9. Statutes require the Metropolitan Council to adhere to federal law in establishing fares for services.

<sup>12</sup> 49 *CFR*, 37.131 (2023).

<sup>13</sup> *Ibid.* In the areas not served by fixed-route transit, Metro Mobility provides limited hours of service.

<sup>14</sup> *Ibid.*

<sup>15</sup> *Minnesota Statutes 2023*, 473.386, subd. 3(6); and 49 *CFR*, 37.123 (2023).

<sup>16</sup> 49 *CFR*, 37.123-37.125 (2023).

<sup>17</sup> *Ibid.*

<sup>18</sup> *Minnesota Statutes 2023*, 373.386, subd. 3(6).

<sup>19</sup> *Ibid.*, subd. 2a(a).

## Eligibility and Certification Process

**The Metropolitan Council has established a process to limit Metro Mobility services to eligible individuals, as required by federal regulations and Minnesota statutes.**

Metropolitan Council staff oversee and manage the rider eligibility and certification process. Individuals interested in using Metro Mobility services must apply and, if needed, attend an in-person assessment.<sup>20</sup> The in-person assessment consists of an interview and may include specific tests. These tests are intended to identify a person's cognitive and physical ability to use the fixed-route transit system, as required by federal regulations.

The Metropolitan Council is required by federal regulations to make a determination about eligibility within 21 days of receiving the application.<sup>21</sup> In the event the Council has not made an eligibility determination within 21 days, federal regulations require the Council to assume the applicant is eligible for services, and provide services until and unless the Council denies eligibility.<sup>22</sup>

The Council grants four types of certification: (1) full eligibility, (2) conditional eligibility, (3) temporary eligibility, and (4) permanent eligibility, as shown below.



### Types of Metro Mobility Certification

- **Full Eligibility** is granted to individuals who are unable to use fixed-route transit independently. Individuals with full eligibility are eligible for one to five years.
- **Conditional Eligibility** is granted to individuals who can sometimes use fixed-route transit depending on changes in their health condition or changes in the environment.
- **Temporary Eligibility** is granted to individuals for a short period while they recover from an injury or condition that prevents them from using fixed-route transit. Individuals may be granted temporary eligibility for between three and nine months.
- **Permanent Eligibility** is granted to individuals who are of an advanced age or who, because of their disability, may have a significantly shortened life span. Individuals with permanent eligibility are eligible for life.

— Metropolitan Council Eligibility and Certification Standard Operating Procedures (2023)

<sup>20</sup> Applicants are required to submit a two-part application packet. The packet includes a questionnaire to be completed by the applicant (or an advocate or caregiver familiar with the applicant's condition) and a verification form to be completed by a licensed professional, who must also be familiar with the applicant's condition. In the event the application packet is incomplete or the Council requires additional information to determine eligibility, the Council will ask the applicant to attend an in-person assessment.

<sup>21</sup> 49 *CFR*, Appendix C to Part 37 (2023). Applications are date stamped on the date the Council receives them and processed in the order in which they are received.

<sup>22</sup> 49 *CFR*, 37.125 (2023).

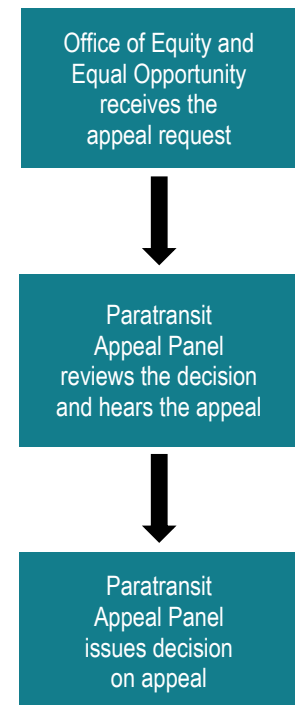
## Appeals Process

Federal regulations require the Metropolitan Council to establish an appeals process that allows an applicant who is denied eligibility to have the decision reviewed.<sup>23</sup> Applicants who are denied eligibility for Metro Mobility services, or granted conditional or temporary eligibility, can appeal the decision by contacting the Council within 90 days of the determination.

Federal regulations require the appeal to be decided by someone who was not involved in the original decision to deny eligibility.<sup>24</sup> At the Metropolitan Council, the appeals process is administered by the Council's Office of Equity and Equal Opportunity (OEEO), as shown to the right. When an appeal is submitted, a staff person at the OEEO assembles the Paratransit Appeal Panel, schedules the hearing, and provides administrative assistance to the panel. The Paratransit Appeal Panel consists of three volunteer members, one of whom has professional experience working with people with disabilities and another who is acquainted with an appellant's specific disability.<sup>25</sup> The members of the panel hear the appeal and make a final eligibility decision.

Federal regulations also require the Metropolitan Council to provide written notification of the appeal decision, including the reason for the decision.<sup>26</sup> Once the appeal panel members have made a decision, an OEEO staff person notifies both the applicant and Council staff of the panel's decision in writing. The panel's eligibility decisions are final and not subject to further appeal.

### Metro Mobility Appeals Process



The following diagram shows the Metro Mobility eligibility and certification process.

<sup>23</sup> 49 *CFR*, 37.125 (2023).

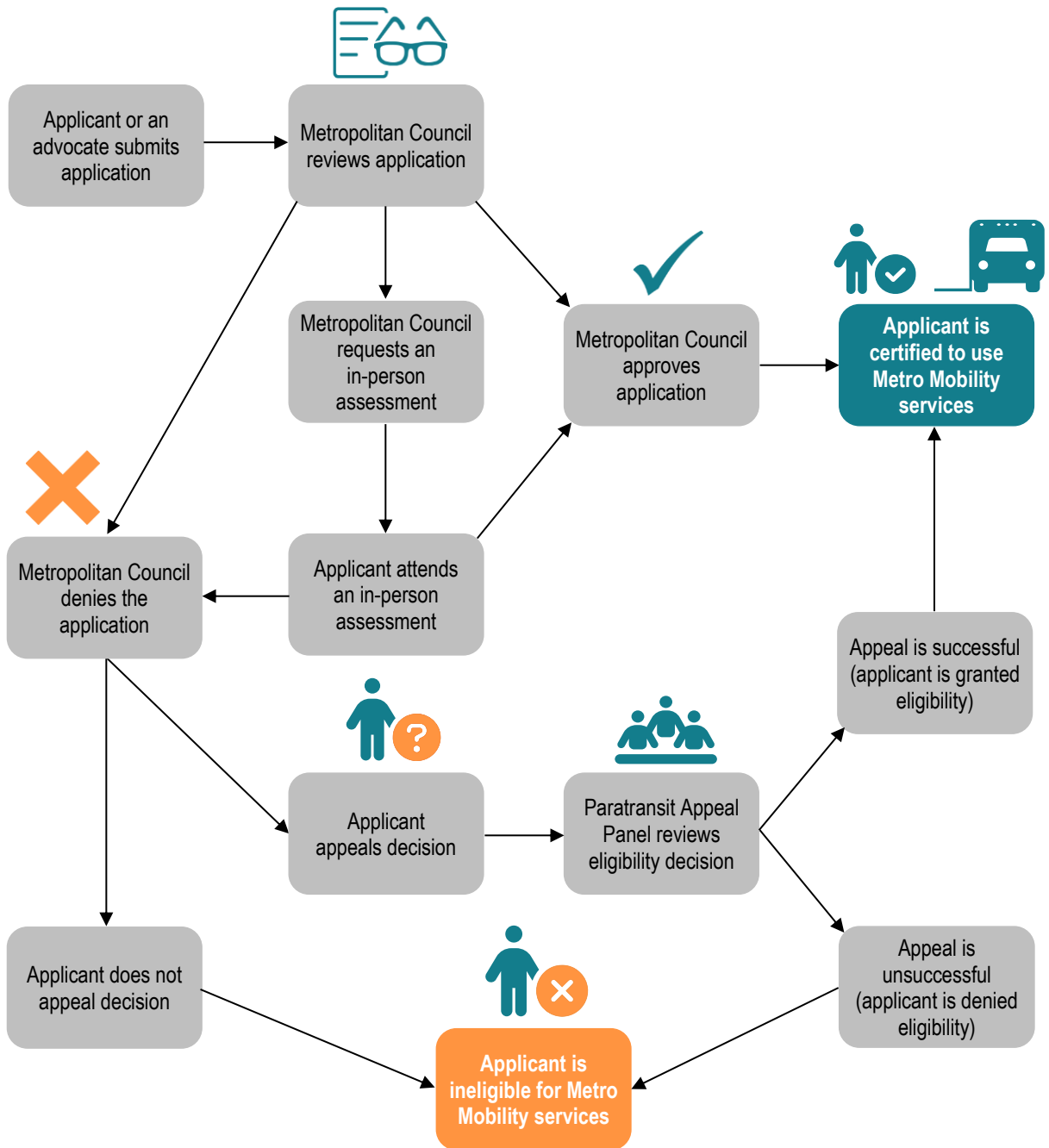
<sup>24</sup> *Ibid.*

<sup>25</sup> According to the Metropolitan Council, the appeal panel is designed to be impartial, and any member is required to withdraw from the appeals process if the member deems they have a conflict of interest.

<sup>26</sup> 49 *CFR*, 37.125 (2023).



### Metro Mobility Eligibility and Certification Process



Note: This diagram does not depict every step in the Metro Mobility eligibility and certification process.

Source: Office of the Legislative Auditor, review of Metro Mobility eligibility determination procedures.

## Program Services



### Types of Metro Mobility Services

- **Demand Service** (shared-ride services)
- **Agency Service** (ride services for certified individuals who attend participating day programs)
- **Supplemental Transportation Services** (such as same-day taxi services)

**The Metropolitan Council offers Metro Mobility riders access to different service options; riders may use them based on their needs.**

The Metropolitan Council offers Metro Mobility riders access to three types of transportation services: (1) standard “demand service” rides, (2) “agency service” rides for certified riders who attend certain adult day training and habilitation programs (or day programs), and (3) subsidized supplemental transportation services, such as same-day taxi services.

“Demand service” rides comprised the majority—about 86 percent—of Metro Mobility rides in Fiscal Year 2023. These rides do not operate on a designated route or a fixed schedule; instead, riders share the vehicle with others who are “going in the same general direction at about the same time.”<sup>27</sup> These rides can include one-time or recurring trips within the Metro Mobility service area. In general, riders must schedule demand service rides between one and four days in advance.

The Council also provides Metro Mobility shared-ride services in the federally mandated service area to certified individuals who attend certain day programs. These “agency



### Metro Mobility Supplemental Services

**Premium On-Demand Service** allows all certified riders to schedule a discounted same-day taxi ride in the Metro Mobility Service Area. The rider is responsible for paying the first \$5 and anything over \$25. Metro Mobility pays up to \$20 total.

**Assured Ride Home Program** provides reimbursements of up to \$100 annually to eligible Metro Mobility riders for transportation costs incurred when using a taxi or other licensed transport, in the event the individual needs an immediate ride home for any reason. Riders who use Metro Mobility services at least three days a week on average are eligible for this program.

— **Metro Mobility Service Guide (2023) and Premium On-Demand Service Contract**

service” rides comprised about 14 percent of the Metro Mobility rides in Fiscal Year 2023. Through the agency service, Metro Mobility transports riders from their designated pick-up locations to the designated drop-off locations for the day programs.<sup>28</sup> While the demand service is available to all certified riders, the rides to and from day programs are only available to those certified riders who have been assigned to the agency service by one of the day programs included in the agency service contract. According to a Council staff person, Metro Mobility serves 11 day programs. Starting in May 2024, this service will be phased out and replaced by a new Metropolitan Council service called “Metro Move.”<sup>29</sup>

The Council also subsidizes two supplemental transportation services, the Premium On-Demand Service and the Assured Ride Home Program.<sup>30</sup> The box to the left provides more details about these services.

<sup>27</sup> Metropolitan Council, *Metro Mobility Service Guide*, <https://metrocouncil.org/Transportation/Services/Metro-Mobility-Home/Guides/MM-Service-Guide.aspx>, accessed March 4, 2023.

<sup>28</sup> These rides are typically coordinated by the staff at the participating day programs, not the riders.

<sup>29</sup> Council staff told us that the Council will employ a phased approach and transition riders from the agency service to either the demand service or the new “Metro Move” service. They expect the transition to be complete by September 2024, when the current agency service contract expires.

<sup>30</sup> We did not review these supplementary services as part of this evaluation.

## Program Administration

Statutes require the Metropolitan Council to “implement” Metro Mobility services but permits the Council to contract with a program administrator or administer the service itself.<sup>31</sup> Statutes also direct the Council to contract with public, private, or private nonprofit entities to provide services where it is “feasible and cost-efficient” to do so.<sup>32</sup>

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### The Metropolitan Council contracts with private companies to schedule and provide Metro Mobility ride services.

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The Metropolitan Council has chosen to *administer* and *oversee* Metro Mobility services itself, while contracting with private companies to *provide* ride services. The Council’s responsibilities include making overall management and policy decisions, determining eligibility and certifying riders, and managing a process to gather riders’ feedback and complaints. The contracted trip providers are responsible for managing the delivery of ride services, including taking reservations; scheduling rides; and hiring, training, and supervising drivers and other staff. The table below shows some of the responsibilities of the Council and the trip providers.

### The Metropolitan Council and trip providers are responsible for different aspects of Metro Mobility services

Entity	Select Responsibilities
Metropolitan Council	<ul style="list-style-type: none"> <li>• Conduct community outreach</li> <li>• Determine eligibility for services and certify riders</li> <li>• Gather riders’ questions, comments, and complaints</li> <li>• Provide automated scheduling and dispatch systems, phone and radio systems, and vehicle on-board technology</li> <li>• Purchase, inspect, and replace vehicles</li> </ul>
Trip Providers	<ul style="list-style-type: none"> <li>• Conduct all aspects of daily operations and service delivery, including reservations, scheduling, and dispatch services</li> <li>• Hire, fire, and discipline all managers and frontline staff, including drivers and reservationists</li> <li>• Provide facilities for operations, including facilities for reservation staff and maintenance of vehicles</li> <li>• Report all service-related incidents to the Council</li> <li>• Store, maintain, and repair vehicles, in accordance with Council requirements</li> </ul>

Source: Office of the Legislative Auditor, review of Metro Mobility Eligibility and Certification Standard Operating Procedures and Metropolitan Council contracts with trip providers.

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<sup>31</sup> *Minnesota Statutes* 2023, 473.386, subs. 1 and 2(b).

<sup>32</sup> *Ibid.*, subd. 3(2).

The Metropolitan Council has divided the Metro Mobility service area into three zones. Each zone is served under a contract with one of two companies, as shown in the table to the right. These zones are the (1) East Zone, (2) South Zone, and (3) West Zone. Additionally, the Council has a fourth contract with a trip provider to deliver agency services for certified riders who attend day programs. Supplemental taxi services are subsidized through a separate contract with a taxi company.

### Metro Mobility Trip Providers

Contracts	Company	Proportion of Rides in FY2023
East Zone	TransDev	30%
South Zone	Transit Team	18%
West Zone	Transit Team	38%
Agency Contract	Transit Team	14%

Source: Office of the Legislative Auditor, review of Metropolitan Council trip provider contracts and analysis of Metro Mobility rides data.

## Rider Suspensions

Federal regulations allow the Metropolitan Council to establish a process to suspend for a “reasonable period of time” those riders who “establish a pattern or practice of missing scheduled trips.”<sup>33</sup> Federal regulations also allow the Council to refuse services to an individual “who engages in violent, seriously disruptive, or illegal conduct” and to require that the individual have an attendant to continue using services.<sup>34</sup>

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### **The Metropolitan Council has established a process to suspend riders temporarily under certain circumstances, as allowed under federal regulations.**

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Metropolitan Council policies allow a rider to be suspended temporarily for behavior that is violent, seriously disruptive, or illegal, or otherwise poses a threat to customers, drivers, or the general public.

In determining the terms of suspension, the Council differentiates among three broad categories of offenses: (1) minor offenses, (2) major offenses, and (3) direct threats, as shown in the table on the next page.

In Fiscal Year 2023, the Metropolitan Council issued at least 2,300 suspensions, involving more than 1,700 riders. Nearly all suspensions (99 percent) were related to a failure to meet the driver within the pick-up window or cancelling a ride less than one hour before the agreed-upon pick-up time (also known as a “No-Show”). According to Council suspension policies, a rider who accumulates four or more confirmed No-Shows within a 30-day period, and whose total number of No-Shows amount to more than 6 percent of their requested rides, may be suspended for 14 days.<sup>35</sup>

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<sup>33</sup> 49 *CFR*, 37.125 (2023).

<sup>34</sup> 49 *CFR*, Appendix C to Part 37 (2023).

<sup>35</sup> Trip providers are responsible for reviewing No-Show designations and confirming the validity of the designation. A rider who accumulates more than three confirmed No-Shows receives a warning letter from their trip provider prior to the suspension. A rider can dispute a No-Show designation by contacting the Metropolitan Council. Council policies allow No-Shows to be excused if they occurred as a result of circumstances outside the control of the rider.

## Summary of Offenses and Corresponding Suspension Terms

Types of Offense	Terms of Suspension
<p><b>Minor Offenses</b> are those offenses that disrupt service but do not otherwise infringe on the rights of others. Examples include repeatedly failing to meet the driver within the scheduled pick-up window, repeated late cancellations, and smoking or using other prohibited substances.</p>	<ul style="list-style-type: none"> <li>Warning for first occurrence, after which each additional occurrence results in a 14-day suspension.</li> <li>Riders are issued a written suspension notice at least 14 days before the start of their suspension.</li> </ul>
<p><b>Major Offenses</b> are behaviors that infringe on the rights of others or disrupt the safe operation of the vehicle. Examples include use of profane or threatening language, and intentionally damaging equipment.</p>	<ul style="list-style-type: none"> <li>30-day suspension for first occurrence, followed by 45-day suspension for second occurrence. Additional occurrences result in a 60-day suspension.</li> <li>If the behavior continues, riders may be required to travel with an aide or personal care assistant for a period of time.</li> <li>Riders receive a notification in writing at least 14 days before the start of the suspension.</li> </ul>
<p><b>Direct Threats</b> are those behaviors that pose a significant risk to others, and may include both safety and security issues. Examples include assault, attempted assault, and riding with an infectious disease or condition that impacts the health of others.</p>	<ul style="list-style-type: none"> <li>Similar to major offenses, except suspension starts the day after Metro Mobility confirms the offense.</li> <li>The rider or their family or support staff are notified verbally on the day of the confirmation. A written notification is also mailed the same day.</li> <li>For offenses related to infectious diseases, the suspension may be reduced if the condition has been addressed.</li> </ul>

Source: Office of the Legislative Auditor, review of Metro Mobility Standard Operating Procedures for Customer Conduct, Suspensions, and Appeals.

## Program Funding

### State appropriations comprised the largest portion of Metro Mobility revenue in recent years.

In calendar year 2022, the Metropolitan Council received a total of \$93 million in revenue, including \$56 million from state appropriations, \$31 million from federal funding, and \$7 million from passenger fares, as shown in the table below.

### Metro Mobility Revenues, Calendar Years 2019 to 2022

Types of Revenue	2019	2020	2021	2022
State	\$80,336,000	\$70,166,000	\$56,416,000	\$55,976,000
Federal	–	11,188,000	1,711,000	31,000,000
Passenger Fares	7,890,000	3,981,000	6,119,000	6,651,000
Investment Income	1,020,000	542,000	(121,000)	(588,000)
Total Revenues	\$89,246,000	\$85,877,000	\$64,125,000	\$93,039,000

Source: Office of the Legislative Auditor, review of Metropolitan Council, *Annual Financial Report*, 2019 to 2022.

The Legislature began appropriating funding directly for Metro Mobility services starting in Fiscal Year 2020.<sup>36</sup> Previously, the Legislature appropriated funding to the Metropolitan Council for transit in general, and the Council determined funding for Metro Mobility from that broader appropriation. In 2021 the Legislature amended statutes to provide for forecasted funding for Metro Mobility.<sup>37</sup> Beginning in Fiscal Year 2025, Minnesota Management and Budget must work with the Council to estimate the funding needed, in part, to continue providing Metro Mobility services at the current level while also accounting for the expected demand for services.<sup>38</sup>

The Metropolitan Council began receiving federal pandemic relief funding in calendar year 2020. The Council allocated \$11 million in federal relief funding to Metro Mobility in 2020 and \$1.7 million in 2021. In 2022, the Council allocated \$31 million in federal relief funding to Metro Mobility.<sup>39</sup>

The Metropolitan Council also generates revenues for Metro Mobility through fares collected for services. Fares for services are established in line with federal regulations, and can range from \$1.00 up to \$4.50 for federally mandated rides, as shown in the box to the right.<sup>40</sup> For example, riders must pay \$4.50 for rides during peak service hours and \$3.50 for rides during off-peak service hours or during select holidays.<sup>41</sup> Fare revenues decreased substantially from about \$7.9 million in 2019 to less than \$4 million in 2020, following the COVID-19 pandemic and associated decrease in ridership.



#### Fares for Metro Mobility Services

- **\$4.50** – Peak Service Hours (Monday to Friday, 6:00 a.m. to 9:00 a.m. and 3:00 p.m. to 6:30 p.m.)
- **\$3.50** – Off-Peak Service Hours and Holidays
- **\$1.00** – Downtown Fare Zone
- **\$0.75 added** – To rides in the state-mandated service area that are more than 15 miles

— Metro Mobility Service Guide (2023)

<sup>36</sup> *Laws of Minnesota* 2019, First Special Session, chapter 3, sec 3.

<sup>37</sup> *Laws of Minnesota* 2021, First Special Session, chapter 5, art. 4, sec. 112, subd. 10, codified as *Minnesota Statutes* 2023, 473.386, subd. 10. According to a Council staff person, this also includes the Council's new transportation service, "Metro Move."

<sup>38</sup> *Ibid.*

<sup>39</sup> Federal funding for calendar years 2020 and 2021 came from the federal Coronavirus Aid, Relief, and Economic Security Act of 2020. Federal funding for 2022 came from the American Rescue Plan Act of 2021. Council staff said the Council allocated federal funding to its transportation services depending on available funding and eligible expenses, and thus the amount allocated to Metro Mobility varied each year.

<sup>40</sup> The fares for services described here are for standard ride services under the demand service, as well as the ride services to day programs under the agency service.

<sup>41</sup> Holidays include New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and the following Friday, and Christmas Day.

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# Chapter 2: Metro Mobility Services

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Metro Mobility riders rely on the service to attend medical appointments, go to the grocery store, visit friends and family, and participate in employment and other daily activities. As such, it is important that riders be able to depend on Metro Mobility to provide consistent and efficient services. In recent years, riders and advocates for people with disabilities and older Minnesotans have expressed concerns about certain aspects of Metro Mobility services, such as late bus arrivals and excessively long rides.

In this chapter, we discuss the extent to which Metro Mobility ride services met the Metropolitan Council’s standards for reliable, effective, and efficient services. We first describe service requirements in law and the Council’s policies for scheduling rides. Next, we discuss the extent to which Metro Mobility provided reliable, effective, and efficient services and met demand for its services. We conclude by discussing riders’ and trip providers’ perspectives on the quality of Metro Mobility services.

## Key Findings in This Chapter

- Ride requests in the state-mandated service area are not guaranteed at the time of the request, and pick-ups may be scheduled to occur more than one hour before or after the rider’s requested pick-up time.
- While the Metropolitan Council largely met the demand for Metro Mobility services in Fiscal Year 2023, it permitted providers to deny requests in the state-mandated service area.
- Metro Mobility services failed to meet two of the three service-related performance goals we reviewed in Fiscal Year 2023.
- Most Metro Mobility riders who responded to our survey had positive responses to questions about Metro Mobility service quality; however, some respondents expressed dissatisfaction.

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## Service Requirements in Law

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As discussed in Chapter 1, Metro Mobility services are subject to both federal regulations and Minnesota statutes. Statutes require the Metropolitan Council to provide services in a geographic area that is larger than the service area required by federal regulations, and to provide door-through-door services.<sup>1</sup> Federal regulations require the Council to provide paratransit services that are comparable to fixed-route transit services.<sup>2</sup>

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<sup>1</sup> *Minnesota Statutes* 2023, 473.386, subds. 3(9) and 6; and 473.446, subd. 2.

<sup>2</sup> 49 *CFR*, 37.121 (2023).

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**Federal regulations require the Metropolitan Council to meet specific requirements when scheduling and providing rides; there are no comparable requirements in state statutes.**

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Beyond requiring service within a specific geographic area and door-through-door service, the only other service requirement in statutes concerns fares for service.<sup>3</sup> In contrast, federal regulations require the Metropolitan Council to provide service when a ride request is made the day before the desired ride, and to schedule the ride no more than one hour before or after the rider’s requested pick-up time.<sup>4</sup> Federal regulations also require the Council to avoid “patterns or practices” that limit the availability of services, such as “substantial numbers” of (1) significantly late pick-ups or drop-offs, (2) excessively long rides, or (3) ride denials or missed rides.<sup>5</sup>

Federal requirements do not apply to rides that begin or end in the state-mandated service area, and the Council has chosen to apply only some federal service requirements to those rides, as shown in the table below.

**Application of Select Service Requirements**

Service Requirement	Area Required
Avoid substantial numbers of (1) significantly late pick-ups or drop-offs, (2) excessively long rides, and (3) long telephone hold times	Federally and state-mandated service areas
No ride denials <sup>a</sup>	Federally mandated service area
Ride requests must be confirmed and scheduled when the request is made	Federally mandated service area
Rides must be scheduled within one hour of a rider’s requested time	Federally mandated service area

<sup>a</sup> Federal regulations require the Metropolitan Council to avoid substantial numbers of ride denials.<sup>6</sup> However, the Council requires service providers to not deny any federally mandated rides.

Source: Office of the Legislative Auditor, review of Metropolitan Council contracts with trip providers.

## Metro Mobility Ride Scheduling

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To determine the extent to which Metro Mobility ride-scheduling policies and procedures comply with service requirements in federal regulations and Minnesota statutes, we reviewed the Metropolitan Council’s ride-scheduling procedures, as well as trip providers’ contracts.<sup>7</sup> We also interviewed Council and trip provider staff.

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<sup>3</sup> *Minnesota Statutes* 2023, 473.386, subd. 9.

<sup>4</sup> 49 *CFR*, 37.131 (2023).

<sup>5</sup> *Ibid.*

<sup>6</sup> 49 *CFR*, 37.131 (2023).

<sup>7</sup> We reviewed the current contracts for standard ride services (demand service) and rides to day programs (agency service). These contracts cover different years: (1) Agency Service contract from October 2018 to September 2024, (2) East Zone contract from September 2021 to August 2026, (3) South Zone contract from August 2020 to July 2025, and (4) West Zone contract from July 2021 to June 2026. We also reviewed any amendments to the terms of the contracts.

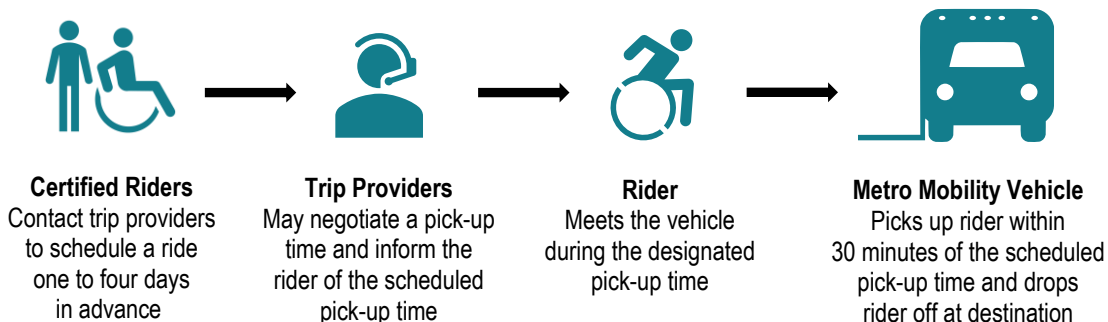


## Ride-Scheduling Procedures

As we described in Chapter 1, individuals must be certified by the Metropolitan Council to use Metro Mobility services. Once the Council certifies a rider, the Council assigns the rider to a trip provider based on the rider’s home address. Regardless of a rider’s origin or destination within the Metro Mobility service area, the rider must contact their assigned trip provider to schedule a ride.<sup>8</sup>

The Council allows riders to schedule rides in a variety of ways, including by phone, online, fax, or e-mail. In the event a rider no longer needs a scheduled ride, the Council requires the rider to cancel the ride at least one hour before the agreed-upon pick-up time.<sup>9</sup> The following diagram shows how a rider can schedule a ride with their trip provider in the Metro Mobility service zones.

### Metro Mobility Ride-Scheduling Process



Source: Office of the Legislative Auditor, review of Metro Mobility ride-scheduling procedures.

Trip providers are required to schedule Metro Mobility demand service rides in the federally mandated service area at the time the rider requests them. As noted previously, trip providers also must offer pick-up times within one hour of the rider’s requested pick-up time.

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**Ride requests in the state-mandated service area are not guaranteed at the time of the request, and pick-ups may be scheduled to occur more than one hour before or after the rider’s requested pick-up time.**

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The Metropolitan Council allows trip providers to put a rider’s request for service in the state-mandated area on “standby,” meaning the ride is not confirmed at the time of the request, as shown in the following box. Instead, the provider is supposed to “make every reasonable effort” to have the ride scheduled by 3:00 p.m. the day before, and

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<sup>8</sup> For demand service rides in the Metro Mobility service zones, the rider must contact their assigned trip provider; for rides to participating day programs, ride scheduling is managed by the day program administrators who coordinate with their trip provider.

<sup>9</sup> To change a reservation, the rider must contact their assigned trip provider, who may cancel the initial reservation and schedule a new ride.



**Standby Ride-Scheduling Process**

Trip providers must:

- Inform the rider they are being placed on standby.
- Make “every reasonable effort” to schedule the ride by 3:00 p.m. the day before the requested ride date.
- Inform the rider by 8:00 p.m. the evening before the requested ride date if the trip provider can provide the ride.
- Offer a different ride—if they cannot fulfill the rider’s request—and inform the rider of other options, including a Metro-Mobility-subsidized taxi ride.

**—Trip Provider Contracts**

must notify the rider by 8:00 p.m. the day before the ride whether the requested ride for the following day has been scheduled or denied. The Council also allows trip providers to deny requests for rides in the state-mandated service area if providing those rides will impede their ability to fulfill requests for federally mandated rides. As a result, a rider who makes a request days in advance may not know until the night before their requested ride date whether they will have a ride or will need to arrange an alternative means of transportation.<sup>10</sup> A Council staff person said that the Council has established this process so as to prioritize rides in the federally mandated service area in accordance with federal regulations and guidance.

Lastly, for rides within the state-mandated service area, trip providers are contractually required only to *attempt* to schedule rides within one hour of the rider’s requested pick-up time. In Fiscal Year 2023, less than 1 percent of rides in the state-mandated service area had a negotiated

pick-up time more than one hour before or after the requested pick-up time. One trip provider staff member that we interviewed told us that while they attempt to schedule rides in the state-mandated service area within the one-hour window, they also try not to schedule those rides during peak service hours. A staff member at another trip provider said that while they currently do not differentiate between federally and state-mandated rides during the scheduling process, they plan to begin doing so in the near future.

## Quality of Metro Mobility Services



**Select Metro Mobility Service Standards**

- Meet every ride request\*
- Pick up riders within 30 minutes of the agreed-upon pick-up time
- Arrive at appointments before the appointment time but not more than one hour early for Metro Mobility demand service rides
- Keep ride lengths under the established maximum on-board times

\* For rides that begin and end in the federally mandated service area.

**—Trip Provider Contracts**

Federal requirements for paratransit services are intended to ensure that the services are comparable to the services available through fixed-route transit.<sup>11</sup> State law does not include similar service requirements.

In response to federal service requirements, the Metropolitan Council has established standards for Metro Mobility services, as shown in the box to the right.

To determine the extent to which Metro Mobility services were reliable, effective, and efficient, we analyzed Metro Mobility rides

data and compared the rides performance to select service standards for Fiscal Year

<sup>10</sup> In the event a state-mandated ride is denied, riders have the option of scheduling a subsidized taxi trip offered through Metro Mobility. In that case, the rider is responsible for paying the first \$5 while the Council covers the remaining costs, up to \$20.

<sup>11</sup> 49 CFR, 37.121 (2023).

2023.<sup>12</sup> We determined which service standards to review using input from Council staff, trip provider staff, and representatives of organizations who work with people with disabilities and older adults.<sup>13</sup>

## Ride Request Denials

As mentioned previously, federal regulations prohibit the Metropolitan Council from limiting the availability of paratransit rides that begin and end in the federally mandated service area.<sup>14</sup> Council staff told us that, to comply with these federal requirements, the Council allows trip providers to first attempt to negotiate a different time than the one requested by the rider, and ultimately deny ride requests that begin or end in the state-mandated service area, when needed. Although federal regulations allow for occasional denials, the Council does not permit trip providers to deny any requests in the federally mandated service area. Council staff said that while federal regulations are vague with regard to how many denials are permitted, federal guidance suggests that paratransit providers should strive to meet 100 percent of ride requests in the federally mandated service area. As a result, the Council has chosen to “err on the side of caution” and not deny any of those rides.

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### While the Metropolitan Council largely met the demand for Metro Mobility services in Fiscal Year 2023, it permitted providers to deny ride requests in the state-mandated service area.

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In Fiscal Year 2023, trip providers scheduled and booked more than 1.9 million rides.<sup>15</sup> Trip providers denied a relatively small number of ride requests—5,200, or an average of 14 ride denials per day—on the basis that the provider lacked sufficient capacity to provide the ride. These denials include the initial ride request along with any subsequent legs of the ride (e.g., the return ride of a roundtrip). All but two of the denials were for rides in the state-mandated service area, as shown in the table to the right.

**Number of Ride Requests Denied in Fiscal Year 2023**

Ride Service Area	Initial Ride Request	Subsequent Legs of the Denied Request
Federally mandated	0	2
State-mandated	2,700	2,514
Total	2,700	2,516

Source: Office of the Legislative Auditor, analysis of Metro Mobility rides data.

Metropolitan Council and trip provider staff said that pandemic-era challenges, such as workforce shortages and vehicle procurement difficulties, have impacted the ability of providers to meet ride requests. One Council staff member described the shortage of drivers as a “big issue” that is “front and center.” Some provider staff also highlighted the impact of driver shortages, with one staff person saying that they were,

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<sup>12</sup> We reviewed rides data for Fiscal Year 2023 from the rides reservation, scheduling, and dispatch software system (Trapeze), used by the Metropolitan Council for Metro Mobility services. The Council provides the software to all contracted trip providers, for use in scheduling and delivering services.

<sup>13</sup> In interviews, we asked these individuals to describe what “reliable, effective, and efficient” services mean.

<sup>14</sup> 49 CFR, 37.131 (2023).

<sup>15</sup> Approximately 97 percent of bookings resulted in a completed ride.

at one point, short 100 drivers. Council staff also described challenges around vehicle manufacturing delays and backlogs; because of those delays, much of the Metro Mobility fleet has exceeded its useful operating life. One provider staff person said that of the more than 200 vehicles included in their contract, 40 are out of service at any given time. According to that staff person, the shortage of functional vehicles has made it challenging to fulfill the demand for services.

While our analysis shows that trip providers denied only a small number of ride requests in Fiscal Year 2023, Metropolitan Council staff said providers sharply increased the number of denials in the state-mandated service area in the fall of calendar year 2023 in an effort to meet service quality standards required in the federally mandated service area. According to the Council, the West Zone trip provider denied over 3,400 rides in September 2023 and over 2,500 rides in October 2023. One Council staff person said that the use of denials in the West Zone has been “far more aggressive” than the Council would have liked. Conversely, although the East Zone trip provider encountered similar challenges, it did not deny any rides over that two-month period, according to Council staff.

## Metro Mobility Rides Performance

The Metropolitan Council has set performance goals for the following service standards in its contracts with trip providers: (1) on-board time, (2) on-time pick-ups, and (3) on-time drop-offs for appointments.<sup>16</sup> The goals are defined as the percentage of rides that meet the relevant service standard.

**On-Board Time.** Metro Mobility contracts with trip providers limit the amount of time a rider should spend on board according to the direct distance between a rider’s origin and destination (the “maximum on-board time”). This limit is intended to ensure that travel times for paratransit rides are comparable to those of rides on the fixed-route system. According to the contracts, the maximum on-board time is calculated as 30 minutes plus four times the direct distance in miles, up to a maximum of 150 minutes. For example, if the direct distance between a rider’s origin and destination is one mile, then the maximum on-board time is 34 minutes. In line with the federal requirement to limit the number of excessively long rides, Metro Mobility contracts stipulate that no more than 5 percent of rides in a calendar month should exceed the maximum on-board time.<sup>17</sup>

**On-Time Pick-Ups.** To limit the number of late pick-ups, as required by federal regulations, the Council requires trip providers to pick up riders less than 30 minutes after the agreed-upon pick-up time.<sup>18</sup> This is referred to as the “pick-up window.” For example, for an agreed upon pick-up time of 4:00 p.m., the vehicle is considered on-time if it arrives between 4:00 p.m. and 4:29 p.m. Metro Mobility contracts stipulate that at least 93 percent of pick-ups in a calendar month should be on-time.

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<sup>16</sup> Contracts with trip providers include other performance targets, such as goals for (1) telephone hold time, (2) preventable accidents, and (3) passenger escort, among others.

<sup>17</sup> 49 *CFR*, 37.131 (2023).

<sup>18</sup> *Ibid.*

**On-Time Drop-Offs.** The Council allows riders to request a drop-off time if they have an appointment that requires them to arrive by a certain time (for example, a medical appointment). In such cases, riders should typically expect to arrive no more than one hour early—and not late—for their appointment. Metro Mobility contracts stipulate that at least 93 percent of drop-offs in a calendar month should be on-time.

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**Metro Mobility services failed to meet two of the three service-related performance goals we reviewed in Fiscal Year 2023.**

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In Fiscal Year 2023, only 4 percent of rides exceeded the maximum allowable on-board time, meeting the Metropolitan Council’s performance target of 5 percent or less. However, Metro Mobility ride services fell short of the Council’s performance targets for on-time pick-ups and drop-offs that year.<sup>19</sup>

**Metro Mobility Rides Performance Compared with Performance Goals, Fiscal Year 2023**

Metro Mobility Service Standard	Performance Goal	Performance in Fiscal Year 2023
On-board time	No more than 5 percent of rides within a calendar month exceed the maximum on-board time	<b>4 percent of rides</b>
On-time pick-ups within 30 minutes of the scheduled pick-up time	At least 93 percent of all rides within a calendar month are on time	<b>90 percent of rides</b>
On-time drop-offs (no more than one hour early, and not late, for appointments)	At least 93 percent of all rides within a calendar month are on time	<b>88 percent of rides</b>

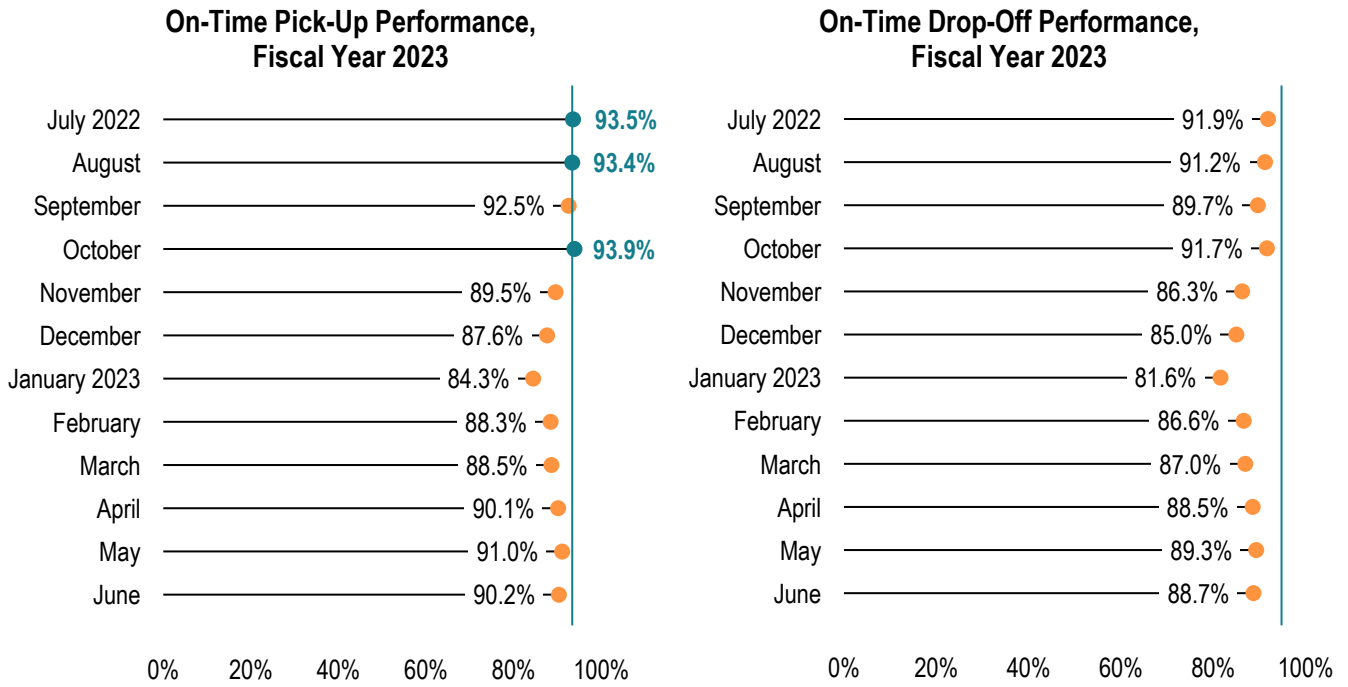
Note: The performance goals in this table are the goals in trip providers’ contracts.

Source: Office of the Legislative Auditor, analysis of Metro Mobility rides data.

While trip providers met the performance goal for on-board time in all 12 months in Fiscal Year 2023, they met the goal for on-time pick-ups in only 3 months. They did not meet the performance goal for on-time drop-offs at appointments in any month in Fiscal Year 2023. Metro Mobility’s monthly on-time performance for pick-ups and drop-offs in Fiscal Year 2023 are shown in the following graphs.

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<sup>19</sup> In our review of Metro Mobility rides data, we compared performance to goals included in trip providers’ contracts.



Source: Office of the Legislative Auditor, review of Metro Mobility rides data.

## Oversight of Providers

Metropolitan Council staff described several actions the Council has taken when trip providers have failed to meet the Council’s service requirements. For instance, the Council’s contracts with trip providers include financial penalties when trip providers fail to meet certain performance goals and lump sum bonuses when trip providers exceed performance goals.<sup>20</sup> Council staff said in the case of sustained underperformance, the Council may use “mitigation plans.”<sup>21</sup> However, these plans are currently not included in contracts with trip providers. The Council may also terminate a contract in the event the Council determines a trip provider has failed to comply with its contractual obligations.

To determine how frequently trip providers were issued financial penalties and bonuses related to certain aspects of their performance, we reviewed trip providers invoices for Fiscal Year 2023.<sup>22</sup> In our review, we examined the extent to which the Council issued penalties to trip providers for failing to meet performance goals related to (1) on-time pick-ups, (2) on-time appointment drop-offs, (3) trip length, and (4) ride requests in the federally mandated area. We also examined the extent to which trip providers received bonuses for fulfilling all ride requests, including those in the state-mandated service area.

<sup>20</sup> In some cases, the penalty in contracts is scaled based on the extent to which providers are not meeting a performance goal.

<sup>21</sup> When a trip provider fails to meet performance goals for a sustained period of time, Council staff may ask the trip provider to take corrective action and track their progress until they have met and sustained a minimum level of performance.

<sup>22</sup> The Metropolitan Council generally requires trip providers to send a monthly request for payment no later than 30 calendar days after the end of each month in which services were provided. We reviewed the final monthly invoices as well as supporting documents for assessing penalties and bonuses.

**The Metropolitan Council has taken actions to address service quality issues, including the use of penalties; however, trip providers have still struggled to meet performance goals.**

The Metropolitan Council issued financial penalties for all instances in which invoices indicated that trip providers failed to meet the performance goal for (1) on-time pick-ups, (2) on-time appointment drop-offs, and (3) on-board time. Trip providers were also issued a penalty of \$5,000 for each instance in which invoices indicated that they denied a ride request in the federally mandated service area.

Council staff said that trip providers’ ability to meet performance goals in Fiscal Year 2023 was directly affected by ongoing challenges related to workforce shortages and vehicle procurement. As part of its efforts to address these operational challenges, the Council amended contracts with trip providers to (1) increase driver wages and (2) compensate trip providers for nonroutine vehicle maintenance.

In the same period, the Council relaxed some of its performance goals for trip providers for rides in the federally mandated service area from 93 percent to 90 percent.<sup>23</sup> The Council also lowered some of the performance thresholds for services in the state-mandated service area even further, from 93 percent to 85 percent.<sup>24</sup> According to Council staff, the Council separated and lowered the performance goals for the state-mandated service area in an effort to reduce the number of denials in that service area.

**Trip Providers’ Monthly On-Time Pick-Up Performance by Zone, November 2022 to June 2023**

Month	East Zone (%)	South Zone (%)	West Zone (%)
November	83.1	90.6	91.2
December	80.8	87.7	89.3
January	80.6	85.4	86.5
February	85.9	90.8	88.6
March	87.7	83.5	89.2
April	90.3	88.5	89.0
May	90.9	92.0	88.9
June	90.4	93.1	86.6

Note: This table includes demand service trip providers’ performance for federally mandated rides.

Source: Office of the Legislative Auditor, analysis of Metro Mobility rides data.

The steps described above were insufficient to address some of the service quality issues during the period of our review. Specifically, our review of trip provider invoices and Metro Mobility data shows that demand service trip providers continued to struggle to meet the performance goals for on-time pick-ups and on-time drop-offs in the federally mandated service area, despite the fact that they had been lowered.<sup>25</sup> For example, as shown in the table to the left, between November 2022 and June 2023, the West Zone provider failed to meet the lowered performance goal for on-time pick-ups in all but one out of the eight months. According to Council staff, this period included a significant number of days where inclement weather and snowy and icy road conditions impacted service performance.

<sup>23</sup> Of the performance goals included in our review of invoices, the Council adjusted the performance goals for penalties related to (1) on-time pick-ups and (2) on-time drop-offs for demand service trip providers.

<sup>24</sup> Prior to this change, performance goals related to on-time pick-ups and on-time drop-offs for appointments were the same for both types of rides.

<sup>25</sup> Our analysis of rides data does not account for “bad weather days” that may have been excluded when the Council assesses trip providers for penalties. The Council defines a “bad weather day” as “a designated calendar day during which adverse weather conditions have negatively affected service performance.”

As we noted earlier, the West Zone trip provider was also unable to meet a large number of requests for rides in the state-mandated area in September and October 2023, nearly a year after the Council lowered performance goals.

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**The Metropolitan Council has paid trip providers a bonus related to meeting all ride requests when they have not earned it.**

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In our review of trip providers' monthly invoices in Fiscal Year 2023, we identified 4 out of 48 instances in which the Metropolitan Council incorrectly paid some trip providers the \$5,000 monthly lump sum bonus related to fulfilling all ride requests. In all of these instances, the trip providers' invoices did not accurately track the number of ride denials; however, rides data indicated that trip providers had denied a number of rides in the given month, and therefore, had not earned this bonus.

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**RECOMMENDATIONS**

**The Metropolitan Council should:**

- **Take additional steps to address service quality issues.**
  - **Ensure that the bonus related to fulfilling all ride requests is only given in instances when the trip provider has earned it.**
- 

We recommend that the Metropolitan Council formalize its use of mitigation plans by requiring trip providers, in contracts, to develop plans if they fail to comply with one or more service standards for a specified period of time. We also encourage the Council to consider increasing the penalty for failing to meet performance goals.

One of the Council's solutions to operational challenges was to lower the service performance goals. We believe this approach will exacerbate service quality issues for riders because it allows a greater percentage of rides to not meet Metro Mobility service standards, especially in the state-mandated service area. Therefore, we recommend that the Council continue to explore other options to address workforce shortage and vehicle procurement challenges.

In addition, the Council should verify the accuracy of invoices submitted by trip providers against available data prior to paying bonuses. A Council staff person told us that trip providers' contracts include this bonus to incentivize providers to fulfill all ride requests. As such, for the bonus to be effective, the Council must ensure that it is only given for instances in which the trip provider has earned it.



## Quality of Service Discussion

Individuals seeking Metro Mobility services in the state-mandated service area face two challenges that those seeking services in the federally mandated service area do not: (1) requests for rides are placed on “standby” and potentially denied, and (2) rides may be scheduled more than one hour beyond the requested pick-up time. In contrast, trip providers must guarantee a ride at the time the request is made and limit the number of ride denials for rides in the federally mandated service area, in line with federal regulations.

According to Metropolitan Council staff, federal guidance directs the Council to prioritize rides in the federally mandated service area. As such, the Council does not apply federal service requirements regarding ride scheduling to rides in the state-mandated service area. Minnesota statutes do not include similar service requirements for rides in the state-mandated service area. Consequently, the Council has directed trip providers to put requests for rides in the state-mandated service area on standby and, if necessary for meeting federal service requirements, to deny those rides entirely. The Council also allows trip providers to schedule those rides more than one hour beyond the requested pick-up time.

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### RECOMMENDATION

**The Legislature should consider amending statutes to explicitly identify service requirements in the state-mandated service area.**

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Even though state statutes require the Metropolitan Council to provide Metro Mobility services in the state-mandated area, without explicit language stating otherwise, the Council has determined that providers may deny rides in the state-mandated area in some circumstances. If the Legislature does not want trip providers to deny rides in the state-mandated service area, it should amend the law to explicitly prohibit ride denials. Alternatively, the Legislature could place some restrictions on ride denials, such as requiring the Council to limit the number of denials, or capping the number of times an individual rider can have their request denied. The Legislature should also specify whether rides in the state-mandated service area can be scheduled more than one hour beyond a rider’s requested pick-up time.

The Legislature should also consider amending statutes to specify whether the Council can apply separate service standards—particularly those related to on-time performance and on-board time—to rides in the federally mandated and state-mandated service areas. Our analysis of Metro Mobility rides data found that both types of rides performed similarly in Fiscal Year 2023. However, as we noted earlier, in late 2022, the Council lowered trip providers’ performance goals for on-time pick-ups and on-time drop-offs for appointments for rides in the state-mandated service area from 93 percent to 85 percent. Applying different standards to the two types of rides may have the effect of creating a two-tiered system, in which riders in the federally mandated service area receive a higher quality service compared to riders in the state-mandated service area.

Council staff emphasized that removing the ability to deny rides in the state-mandated service area entirely while maintaining the current level of service quality across all rides would require an increase in the supply of both drivers and vehicles. This would in turn reduce the cost-effectiveness of Metro Mobility services, according to one Council staff person, since some of that extra capacity would sit unused at times. Another Council staff person said that acquiring these resources would require additional funding. In addition, Council staff said that to ensure increasing service to riders in the state-mandated service area did not jeopardize compliance with federal regulations in the federally mandated service area, the Council would likely split the two types of rides into entirely separate services, reducing efficiency. In Chapter 1, we noted that state appropriations comprise the largest portion of Metro Mobility funding. In contemplating additional direction to the Council about service requirements for the state-mandated service area, the Legislature should also consider the resources necessary to meet those requirements.

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## Perspectives on Metro Mobility Services

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As part of our evaluation, we surveyed a nongeneralizable sample of Metro Mobility riders to understand their perspectives on Metro Mobility processes and ride services.<sup>26</sup> We asked riders about their experiences with Metro Mobility processes, including the certification and ride-scheduling processes. We also asked about their perspectives on the quality of ride services. Additionally, we interviewed trip provider management staff to get their perspectives on Metro Mobility services.<sup>27</sup>

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**Most Metro Mobility riders who responded to our survey had positive responses to questions about Metro Mobility service quality; however, some respondents expressed dissatisfaction.**

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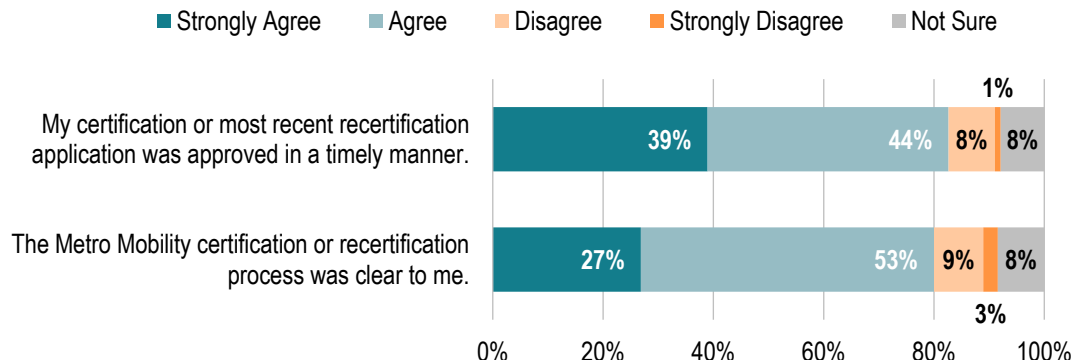
Respondents had largely favorable responses to our survey questions about the Metro Mobility certification process, which we described in Chapter 1. For example, 83 percent of respondents (157 respondents) strongly agreed or agreed with the statement, “My certification or most recent recertification application was approved in a timely manner,” as shown on the next page.

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<sup>26</sup> We surveyed 1,173 certified Metro Mobility riders who had used Metro Mobility bus services at least once during Fiscal Year 2023 and had provided an e-mail address to the Council for communication purposes; we received responses from 195 respondents for a response rate of 17 percent. The total number of responses varied by question. In some cases, riders’ caregivers responded to the survey. In these cases, we asked caregivers to ask the rider the survey questions and provide responses accordingly or, if the rider was unable to answer the questions themselves, to answer the questions on the rider’s behalf. Because we used a convenience sampling methodology, we cannot generalize the findings to all Metro Mobility riders.

<sup>27</sup> We contacted representatives of the Metro Mobility demand service trip providers.

### Survey Responses on Metro Mobility Certification Process



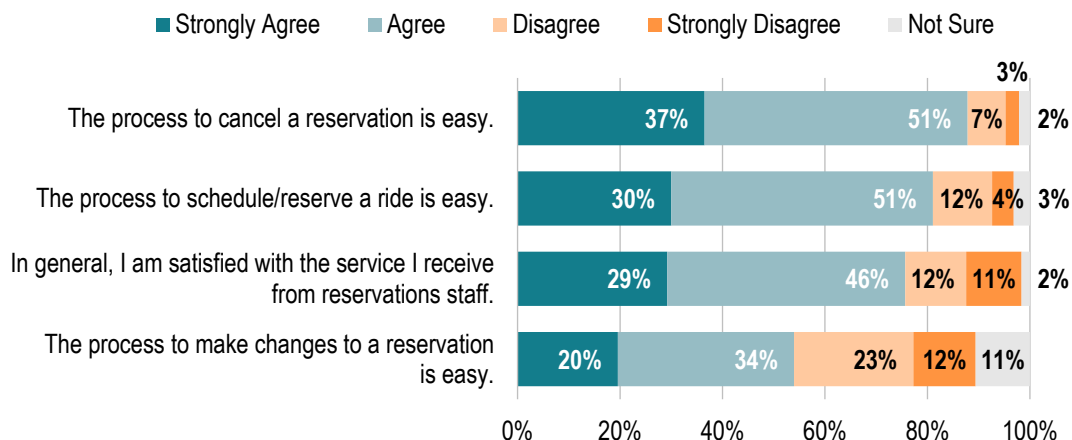
Note: Of the 195 Metro Mobility riders who responded to our survey, 190 respondents answered these questions about the Metro Mobility certification process.

Source: Office of the Legislative Auditor, survey of Metro Mobility riders.

At the same time, several survey respondents discussed inefficiencies related to the certification process, including needing to resubmit information during the recertification process. Two respondents suggested developing an online certification option, with one respondent noting that it would be helpful to have a mechanism to track the status of applications.

Respondents also had largely favorable responses to statements about the process to schedule Metro Mobility rides. For example, 81 percent of respondents (154 respondents) strongly agreed or agreed with the statement, “The process to schedule/reserve a ride is easy.” However, only 54 percent of respondents (102 respondents) strongly agreed or agreed with the statement, “The process to make changes to a reservation is easy,” as shown in the following graph.

### Survey Responses on Metro Mobility Ride-Scheduling Process



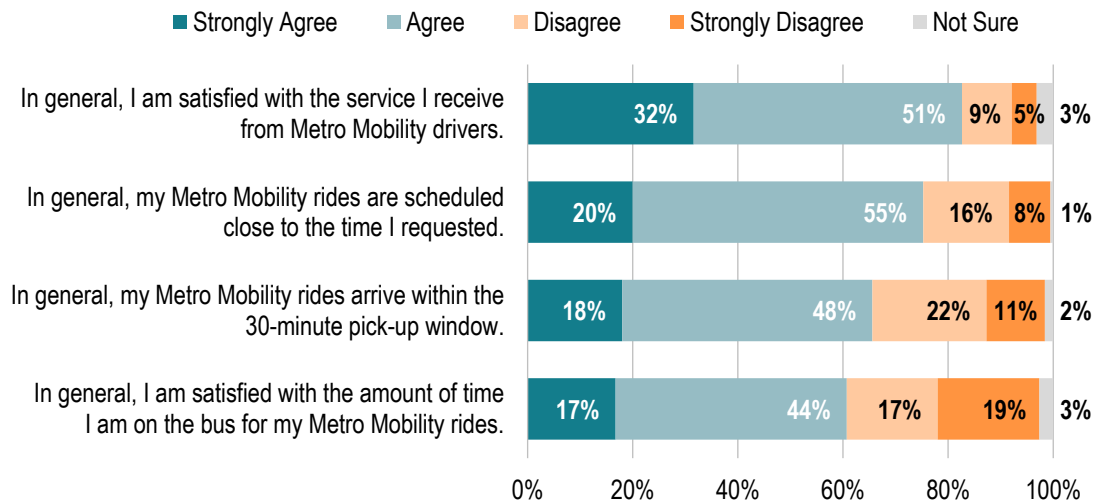
Note: Of the 195 Metro Mobility riders who responded to our survey, 185 to 190 respondents answered these questions about the Metro Mobility ride-scheduling process.

Source: Office of the Legislative Auditor, survey of Metro Mobility riders.

In their open-ended responses, survey respondents raised issues related to scheduling rides, frequently describing instances of poor customer service from reservations staff. A few respondents also described instances when they were on hold for a long time or were unable to reach reservations staff to cancel or make changes to a reservation. A few respondents said that online ride scheduling is easier than calling trip providers to schedule a ride; we discuss concerns with online ride scheduling later.

Finally, while a large majority of respondents (83 percent or 157 respondents) strongly agreed or agreed with the statement, “In general, I am satisfied with the service I receive from Metro Mobility drivers,” fewer respondents had favorable responses about other aspects of ride services. For example, 61 percent of respondents (116 respondents) strongly agreed or agreed with the statement, “In general, I am satisfied with the amount of time I am on the bus for my Metro Mobility rides.”

**Survey Responses on Metro Mobility Ride Services**



Note: Of the 195 Metro Mobility riders who responded to our survey, 189 to 191 respondents answered this question about Metro Mobility ride services.

Source: Office of the Legislative Auditor, survey of Metro Mobility riders.

Of those who provided open-ended survey responses, a large majority described issues related to ride services.<sup>28</sup> These survey respondents described being late or too early for appointments, waiting longer than the 30-minute pick-up window, or being on the bus for a long time. A few respondents also described not being able to rely on Metro Mobility due to issues related to the state-mandated service area, such as being put on “standby” or having rides denied.

Just over two-thirds of survey respondents (69 percent or 124 respondents) strongly agreed or agreed with the statement, “Overall, Metro Mobility services meet the needs of riders.”

<sup>28</sup> Of the 195 survey respondents who completed our survey, 139 survey respondents responded to open-ended questions.

## Metro Mobility Technology

The Metropolitan Council provides a public-facing website with an online ride-scheduling web application (“PassWeb”) that riders can use to schedule Metro Mobility rides.<sup>29</sup> It also equips trip providers with software, including software for ride scheduling and dispatch, and on-board mobile data technology to assist drivers with navigation.

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### Trip providers and riders expressed concerns about the ride-scheduling and tracking technology used for Metro Mobility services.

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Some people we spoke with voiced concerns about the inability to track Metro Mobility rides. In an interview with one trip provider, a staff person said a point of frustration for riders is that current technology does not allow riders to view the location of the vehicle in real-time, such as similar technology available with ride-hailing services (like Uber and Lyft). This sentiment was echoed by a couple of survey respondents who said the inability to track their vehicle in real-time is a limitation. An “on-time” Metro Mobility ride arrives within a scheduled 30-minute pick-up window, meaning a rider may have to wait for their ride. Being able to track the vehicle could ensure riders have more accurate information about when they should plan on meeting their driver.



I should be able to track my driver and they should be able to connect with me all by technology to keep effected [sic] parties informed, all throughout the ride process.

— Metro Mobility Rider



The online booking is a bit of a slog. It doesn't save typical settings like mobility devices or additional passengers, so you have to click through the same options over and over.... I've wanted to specify the name of the building I'm going to along with the address, but can't.

— Metro Mobility Rider

One trip provider staff person also discussed limitations with the information collected through PassWeb when scheduling rides online. The staff person told us that rides booked online may lack the details they need to schedule those rides accurately, such as information about the pick-up or drop-off location. The staff member said that when scheduling rides by phone, reservationists can obtain specific details to more accurately schedule rides. According to the staff person, in the absence of this information, it is challenging to accurately schedule ride requests. A couple of survey respondents also discussed the inability to enter notes about locations when scheduling a ride online. Additionally, a few survey respondents described other limitations with PassWeb accessibility for riders who use certain types of products, such as screen readers.

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<sup>29</sup> PassWeb allows Metro Mobility riders to reserve, check the status of, and cancel rides in the federally mandated area. This application is branded “MyMetroMobility” by the Metropolitan Council. Certified Metro Mobility riders must register to use MyMetroMobility by contacting Council staff.

Staff from the demand service trip providers also described challenges and limitations with the existing GPS technology on Metro Mobility vehicles.<sup>30</sup> For example, they described limitations with accurately mapping locations, rerouting drivers, or the ability to see live traffic information. Several survey respondents also discussed challenges with the GPS technology, with riders describing inefficient directions or instances where the drivers could not find the correct locations as a result of the GPS technology in the vehicles.



Drivers can often not find my address because they are relying on GPS and GPS gives them incorrect information.

—Metro Mobility Rider

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## RECOMMENDATION

### **The Metropolitan Council should explore alternative technologies for scheduling and providing ride services.**

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Improving technology for scheduling and providing rides could improve the experiences of both riders and trip providers.

During interviews, Metropolitan Council staff acknowledged challenges and limitations related to the technology currently used for Metro Mobility services. They told us that the Council has initiated projects to update certain aspects of the technology used for Metro Mobility services in order to address these concerns. For example, Council staff told us they are planning to implement a pilot project to enhance the existing GPS technology used in vehicles with a system that allows drivers to use Google Maps and get real-time traffic updates. They said if the pilot is successful, the Council plans to replace the GPS technology throughout the Metro Mobility fleet in phases over the next 12 to 18 months.

The Council should consider exploring other technology options that could address inefficiencies for riders who use PassWeb. The Council currently plans to launch a smartphone app version of PassWeb by late 2024, which would allow riders to schedule and cancel rides, as well as track the location of their vehicle. Council staff said that the functionality to track the vehicle is already available on PassWeb, but all riders may not be aware of it. As such, we also recommend the Council more widely communicate these capabilities to riders, especially with the launch of the smartphone app.

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<sup>30</sup> The maps used for Metro Mobility vehicles are stored locally on the on-board mobile data terminal (or “rangers”). According to Council staff, these maps are updated annually, and it is challenging to update them.

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# Chapter 3: Complaints Process

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An important part of Metro Mobility service is having an effective way for customers to provide feedback. This includes having a system for processing customer complaints that allows Metro Mobility providers and administrators to learn how they can improve the services they provide. This also helps ensure the program is working as intended.

In this chapter, we discuss the Metro Mobility complaints process, beginning with a discussion of the requirements in law and an overview of the process. We then discuss the adequacy of Metro Mobility's complaints policies and procedures. Finally, we discuss how Metro Mobility is performing against key performance metrics and present recommendations for improving the process.

## Key Findings in This Chapter

- The Metro Mobility complaints process does not ensure that the Metropolitan Council receives all rider concerns or that concerns are addressed appropriately.
- The role that trip providers play in processing Metro Mobility riders' complaints undermines the integrity of the complaints process.
- The Metropolitan Council has not established clear guidance for how staff should resolve complaints, which could result in inconsistent approaches.

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## Legal Requirements

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Federal regulations require the Metropolitan Council to adopt procedures for resolving complaints related to Metro Mobility services.<sup>1</sup> Similarly, state statutes require the Council to ensure that there is a system for responding to complaints about services.<sup>2</sup>



### Ways Metropolitan Council Informs Metro Mobility Riders That They Can File Complaints

1. Metro Mobility website
2. Welcome packets for newly certified riders
3. Postings on the interior of all Metro Mobility buses
4. Metro Mobility Service Guide

— Office of the Legislative Auditor,  
Review of Metro Mobility  
Complaints Process

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### State and federal laws establish requirements related to specific aspects of the complaints process.

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For example, federal regulations require the Metropolitan Council to sufficiently advertise the process for filing a complaint, which could include providing information about the process on a website.<sup>3</sup> Statutes require the Council to inform users of how to register complaints.<sup>4</sup> The Council informs Metro Mobility riders of the complaints process using several methods, as shown in the box at left.

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<sup>1</sup> 49 *CFR*, 37.17 (2023).

<sup>2</sup> *Minnesota Statutes* 2023, 473.386, subd. 2(c).

<sup>3</sup> 49 *CFR*, 37.17 (2023).

<sup>4</sup> *Minnesota Statutes* 2023, 473.386, subd. 2(c).



### Ways Metro Mobility Riders Can File Complaints

1. Fax
2. E-mail
3. Mail
4. Teletypewriter
5. Phone
6. In person

— Metro Mobility Standard Operating Procedures

Federal regulations also require that the procedures for filing a complaint be “accessible to and usable by individuals with disabilities.”<sup>5</sup> Metro Mobility riders may file complaints in a number of ways, as shown in the box to the left.

Additionally, Council staff told us that the Council works with American Sign Language interpreters and a language line to facilitate communication in multiple languages.

Federal regulations require the Council to “promptly communicate” to a complainant “its response to complaint allegations, including its reasons for the response.”<sup>6</sup>

Similarly, statutes require the Metropolitan Council to ensure that there is a system for “expeditiously responding to complaints.”<sup>7</sup>

Some of these legal requirements are not clearly defined. For example, federal law does not clarify what it means to “promptly” communicate with a complainant. Similarly, state law does not define what it means to “expeditiously” respond to a complaint.

## Overview of Complaints Process

As we stated in Chapter 2, Metro Mobility riders must contact their assigned trip providers to schedule a ride. However, the Metropolitan Council instructs riders to contact Council staff directly if they have a complaint about any aspect of Metro Mobility service.

### The Metropolitan Council has established a system for processing complaints about Metro Mobility services.

When a Metro Mobility rider contacts the Metropolitan Council with concerns, Council staff review the rider’s concerns to determine if they qualify as a complaint that requires action.<sup>8</sup> If the concerns qualify as a complaint, Council staff record them in its complaints database.<sup>9</sup> We discuss the conditions for making this determination later in this chapter. If the complaint is about some aspect of a trip provider’s services, Council staff assign the complaint to the responsible trip provider for investigation and response, as shown in the following exhibit.<sup>10</sup>

<sup>5</sup> 49 *CFR*, 37.17 (2023).

<sup>6</sup> *Ibid.*

<sup>7</sup> *Minnesota Statutes* 2023, 473.386, subd. 2(c).

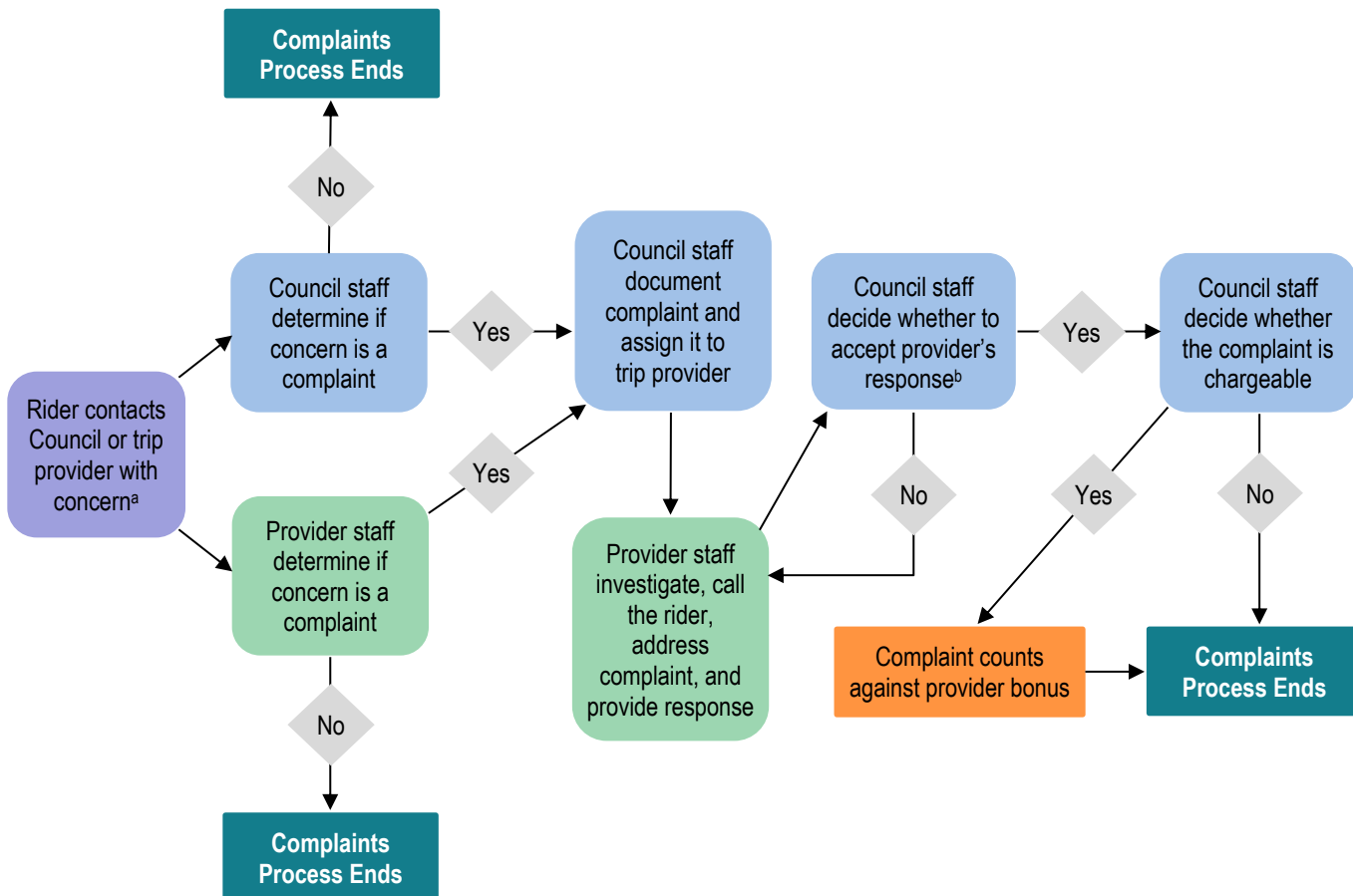
<sup>8</sup> Riders contact Metropolitan Council staff for other reasons, such as with questions, comments, or commendations.

<sup>9</sup> We refer to this database as “the Metro Mobility complaints database” throughout the rest of this chapter.

<sup>10</sup> As we described in Chapter 2, riders are assigned to a trip provider based on their home address. Thus, Council staff assign the complaint to the designated trip provider responsible for that ride. Some complaints are not related to a specific trip provider, in which case the complaint is assigned to Metropolitan Council staff.



Metro Mobility Complaints Process



Notes: This table covers the process for complaints about a potential service failure on the part of a trip provider. For other types of complaints, Metropolitan Council staff investigate the complaint, call the rider, and provide a response.

<sup>a</sup> Riders are instructed to contact the Metropolitan Council if they have complaints. However, riders sometimes contact trip providers with complaints, in which case, trip providers are required to forward complaints to the Council or enter the complaint in the complaints database.

<sup>b</sup> If Council staff reject a provider's response, the provider is required to update their response. This process repeats until Council staff accept the provider's response.

Source: Office of the Legislative Auditor, review of Metro Mobility complaints procedures and interviews with Metropolitan Council staff.

The trip provider is then responsible for investigating the complaint, taking action to resolve the complaint, and recording their response in the Metro Mobility complaints database. If the complainant requested that they be contacted in response to their complaint, Council policies require the trip provider to notify the rider of the actions taken and provide an explanation of any reasons that led to the issue. Trip providers' contracts and Metro Mobility complaints procedures stipulate that trip providers have 48 business hours to complete these steps; in practice, however, Council staff told us that providers have three business days to respond.<sup>11</sup>

<sup>11</sup> Metropolitan Council staff sometimes grant extensions to this deadline if contracted providers request extensions.

Once a trip provider has recorded their complaint response in the database, Metropolitan Council staff review the response to determine (1) whether to accept or reject the response and (2) if the complaint is “chargeable.”<sup>12</sup> If Council staff reject a trip provider’s response, the provider is required to submit an updated response for Council staff to review. For example, Council staff told us that if a rider complains that their bus arrived late, and the provider responds that the bus was on time, Council staff would reject the provider’s response if Council staff’s review of the rides data in question did not support the response. Council staff told us they would also reject a provider’s response if the rider requested to be notified in response to the complaint and the provider had not contacted the rider as requested.



### “Chargeable” Complaints

Procedures indicate that if a complaint is “chargeable,” then it should be counted when determining whether a trip provider should receive a monthly complaints-based bonus. By contract, trip providers should receive this bonus if they have fewer than one complaint per 2,000 rides provided in a given month.

— Metro Mobility  
Standard Operating Procedures  
and Trip Provider Contracts

While Metro Mobility riders are directed to contact the Metropolitan Council with complaints, riders sometimes contact trip providers instead. In such situations, Metro Mobility complaints procedures direct trip providers to either forward the rider’s complaint to the Council or to record the complaint in the complaints database.

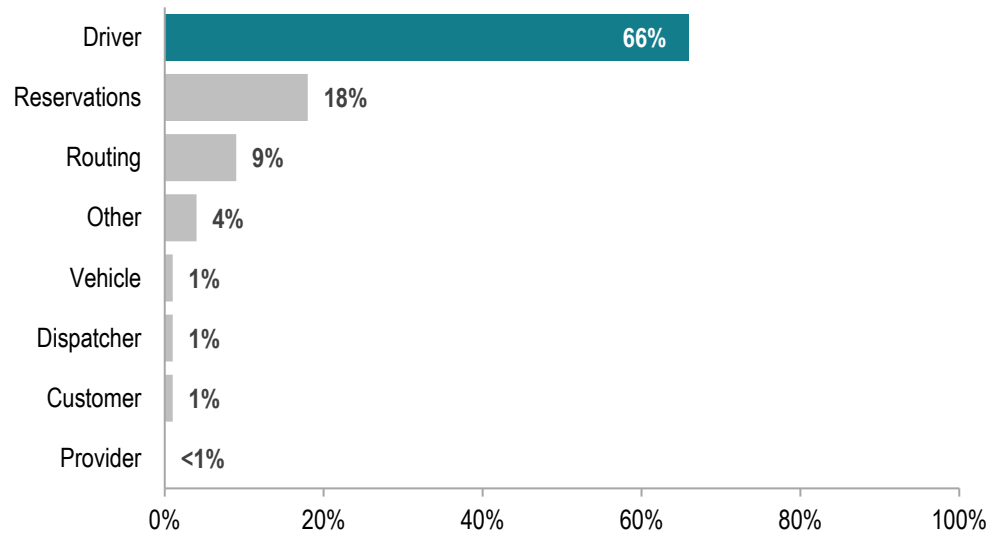
In Fiscal Year 2023, the Metropolitan Council recorded nearly 2,600 complaints regarding Metro Mobility services.<sup>13</sup> Of these complaints, 66 percent were categorized as being related to the driver, which included complaints that the ride was late, the ride never showed up, or the rider was improperly designated a No-Show.<sup>14</sup> Eighteen percent of complaints were related to the reservations process, while 9 percent had to do with the ride’s routing. The following chart shows the proportion of complaints by category of complaints.

<sup>12</sup> The Metropolitan Council’s standard operating procedures defines a “chargeable” complaint. Trip providers’ contracts we reviewed do not include this definition, but include the criteria trip providers must meet to receive the monthly complaints-based bonus.

<sup>13</sup> As we discuss later in this chapter, due to limitations with the complaints process, this number may not include all rider complaints. At the same time, it may include multiple complaints about the same incident. For example, if a rider called because their bus was late and their caregiver also called because the rider’s bus was late, those two complaints about the same incident could be recorded as two complaints.

<sup>14</sup> If a rider fails to meet the Metro Mobility vehicle during the scheduled pick-up window, or cancels the scheduled ride less than one hour before the scheduled pick-up window, the rider may be assigned a “No-Show.” Riders with a certain number of No-Shows over a given period of time may be suspended temporarily.

### In Fiscal Year 2023, the majority of Metro Mobility riders' complaints related to drivers



Source: Office of the Legislative Auditor, analysis of Metro Mobility complaints data.

## Adequacy of Complaints Process

To evaluate the complaints process, we reviewed Metropolitan Council complaints policies and procedures, contracts with trip providers, and trip providers' invoices for Fiscal Year 2023. We also interviewed Metropolitan Council and trip provider staff, and surveyed a nongeneralizable sample of Metro Mobility riders.<sup>15</sup> Through our work, we identified several concerns about the complaints process.

### **The Metro Mobility complaints process does not ensure that the Metropolitan Council receives all riders' concerns or that concerns are addressed appropriately.**

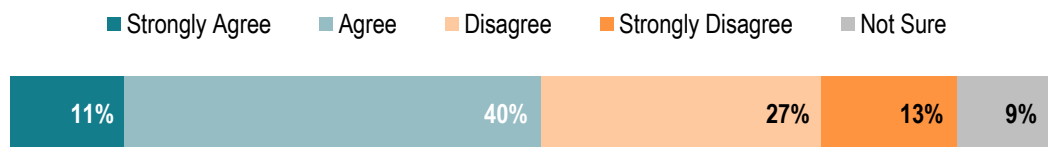
Certain aspects of the process may result in some riders' concerns being considered only by trip providers, with no knowledge or oversight by the Metropolitan Council. In addition, written procedures are focused on determining whether to penalize trip providers for complaints, rather than on resolving riders' complaints. As a result, the process does not ensure that Council staff take appropriate action to address complaints. We discuss the basis for this finding in more detail throughout the rest of this section.

<sup>15</sup> We surveyed 1,173 certified Metro Mobility riders who had used Metro Mobility bus services at least once during Fiscal Year 2023 and had provided an e-mail address to the Council for communication purposes; we received responses from 195 respondents for a response rate of 17 percent. The total number of responses varied by question. In some cases, riders' caregivers responded to the survey. In these cases, we asked caregivers to ask the rider the survey questions and provide responses accordingly or, if the rider was unable to answer the questions themselves, to answer the questions on the rider's behalf. Because we used a convenience sampling methodology, we cannot generalize the findings to all Metro Mobility riders.

## Filing Complaints

As part of our survey of Metro Mobility riders, we asked respondents about their experiences filing complaints. Of the 99 survey respondents who said they had filed a complaint, 88 said they had filed their complaint with their trip provider or with the Metropolitan Council.<sup>16</sup> Of these 88 respondents, 35 respondents (40 percent) disagreed or strongly disagreed with the statement, “The process to make a complaint about Metro Mobility services is clear to me.”

**Survey Statement: “The process to make a complaint about Metro Mobility service is clear to me.”**



Notes: Of the 195 Metro Mobility riders who responded to our survey, 99 respondents indicated that they had filed a complaint. Responses above are for 88 of those 99 respondents who were asked to respond to this statement because they indicated that they had filed their complaint with either their trip provider or with the Metropolitan Council.

Source: Office of the Legislative Auditor, survey of Metro Mobility riders.

Additionally, when asked if they had made any complaints related to Metro Mobility services, 10 percent (19 respondents) of those who responded to the question indicated that they were not aware that they could make a complaint related to Metro Mobility.

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### **Some Metro Mobility riders are unclear about how to file a complaint, and riders sometimes contact trip providers with complaints instead of the Metropolitan Council.**

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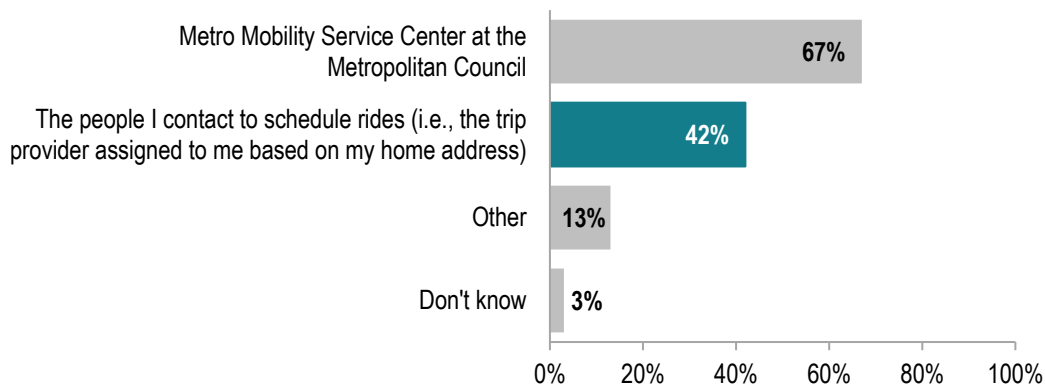
As discussed earlier, the Metropolitan Council’s complaints procedures instruct riders to contact the Council regarding complaints. However, Council and trip provider staff told us that not all riders know who to contact to file a complaint. Council staff expressed concerns that some Metro Mobility riders do not always know to contact the Metropolitan Council, instead of trip providers, with their complaints. Trip providers confirmed that Metro Mobility riders do contact them with concerns about Metro Mobility service.

Our survey of Metro Mobility riders validated these observations. Of the 99 respondents who said they had filed a complaint, 41 respondents indicated that they made their complaint to the people they contact to schedule rides (i.e., trip providers).

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<sup>16</sup> Respondents could select multiple options to our question asking them about who they contacted to file their complaint. The remaining 11 respondents selected “I don’t know,” “Other,” or did not answer the question.

**Survey Question: “Who have you contacted when you wanted to make a complaint?”**



Notes: Of the 195 Metro Mobility riders who responded to our survey, 99 indicated that they had filed a complaint. Responses above are for 98 of those 99 respondents; 1 of the respondents who indicated they had filed a complaint did not answer this question. Percentages do not sum to 100 because respondents could select more than one option.

Source: Office of the Legislative Auditor, survey of Metro Mobility riders.

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**Contracts disincentivize trip providers from forwarding complaints to the Metropolitan Council, despite the Metropolitan Council requiring trip providers to do so.**

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Metropolitan Council contracts with trip providers require trip providers to forward any complaints they receive to the Council.<sup>17</sup> The Council’s contracts with trip providers also typically specify a penalty of \$50 for each confirmed instance in which a trip provider did not properly forward a complaint to the Council.<sup>18</sup> At the same time, contracts indicate that providers should receive a monthly bonus of \$5,000 if the ratio of chargeable complaints to rides provided is less than or equal to 1 complaint per 2,000 rides.<sup>19</sup> If a trip provider is concerned that forwarding a complaint may push their rate of chargeable complaints above the threshold, providers have an incentive to risk paying \$50 for not forwarding the complaint if it means they may be able to receive the \$5,000 bonus for a given month.

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<sup>17</sup> Alternatively, procedures allow trip providers to enter complaints into the complaints database directly.

<sup>18</sup> This \$50 penalty is included in the contract for demand service rides, which cover services provided to all certified Metro Mobility riders where riders share a vehicle with other riders to travel to any location within the Metro Mobility service area. There is no similar penalty included in the agency service contract, which covers services provided to certified Metro Mobility riders who attend participating day programs.

<sup>19</sup> We present the ratio in this way for clarity’s sake. The actual language in the contracts is that the ratio of complaints to rides needs to be less than or equal to 0.5 per 1,000 rides for a provider to receive the bonus. This \$5,000 bonus is included in the contract for demand service ride contracts. The bonus in the agency service contract covering rides to certain adult day programs is \$3,000.

## Processing Complaints

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### Riders' concerns must meet certain conditions for the Metropolitan Council to track them as complaints that require action.

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In order to be recorded as a complaint, a concern must meet one of two conditions, as shown in the box below. First, if the concern is related to a possible “service failure,” then staff record it as a complaint. According to Metropolitan Council staff, a service failure is an action or condition that (1) is unallowable under federal regulations, (2) is prohibited in the Council’s contracts with trip providers, or (3) otherwise represents poor service. For example, if a rider contacts a Metro Mobility representative (Council staff or trip provider staff) because their ride arrived outside of the 30-minute pick-up window set by service standards, Council staff would consider this a potential service failure and would record the concern as a complaint.



#### A rider's concerns must meet one of two conditions to be recorded as a complaint:

1. The complaint must represent a potential service failure on the part of the trip provider.
- OR
2. The rider must express continued dissatisfaction after hearing an explanation of why their concern does not represent a service failure.

The second condition that would cause Council or trip provider staff to record a concern as a complaint is if a rider indicates that they remain dissatisfied even after they have communicated with a Metro Mobility representative. Under these circumstances, staff record the rider’s concern as a complaint, even if the concern is not about a potential service failure. For example, if a rider’s concern is that their ride arrived 25 minutes after the scheduled pick-up time, a Metro Mobility representative would explain that this was within the 30-minute pick-up window allowed under the service standards. If the rider continued to express dissatisfaction after this explanation, then the representative would record the rider’s concerns as a complaint. Council staff would then determine if any other actions were needed.

Not all concerns that riders report to Metro Mobility representatives meet these two conditions. For example, if a rider’s concern is that their bus arrived 25 minutes after the scheduled pick-up time and they do not express dissatisfaction after being told that this does not violate the service standard, their concern would not be recorded as a complaint.

## Role of Trip Providers

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### The role that trip providers play in processing Metro Mobility riders' complaints undermines the integrity of the complaints process.

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Trip providers have a financial interest to minimize the number of “chargeable” complaints (complaints counted when determining whether the provider receives its monthly complaints-based bonus); yet, trip providers have three key responsibilities in the complaints process, as shown in the following box.

First, if a rider reports their concerns to the trip provider, the provider is given leeway to determine whether a rider's concerns qualify as a complaint. Trip providers are required to either transfer complaints to the Metropolitan Council or record complaints into the Metro Mobility complaints database. However, Council staff told us that the Council only expects trip providers to forward a rider's concern to the Council if the concern relates to a possible service failure or if the rider remains unhappy at the conclusion of the interaction. As a result, trip providers are allowed to determine whether a rider's concern qualifies as a complaint that must be forwarded to the Council. However, given the financial bonus at stake for them, it is not in trip providers' self-interest to make the determination that a rider's concern qualifies as a complaint.



**Metro Mobility trip providers have three key responsibilities related to processing rider complaints:**

1. Determine whether the rider's concerns represent a complaint.
2. Investigate the complaint.
3. Explain the response to the rider.

Second, trip providers are responsible for conducting an initial investigation of the complaint. However, it is not in trip providers' self-interest for the results of an investigation to show that a complaint is chargeable. Council staff review a trip provider's responses to a complaint after the provider has concluded their investigation, but do not necessarily examine video or data related to the incident in question before determining whether to approve or reject the response.<sup>20</sup> Given this, the Council relies on the information provided by trip providers when making some of its decisions.

Third, trip providers are responsible for contacting riders who have filed complaints, explaining the circumstances that led to the incident, and informing them of the actions taken in response to their complaint. However, the Council's complaints procedures indicate that the deadline for providers to contact riders is also the deadline for notifying the Metropolitan Council of their response to the complaint. At this point, Council staff would not have approved the trip provider's response, so the complaint resolution conveyed to the rider may not yet have been approved and finalized. In other words, the rider may be misinformed about the final actions taken in response to their complaint.

Additionally, having trip providers contact the riders may give riders the impression that their complaint has not been independently reviewed by a neutral party. It also may further confuse riders about who they should contact with future complaints: if a rider calls the Metropolitan Council to file a complaint and then receives a call from their trip provider in response, they may simply contact their trip provider the next time they have a complaint.

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<sup>20</sup> Metropolitan Council staff explained that Council staff may review video or other data if (1) a customer objects to a trip provider's findings of fact, (2) the trip provider requests the Council to take action, (3) the Council has reason to believe a contractor's response might be inadequate, or (4) Council staff randomly pull video to audit trip provider performance, as time allows.

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**The Metropolitan Council does not have a comprehensive approach to identifying complaints that trip providers failed to forward to the Council as required.**

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Metropolitan Council staff told us that they rarely identify instances in which trip providers have not forwarded complaints to the Council. Council staff said that they may sometimes learn about a complaint that had not been forwarded from a Metro Mobility rider or because they identified it through a review of a random call to assess how a contractor is performing. They further explained that Council staff review randomly selected calls, as well as calls related to specific complaints, to assess trip provider performance. Council staff said that if the call involves a complaint, they check to make sure the complaint has been recorded in the complaints database. They explained that the frequency with which Council staff review trip provider calls depends on the time they have available after performing their other duties, but they estimated that staff review about 50 calls per month.

In our review of monthly invoices from trip providers in Fiscal Year 2023, we found that none of the 48 invoices included a penalty for an instance in which a trip provider failed to forward a complaint. It is unclear whether this is because trip providers forwarded all complaints or the Council failed to identify instances in which the providers did not forward complaints.<sup>21</sup>

During interviews, trip provider staff representing each of Metro Mobility's three service zones confirmed that riders contact them with concerns. Staff also told us that they do not forward every concern they receive from riders to the Council. It was unclear if trip providers' practices for forwarding complaints align with the Metropolitan Council's criteria for forwarding complaints. During these interviews, some trip providers told us that there are times when they try to handle complaints or address riders' concerns themselves. For example, one trip provider staff person explained that they try to address a rider's concern if they feel like they can resolve the issue. This person said it would be out of the ordinary to forward a complaint to the Metropolitan Council, and they would only do so if the issue was not correctable. For example, they may forward a complaint if it was about Metro Mobility's service hours. This staff person further explained that if a rider does not like the trip provider's response to their complaint, they can contact the Metropolitan Council to file a complaint.

This explanation does not align with that of Council staff. As previously noted, the Council expects trip providers to forward a complaint if the complaint represents a service failure on the part of a trip provider, or other concerns if the rider remains dissatisfied at the end of a call. Our review of the Metropolitan Council's complaints process shows that the Council has not provided written guidance related to this expectation to trip providers. While contracts and other guidance documents indicate that trip providers must forward all complaints to the Metropolitan Council, they do not include the Council's definition of what constitutes a complaint.

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<sup>21</sup> The complaints database we reviewed captures the total number of complaints that were directly entered into the database by trip providers, but it does not include instances where trip providers forwarded a call or other form of communication to the Council. In fiscal years 2019 through 2023, the portion of complaints that were entered into the complaints database by trip providers ranged from less than 1 percent to 6 percent of complaints.



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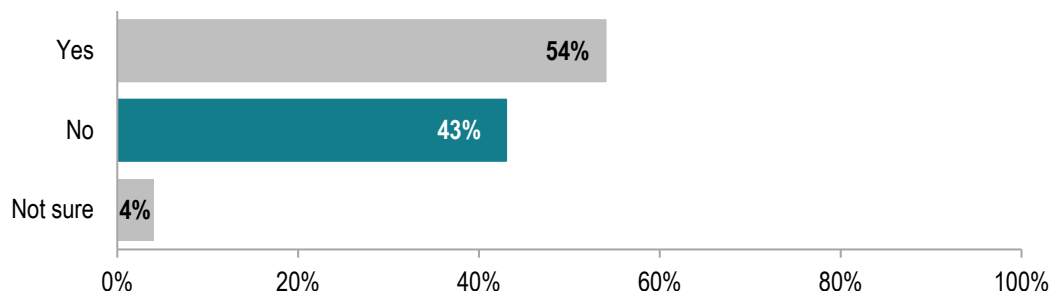
**It is unclear whether trip providers contacted all complainants that requested communication about their complaint.**

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The Metropolitan Council has not systematically tracked whether complainants, who requested that they be contacted in response to their complaint, were actually contacted.<sup>22</sup> As we noted previously, riders who submit a complaint may request that they be informed of the actions taken in response to their complaint. In our review of Metro Mobility complaints data, we found that between fiscal years 2019 and 2023, complainants requested to be notified about 65 percent of the time.

In our survey of Metro Mobility riders, we asked survey respondents who had filed a complaint whether they had requested to be contacted in response to their complaint. Of the 88 survey respondents who indicated they had made a complaint with a Metro Mobility representative, 56 respondents said they had asked the Metro Mobility representative to contact them.<sup>23</sup> Of these 56 respondents, 24 respondents indicated that a Metro Mobility representative had not contacted them in response to their complaint.

**Survey Question: “Did a Metro Mobility representative contact you in response to your complaint?”**



Notes: Of the 88 Metro Mobility riders who responded to our survey and indicated that they had filed a complaint with a Metro Mobility representative, 87 answered a follow-up question about whether they asked a Metro Mobility representative to contact them when they made their most recent complaint. Responses above are for the 56 respondents who indicated they had requested a response.

Source: Office of the Legislative Auditor, survey of Metro Mobility riders.

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<sup>22</sup> While the complaints database is set up to systematically identify when a trip provider contacted a rider as part of their response, trip providers and Council staff have not used this consistently. Council staff told us that, before they approve trip providers’ responses to complaints, they review notes trip providers submit as part of their response.

<sup>23</sup> We used the general term “Metro Mobility representative” in our survey because a rider could have spoken with a trip provider staff person or a Metropolitan Council staff person about their complaint.

## Guidance to Metropolitan Council Staff

**The Metropolitan Council has not established clear guidance for how staff should resolve complaints, which could result in inconsistent approaches.**

Metropolitan Council staff are responsible for making four key decisions as part of processing rider complaints. Those decisions are explained in the box to the right. However, the Council's written procedures do not provide guidance to staff on how to make these decisions. For example, Metropolitan Council staff must decide whether a rider's concerns qualify as a complaint. However, the Council's procedures do not mention this responsibility nor do they include guidance for how to make this decision.

Similarly, the Metropolitan Council has not provided its staff with written guidance on how to determine whether providers have taken appropriate action to address the rider's concern. The written complaints procedures do not offer any guidance on how to ensure a rider's concerns are addressed beyond having the trip provider call the rider. Instead, the procedures indicate that the final outcome of the complaints process is determining whether to penalize trip providers.

This lack of guidance for Council staff could result in inconsistent decisions. For example, one staff person could determine that a rider's concern does not qualify as a complaint, while another staff person might determine that it does. Similarly, a Council staff person could fail to ensure that a provider appropriately addressed a rider's concern.



### Four Key Metropolitan Council Complaints Process Determinations

1. Determine whether a Metro Mobility rider's concerns constitute a complaint and should be recorded in the Metro Mobility complaints database.
2. Determine whether to accept or reject a provider's response to the complaint.
3. Determine whether the complaint is "chargeable," meaning that it constitutes a service failure.
4. Determine that a rider's concern has been appropriately addressed.

## Performance Indicators

We reviewed data from the complaints database to evaluate the timeliness of trip providers' responses for the complaints that were recorded.<sup>24</sup> We also reviewed trip providers' invoices to see how frequently the Metropolitan Council paid complaints-based bonuses or issued complaints-based penalties.

Most (97 percent) of the nearly 2,600 complaints the Council processed in Fiscal Year 2023 were related to Metro Mobility's standard shared-ride services (demand services). Of the remaining Metro Mobility complaints, about 1 percent related to rides provided to riders who attend participating day programs as part of the agency service contract. Finally, about 2 percent did not relate to trip provider services and were instead assigned to the Council for follow-up.

<sup>24</sup> As noted previously, it is unclear whether all complaints are recorded in the complaints database.

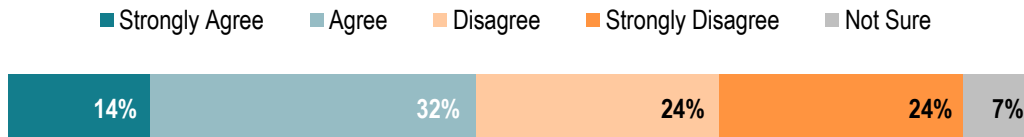
**Trip providers generally met the Metropolitan Council’s timeliness requirement for responding to rider complaints.**

As we noted earlier, when Metropolitan Council staff assign a complaint to a trip provider for response, they typically set a deadline of three business days by which the provider must respond. In Fiscal Year 2023, we found that trip providers met the deadline for about 98 percent of complaints.<sup>25</sup>

By contract, trip providers should receive a penalty of \$50 per occurrence when they fail to meet the deadline to respond to a complaint. In our review of trip providers’ invoices for Fiscal Year 2023, we found that the Metropolitan Council issued the \$50 penalty 18 times.<sup>26</sup>

While our analysis shows that trip providers generally responded by the deadline set by the Council, some respondents in our survey of riders expressed dissatisfaction with the timeliness of the response to their complaints. Forty-two of the 88 respondents (48 percent) who indicated they had filed a complaint with a Metro Mobility representative disagreed or strongly disagreed with the statement, “A Metro Mobility representative responded to my most recent complaint in a timely manner.”

**Survey Statement: “A Metro Mobility representative responded to my most recent complaint in a timely manner.”**



Notes: Of the 195 Metro Mobility riders who responded to our survey, 88 indicated that they had filed a complaint with a Metro Mobility representative. Responses above are for those 88 respondents.

Source: Office of the Legislative Auditor, survey of Metro Mobility riders.

**In Fiscal Year 2023, Metro Mobility trip providers struggled to meet a key performance target related to complaints.**

As we noted previously, contracts for demand service rides in the East, South, and West zones offer trip providers a monthly bonus of \$5,000 if there is one or fewer chargeable

<sup>25</sup> In Fiscal Year 2023, providers were granted extensions to the initial deadline for about 1 percent (33) complaints.

<sup>26</sup> In our review of Metro Mobility complaints data, we found 43 instances in Fiscal Year 2023 in which the trip provider failed to meet the deadline to respond to a complaint. Council staff said that this discrepancy may be a result of the Council staff’s failure to extend the due date in the database. Alternatively, according to Council staff, if the trip provider failed to request an extension but submitted a reasonable explanation for the delay after the deadline, the Council may have decided not to penalize the provider.

**Trip Provider Complaints  
Per 2,000 Rides by Demand Service Zone  
and Month, Fiscal Year 2023**

Month	East Zone	South Zone	West Zone
July 2022	1.69	0.83	1.63
August	2.02	0.49	0.70
September	1.77	0.99	1.31
October	2.05	1.10	1.03
November	1.39	1.03	0.77
December	2.29	1.27	1.49
January 2023	1.48	1.63	1.07
February	2.23	1.12	1.43
March	1.37	1.12	0.87
April	1.78	1.30	1.06
May	2.34	1.52	1.84
June	2.70	0.87	1.96

Source: Office of the Legislative Auditor, analysis of Metro Mobility rides and complaints data.

complaints for every 2,000 rides provided.<sup>27</sup> In our review of Metro Mobility complaints data, we found that trip providers often did not meet this target in Fiscal Year 2023. The East Zone trip provider failed to meet this target in all 12 months of Fiscal Year 2023, while the West Zone trip provider failed to meet the target in 9 months, and the South Zone trip provider failed to meet it in 8 months. In contrast, the agency service trip provider met the target in every month of Fiscal Year 2023. The table to the left shows when providers for each demand service zone met this target in Fiscal Year 2023.

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**The Metropolitan Council has sometimes paid trip providers a complaints-based bonus when they have not earned it.**

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In our review of trip providers’ invoices and Metropolitan Council’s payment records in Fiscal Year 2023, we identified at least 5 out of a possible 48 instances in which the Council paid the \$5,000 complaints-based bonus to a provider when the

invoices indicated that the provider did not meet the target. Specifically, the Council paid the East Zone provider this \$5,000 bonus for each month from January 2023 to April 2023, even though the ratio of complaints per 2,000 rides was higher than the target of 1.0 each month. Similarly, the Council paid the South Zone provider this bonus for January 2023, when its ratio was higher than 1.0. Council staff confirmed that these payments were made in error, due in part to a formula error, and said that they would start the process for reversing these overpayments.

## Recommendations

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As we have discussed throughout this chapter, the Metropolitan Council’s complaints procedures do not ensure that the Council is notified of all rider complaints, nor do they ensure that all complaints are responded to appropriately. In this section, we identify recommendations that the Council should take to improve its oversight of the Metro Mobility complaints process.

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**RECOMMENDATION**

**The Metropolitan Council should limit the role of trip providers in the complaints process.**

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Trip providers currently play a significant role in processing rider complaints, but this jeopardizes the integrity of the process given their financial interest in the outcome of the process. Assigning more responsibilities for processing rider complaints to

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<sup>27</sup> As we noted earlier, “chargeable” complaints, or complaints representing a service failure or contract violation, count against the provider when determining trip providers’ monthly complaints-based bonus. Note that the bonus for the agency service contract is \$3,000 instead of \$5,000.

Metropolitan Council staff would limit the role that trip providers play in the complaints process and reduce trip providers' conflicts of interest regarding complaints.

The Council should take several actions to limit the role of trip providers in the complaints process. First, the Council should require trip providers to forward all rider concerns about Metro Mobility services to the Metropolitan Council, regardless of whether the concern is about a possible service failure. Second, Council staff—rather than trip providers—should conduct the investigations into complaints. Finally, Council staff should be responsible for calling Metro Mobility riders to inform them of the steps taken to address their complaint.

Additionally, the Metropolitan Council should ensure that it has a systematic way of identifying situations in which providers have not forwarded rider complaints. As part of this, the Council could regularly review a random sample of calls to better ensure that trip providers forward complaints to the Council, as required. It would be important that this be a regular part of Council staff duties, rather than a task staff work on only when time allows.

These changes would require the Metropolitan Council to devote more resources to the complaints process. During interviews, Council staff explained that one reason why providers are currently responsible for certain parts of the complaints process is that the Council does not have the staffing to handle all aspects of the complaints process—it is staffed only for addressing concerns that have been elevated to their attention.

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## RECOMMENDATION

### **The Metropolitan Council should update its written procedures to provide more complete guidance to staff.**

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The Metropolitan Council should update its written procedures to fully and accurately describe how staff are expected to respond to complaints about Metro Mobility services. In March 2024, the Council updated some aspects of the Metro Mobility complaints procedures. For example, the updated procedures include guidance to staff to consider when determining (1) whether to reject a provider's response and (2) whether the complaint should count against a provider's bonus. However, we recommend that the Council further update the procedures to provide more direct guidance to staff about other elements of the complaints procedures. The procedures should describe the Council's criteria for determining which concerns qualify as complaints, and guidance to ensure that corrective action is taken to resolve the complaint for the rider. For example, the Council should update the procedures to direct staff to take corrective action in response to a complaint, such as reimbursing riders for confirmed complaints related to rides exceeding the maximum on-board time.

Updating the written Metro Mobility complaints procedures will better ensure consistency in the process. It will also allow Council staff to better ensure that riders' complaints are addressed appropriately.

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## RECOMMENDATION

**The Metropolitan Council should identify ways to better encourage riders to submit all complaints to Metropolitan Council staff rather than to trip provider staff.**

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The complaints process is unclear to at least some riders. Some riders contact trip providers about complaints, which should instead be directed to Metropolitan Council staff. Addressing this recommendation could be as simple as updating the current Metro Mobility communication system to direct riders to the appropriate entity. For example, when Metro Mobility riders call their trip providers, they are currently presented with a menu of options, such as pressing a number to schedule a ride or a different number to speak with Council staff. However, the phone menu does not explicitly inform riders to contact the Council to file a complaint. The Council could update this menu to more directly instruct callers to press a designated number to make a complaint, which would transfer them to the Council.

The Metropolitan Council could also explore establishing a centralized system for scheduling all rides and for processing complaints. In such a situation, the Council would be responsible for scheduling all Metro Mobility rides across all zones and for processing rider complaints. This would better ensure that Council staff receive complaints because riders would no longer have a reason to contact trip providers. There are advantages and disadvantages to establishing centralized systems, which we discuss in greater detail in the “Centralized Reservation and Dispatch System” section of the Appendix.

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## RECOMMENDATION

**The Metropolitan Council should change the incentive structure in contracts with trip providers to encourage providers to forward complaints to the Metropolitan Council.**

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The incentive structure in trip providers’ contracts financially incentivizes trip providers not to forward rider complaints. One possible way to address this would be for the Metropolitan Council to increase the penalty for failing to forward complaints, which is currently \$50 per instance. It is important that the penalty be significant enough that the risk of being found not to have forwarded a complaint once is not worthwhile from a financial perspective.

Alternatively, the Council could consider making trip providers ineligible to receive the \$5,000 monthly complaint-based financial bonus if Council staff determine the provider failed to forward any complaints that month. Such a change has the potential to make the cost of not forwarding a complaint significant for trip providers and would therefore encourage providers to forward complaints as required.

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**RECOMMENDATION**

**The Metropolitan Council should systematically track data related to all rider concerns and use the information to improve riders' experiences.**

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Instead of only tracking concerns that meet the Metropolitan Council's complaints criteria, the Council should systematically track all rider concerns regarding the quality of Metro Mobility services. Doing so would allow the Council to determine areas in which it could improve service beyond the baseline requirements laid out in trip provider contracts, which are largely based on federal requirements.

The Metropolitan Council should also improve the way it tracks whether complainants were contacted in response to their complaint, when requested. As stated earlier, federal regulations require the Council to contact riders promptly with responses to the rider's complaint allegations.<sup>28</sup> Systematically tracking, whether riders who requested to be contacted are in fact contacted, is a necessary step in ensuring that the Council is meeting this requirement.

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**RECOMMENDATION**

**The Metropolitan Council should ensure that it only pays bonuses to providers when those bonuses are earned.**

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The point of incentive structures is to encourage certain behaviors and discourage others. For an incentive or disincentive to be effective, it must be implemented correctly. Paying a trip provider a bonus that the provider has not earned does not create an incentive. It also demonstrates poor stewardship of taxpayer dollars.

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<sup>28</sup> 49 *CFR*, 37.17 (2023).



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# List of Recommendations

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- The Metropolitan Council should:
  - Take additional steps to address service quality issues.
  - Ensure that the bonus related to fulfilling all ride requests is only given in instances when the trip provider has earned it. (p. 24)
- The Legislature should consider amending statutes to explicitly identify service requirements in the state-mandated service area. (pp. 25-26)
- The Metropolitan Council should explore alternative technologies for scheduling and providing ride services. (p. 30)
- The Metropolitan Council should limit the role of trip providers in the complaints process. (pp. 44-45)
- The Metropolitan Council should update its written procedures to provide more complete guidance to staff. (p. 45)
- The Metropolitan Council should identify ways to better encourage riders to submit all complaints to Metropolitan Council staff rather than to trip provider staff. (p. 46)
- The Metropolitan Council should change the incentive structure in contracts with trip providers to encourage providers to forward complaints to the Metropolitan Council. (p. 46)
- The Metropolitan Council should systematically track data related to all rider concerns and use the information to improve riders' experiences. (p. 47)
- The Metropolitan Council should ensure that it only pays bonuses to providers when those bonuses are earned. (p. 47)



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# Appendix: Policies and Practices of Paratransit Providers in Other States

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As part of our evaluation, we were asked to review policies and practices that paratransit providers in other states have used to improve the quality and cost-effectiveness of their services.<sup>1</sup> Through this process, we identified three policies for a more in-depth review: (1) conditional eligibility, (2) centralized reservations and dispatch, and (3) integrating transportation network companies. This Appendix summarizes the benefits, as well as the potential drawbacks and implementation challenges, for each of these three policies.

While we are not recommending that the Metropolitan Council necessarily adopt these policies, we discuss them in the context of Metro Mobility. Although the agencies highlighted here vary widely in terms of scale and do not necessarily reflect Metro Mobility's operating environment, we believe that their experiences offer useful lessons for the Metropolitan Council and Legislature to consider as they work to improve Metro Mobility services in the future.

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## Conditional Eligibility

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### Overview

Conditional eligibility is a type of paratransit eligibility structure in which a rider is deemed eligible for service if they are incapable of using fixed-route transit under specific conditions. When those conditions are present, the rider is eligible for paratransit services; when those conditions are absent, the rider is not eligible for paratransit services. Paratransit providers may enforce conditional eligibility on a ride-by-ride or seasonal basis. For example, a rider may be able to use fixed-route transit during the day when there is sunlight but is eligible for paratransit at night when it is dark outside. Or a rider may be able to navigate to a bus stop when the weather is clear but is eligible for paratransit when it snows or there is other inclement weather. Alternatively, a paratransit provider may enforce conditional eligibility on a seasonal basis rather than making ride-by-ride determinations. For example, in climates where snow is frequent, providers may decide those conditionally eligible riders are eligible for paratransit services during the winter months, when snow is more likely, regardless of whether there is snow on the ground.

The Metropolitan Council currently conducts a number of assessments to determine under what conditions riders can and cannot use fixed-route transit and records that

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<sup>1</sup> Note that we use a broader definition of "paratransit provider" in the Appendix than in the rest of the report. In this Appendix, the provider refers to the agency responsible for ensuring that paratransit services are available for eligible individuals, regardless of whether the agency provides the service directly or contracts with private entities. In the case of Metro Mobility, the provider in this context is the Metropolitan Council, rather than the private companies that operate the vehicles.

information in a database. Examples of those conditions are presented in the table below. However, the Council does not use those conditions to determine rider eligibility for specific rides. As a result, any eligible rider is eligible to use Metro Mobility under all conditions.

### Possible Conditions for Metro Mobility Eligibility

Category	Example Conditions
Weather/Environment	<ul style="list-style-type: none"> <li>• Extreme heat or extreme cold</li> <li>• Poor air quality</li> </ul>
Physical Barriers	<ul style="list-style-type: none"> <li>• Lack of accessible sidewalks</li> <li>• Lack of seating at bus stops</li> <li>• Snow and ice on the ground</li> </ul>
Navigation	<ul style="list-style-type: none"> <li>• Route requires transfers that the rider cannot navigate</li> <li>• Rider cannot navigate in low-light conditions</li> </ul>
Functional Variation	<ul style="list-style-type: none"> <li>• Symptoms vary day-by-day (e.g., multiple sclerosis)</li> </ul>

Source: Metropolitan Council.

## Potential Benefits

Implementing conditional eligibility has the potential to reduce demand for paratransit services and produce cost savings for the Metropolitan Council. That was the experience of two paratransit providers with conditional eligibility, King County Metro in Washington state and ACCESS in Pittsburgh, Pennsylvania. Over a four-year span, staff at King County Metro—which began implementing conditional eligibility in 2006—reviewed more than 11,000 paratransit ride requests and found that nearly 3,400, or 29 percent, could be made using fixed-route transit.<sup>2</sup> Using these data, researchers estimated that nearly 159,000 paratransit rides were diverted to the fixed-route system, producing cumulative net savings of \$5.6 million.<sup>3</sup> Additionally, growth in ridership slowed, falling from 4 percent to 2 percent the first year that ride-by-ride restrictions were enforced; annual ridership growth remained lower for each of the next six years.<sup>4</sup> Similarly, using data collected by ACCESS, the researchers estimated that conditionally eligible riders took nearly 47,000 trips using fixed-route transit instead of ACCESS in Fiscal Year 2012, producing savings of nearly \$818,000.<sup>5</sup>



### Conditional Eligibility

#### Benefits:

- Reduced demand and costs

#### Challenges:

- Requires large up-front investment
- Risks reducing riders' mobility

<sup>2</sup> National Academies of Sciences, Engineering, and Medicine, *Strategy Guide to Enable and Promote the Use of Fixed-Route Transit by People with Disabilities* (Washington, DC: The National Academies Press, 2014), 150.

<sup>3</sup> *Ibid.*, 150-151.

<sup>4</sup> *Ibid.*, 153-154. Although King County Metro implemented several policies to encourage the use of fixed-route transit between 2006 and 2010 that may have contributed to slower growth in ridership—including the increased use of in-person eligibility assessments and multiple paratransit fare increases—the researchers argued that the impacts of ride-by-ride conditional eligibility “appear to be significant.”

<sup>5</sup> *Ibid.*, 154, 156.

## Challenges to Implementation

Implementing conditional eligibility restrictions requires a large up-front investment before producing any cost savings. In a ride-by-ride conditional eligibility system, paratransit providers must hire staff to collect and review the data to make eligibility decisions. In 2011, King County Metro employed three full-time specialists to investigate barriers—such as a lack of sidewalks—for riders traveling to and from transit stops.<sup>6</sup> These reviews cost an estimated \$320,000 that year, or an average of more than \$96 per unique request.<sup>7</sup> However, as recurring rides are screened, the number, and thus, the cost, of new screenings should decrease over time. This is what happened with Pittsburgh’s ACCESS, which spent about \$17,000 in 2012 to screen more than 77,000 requests, for an average cost of only \$0.22 per request.<sup>8</sup>

Individual riders also need to be evaluated to determine under what conditions they are eligible to use paratransit services. This is a costly and intensive process that may require substantial staff time. Although the Metropolitan Council currently documents under what conditions a rider is eligible, Council staff indicated that they would need to hire additional staff to reassess riders before beginning any conditional eligibility enforcement. Council staff also stated that they lack the support staff needed to partner with public works departments and local businesses to ensure that travel paths are accessible for riders.

Conditional eligibility restricts access to paratransit service for some individuals in some circumstances. Therefore, if the Metropolitan Council wants to implement conditional eligibility, it should consider ways to design a system that also enhances riders’ access to fixed-route transit. For example, conditional eligibility paired with robust “travel training” could help reduce demand for Metro Mobility services without sacrificing riders’ mobility.<sup>9</sup> The Riverside Transit Agency (RTA) in Riverside, California, began offering travel training to seniors and people with disabilities in 2011 through its Freedom to Go program. Researchers estimated that in its first full year, the Freedom to Go program produced net savings of more than \$340,000 for the RTA’s paratransit program by diverting more than 23,000 paratransit rides to fixed-route transit.<sup>10</sup>

The Metropolitan Council could also design a conditional eligibility system that encourages riders to use fixed-route transit without altogether denying access to regular paratransit service. For example, in Pittsburgh, all ride requests for the ACCESS paratransit service were screened for conditional eligibility. Those rides that could be

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<sup>6</sup> National Academies, *Strategy Guide to Enable and Promote the Use of Fixed-Route Transit by People with Disabilities*, 152.

<sup>7</sup> *Ibid.*, 159.

<sup>8</sup> *Ibid.*, 159-161.

<sup>9</sup> Travel training programs are designed to give individuals the knowledge and skills to use public transportation safely and independently.

<sup>10</sup> Heather Menninger and Virginia Werly, “Americans with Disabilities Act Cost Savings and Increased Fixed-Route Ridership Through Transit Agency Travel Training: Case Study of Riverside Transit Agency, California,” *Transportation Research Record: Journal of the Transportation Research Board*, no. 2469 (2014): 97.

made using fixed-route transit could still be booked through ACCESS, but the rider had to pay a “convenience fare” that was double the regular paratransit fare.<sup>11</sup> For riders whose disability prevents them from navigating transfers on fixed-route systems, or who cannot travel to fixed-route stops or stations from their home, eligibility for paratransit services could be limited to part of their ride. One Council staff person mentioned the possibility of riders transferring from Metro Mobility to a fixed-route stop instead of traveling all the way to their destination on Metro Mobility.

## Centralized Reservations and Dispatch System

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### Overview

Metro Mobility has a decentralized reservations and dispatch structure in which riders call their dedicated trip provider to make a reservation, and the provider schedules the trip and dispatches the vehicle. In a centralized system, by comparison, reservations, scheduling, and dispatch are handled by a single entity that is typically separate from the trip providers. This entity can be the transit agency itself or a third-party call center manager. A 2018 review of paratransit service models from the National Academies of Sciences, Engineering, and Medicine identified 11 paratransit providers that use a centralized reservations and dispatch system.<sup>12</sup> Of these, six providers handle reservations, scheduling, and dispatch in-house while the other five contract with a call center manager or broker to perform those functions.

Were the Metropolitan Council to transition to a centralized reservations and dispatch system, the current service providers could be retained, although they would no longer necessarily serve dedicated zones. Instead of calling their dedicated service provider, every rider would call a systemwide reservations call center. Reservationists at the call center would then help riders book their rides and build driver and vehicle schedules accordingly. The Council would also have to decide whether to manage the call center in-house or contract with another entity to operate it. The former has the advantage of providing the Metropolitan Council direct control over the call center’s operations; the latter could reduce the risk of lawsuits against the Council by having the contractor assume liability for service failures.<sup>13</sup>

The table that follows shows how the division of responsibilities could change in the move to a Council-run centralized reservations and dispatch system.<sup>14</sup> Responsibility for handling reservations, scheduling rides, and dispatching vehicles would shift from the individual providers to the Council’s call center. Other responsibilities, including vehicle purchasing and maintenance, program oversight, and ride provision, would remain unchanged.

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<sup>11</sup> Because these rides would not be federally mandated, federal restrictions on the maximum chargeable fare would not apply.

<sup>12</sup> National Academies of Sciences, Engineering, and Medicine, *ADA Paratransit Service Models* (Washington, DC: The National Academies Press, 2018), 6.

<sup>13</sup> The Council’s contracts with trip providers include similar provisions.

<sup>14</sup> This section discusses a centralized reservations and dispatch system in the context of Metro Mobility’s standard shared-ride service, provided through the demand service contracts.

**Under a centralized system, some responsibilities would be transferred from trip providers to the Metropolitan Council**

Entity	Select Responsibilities – Current System	Select Responsibilities – Centralized System
Metropolitan Council	<ul style="list-style-type: none"> <li>• Determine rider eligibility</li> <li>• Review provider responses to rider complaints</li> <li>• Purchase vehicles</li> </ul>	<ul style="list-style-type: none"> <li>• Determine rider eligibility</li> <li>• Review provider responses to rider complaints</li> <li>• Purchase vehicles</li> <li>• Take reservations</li> <li>• Schedule rides</li> <li>• Dispatch vehicles</li> </ul>
Trip Providers	<ul style="list-style-type: none"> <li>• Take reservations</li> <li>• Schedule rides</li> <li>• Dispatch vehicles</li> <li>• Transport riders and their guests</li> <li>• Investigate and respond to rider complaints</li> <li>• Maintain and repair vehicles</li> </ul>	<ul style="list-style-type: none"> <li>• Transport riders and their guests</li> <li>• Investigate and respond to rider complaints</li> <li>• Maintain and repair vehicles</li> </ul>

Source: Office of the Legislative Auditor, review of Metropolitan Council policies and contracts with trip providers.

## Potential Benefits

One potential benefit of moving to a centralized reservations and dispatch system is increased efficiency. According to the 2018 National Academies report—the East Bay Paratransit Consortium, the paratransit service for Oakland and other communities in the eastern San Francisco Bay Area—reported that the current centralized system creates cost efficiency by fostering competition among the providers.<sup>15</sup> A simulation using data collected from Houston’s METROLift service also suggested that a centralized system without zones would increase efficiency and decrease the number of miles that vehicles traveled without riders on board.<sup>16</sup>

Another advantage of a centralized system is that it provides a paratransit provider flexibility to allocate rides from one contractor to another based on performance. As we discussed in Chapter 2, the Metropolitan Council penalizes trip providers for failing to meet performance goals. The Council also uses “quality mitigation plans” to address ongoing service quality issues among trip providers. The ability to shift rides among providers would give the Council another tool to resolve service quality issues as they arise.



### Centralized Reservations and Dispatch

**Benefits:**

- Increased efficiency
- Provides flexibility to allocate rides among the trip providers
- Improved customer service
- Promotes fairness in conditional eligibility decisions

**Challenges:**

- High up-front costs
- Requires additional oversight for a contractor-run call center
- Potential for conflicts between trip providers and the call center

<sup>15</sup> National Academies, *ADA Paratransit Service Models*, 73-74.

<sup>16</sup> Chung-Wei Shen and Luca Quadrioglio, “Evaluating Centralized versus Decentralized Zoning Strategies for Metropolitan ADA Paratransit Services,” *Journal of Transportation Engineering* 139, no. 5 (May 2013): 2, 6-8.

An in-house centralized call center also has the potential to improve customer service by helping the paratransit provider better understand rider experiences and needs. For instance, A-Ride, the paratransit service of the Ann Arbor [Michigan] Area Transportation Authority, moved to a centralized system where the agency handles advance reservations and scheduling. This change resulted in more regular contact between riders and A-Ride.<sup>17</sup> Two other agencies, Pierce Transit (Pierce County, Washington state) and UTA Paratransit (Salt Lake City, Utah), reported that a centralized call center provided their agencies more direct control over customer service and closer contact with riders.<sup>18</sup> As we discussed in Chapter 3, under the current decentralized system, riders are directed to contact the Metropolitan Council with complaints; however, they often contact the service providers instead. The Council also lacks a comprehensive approach to identifying instances when the providers have failed to forward those complaints to the Council. A centralized reservations system could help eliminate this confusion since riders would no longer be directed to call different numbers to schedule rides and file complaints.

Multiple agencies in the National Academies report cited the ability to more effectively implement conditional eligibility as another advantage of having a centralized call center.<sup>19</sup> If the Council chooses to begin implementing conditional eligibility restrictions, a centralized call center could improve the consistency and fairness of the process. Under the current decentralized system, Metro Mobility providers would be responsible for determining whether conditional eligibility applies to a given ride request since they are currently responsible for reservations and scheduling. However, because providers may, in some circumstances, have a financial interest in denying some requests in order to meet performance standards, there is the risk that they may improperly determine that a particular request can be made using fixed-route transit. A centralized call center (whether run by the agency or a contractor) could, by virtue of being a third party that does not provide rides, make the system fairer by evaluating ride requests objectively.

## Challenges to Implementation

One challenge of implementing a centralized reservations and dispatch system is the considerable up-front costs and effort of hiring the necessary staff to run an in-house system. One Metropolitan Council staff person estimated that they would need to hire 35 reservationists to handle calls during peak times, and would need to find physical workspace for them. California's East Bay Paratransit Consortium reported that moving to a centralized system was more intensive than anticipated and actually led to a drop in productivity, though the agency encountered other challenges that may have contributed to this drop.<sup>20</sup> Although the current contracts with trip providers include language that would allow the Metropolitan Council to adopt a centralized reservations and dispatch system, Council staff said that making that change would be a "major lift" that is unlikely to happen before the next round of contracts are signed.

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<sup>17</sup> National Academies, *ADA Paratransit Service Models*, 40.

<sup>18</sup> *Ibid.*, 6, 90.

<sup>19</sup> *Ibid.*, 6, 102.

<sup>20</sup> *Ibid.*, 73-74.



In the case of a contractor-run call center, inadequate oversight can lead to cost overruns and a deterioration in service quality. The Massachusetts Bay Transportation Authority (MBTA) provides paratransit service throughout the Greater Boston area through “The RIDE.” Prior to 2017, MBTA utilized a decentralized service model in which riders contacted their assigned service provider to schedule a ride. That year, MBTA began contracting with a third-party contractor to run a centralized call center to handle reservations, scheduling, and dispatch. Prior to making the switch, MBTA estimated that the centralized call center would produce net savings of more than \$38 million by the end of 2020 through, among other things, more efficient routing and increased competition among the different service providers.<sup>21</sup> However, instead of saving MBTA money, the switch left The RIDE a projected \$13 million over budget in 2017. Service deteriorated so badly that MBTA decided to replace the original contractor less than one year into the contract.<sup>22</sup> Even after changing contractors, the number of late and missed trips continued to climb in subsequent years.<sup>23</sup>

The National Academies report highlighted the potential for conflicts between service providers and the call center operator in a centralized reservations and dispatch system.<sup>24</sup> Council staff echoed this concern, saying there is the potential for infighting among contractors in a centralized system in which one contractor handles reservations and dispatching and another contractor handles operations. One staff person gave the example of a service provider with poor productivity blaming the contractor for failing to book rides properly. Because different entities are responsible for different components of the service, this finger-pointing muddies accountability for poor performance.<sup>25</sup> If the Council were to implement this option, it would need to hold both entities accountable, while also encouraging a collaborative relationship.

## Integrating Transportation Network Companies

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### Overview

Transportation network companies (TNCs), also known as ridesharing services, allow individuals to hail a ride using a smartphone application. Unlike traditional taxicab companies, which often lease vehicles to drivers for a fee, TNCs do not own their own vehicles or fleets. Instead, drivers sign up with the TNC and use their personal automobiles to transport riders. Whereas individuals may hail a taxi from the street, TNCs connect riders and drivers for a prearranged ride through an online platform.

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<sup>21</sup> “Centralized Call and Control Center for Paratransit Services, Recommendation for Approval” (PowerPoint presentation, Massachusetts Bay Transportation Authority, Boston, June 6, 2016), 2, 4.

<sup>22</sup> Adam Vaccaro, “MBTA to Remove Troubled Contractor for The Ride,” Boston.com, December 18, 2017, <https://www.boston.com/news/local-news/2017/12/18/mbta-to-remove-troubled-contractor-for-the-ride/>.

<sup>23</sup> Kathy Curran and Jon Wells, “MBTA’s Paratransit Service ‘The Ride’ Plagued by Late, Missed Trips,” WCVB, February 18, 2022, <https://www.wcvb.com/article/massachusetts-mbta-paratransit-service-plagued-by-late-and-missed-trips/39124647>.

<sup>24</sup> National Academies, *ADA Paratransit Service Models*, 8.

<sup>25</sup> These conflicts could be mitigated by having the reservations and dispatch functions handled in-house, rather than hiring a contractor, but Council staff do not believe it would resolve the issue entirely.

In Minnesota, the two most prominent TNCs are Uber and Lyft; over a three-month period in 2023, Uber provided nearly 300,000 rides in the Twin Cities area.<sup>26</sup>

The Metropolitan Council offers premium same-day service to Metro Mobility riders through a contract with Transportation Plus, but the Council does not have a contract with any TNCs. According to Council staff, prior to the COVID-19 pandemic, the Metropolitan Council selected Lyft as a contractor to provide accessible same-day service, but the company later modified its proposal and could no longer guarantee service to riders using mobility devices. As a result, the Metropolitan Council did not contract with Lyft. The Council has since prepared a new draft request for proposal (RFP) with the aim of increasing the number of same-day options available to riders.

## Potential Benefits

One major benefit of incorporating transportation network companies into Metro Mobility services would be the flexibility it offers riders. Unlike regular Metro Mobility services, in which riders must typically book a ride at least one day in advance, TNCs allow individuals to request a ride when they need one.

Although the Metropolitan Council currently offers access to premium same-day service to all eligible riders, the Council only has one taxi provider under contract. Adding a TNC would enlarge the pool of available drivers and give riders more options when scheduling rides. According to Council staff, their hope is that a TNC will submit a bid for the new RFP.

Supplementing paratransit service with transportation network companies also has the potential to reduce paratransit operating costs while improving rider mobility. In 2016, the Massachusetts Bay Transportation Authority (MBTA) in Boston initiated a pilot program to allow certain customers to hail rides through three TNCs.<sup>27</sup> One analysis found that the pilot program reduced the demand for paratransit rides while increasing overall mobility among pilot participants.<sup>28</sup> The researchers estimated that the number of paratransit rides taken by pilot participants fell by approximately 27 percent. At the same time, the availability of TNCs increased the overall demand for trips by more than 53 percent, suggesting that the pilot program increased mobility for customers with disabilities. The researchers also estimated that the average per-ride costs of TNC rides (about \$16) were significantly lower than for regular paratransit rides (more than \$50).<sup>29</sup>



### Transportation Network Companies

#### Benefits:

- Offer riders more flexibility when scheduling rides
- Reduce costs while increasing rider mobility

#### Challenges:

- Difficult to ensure availability of accessible vehicles
- Quality of service may be inferior

<sup>26</sup> “An Introduction to Uber” (PowerPoint presentation to the Governor’s Committee on the Compensation, Wellbeing, and Fair Treatment of Transportation Network Company Drivers, St. Paul, September 7, 2023), 11.

<sup>27</sup> In 2017, the pilot was expanded to all eligible paratransit riders.

<sup>28</sup> Eric J. Gonzales, Charalampos Sipeas, and Justin Italiano, *Optimizing ADA Paratransit Operations with Taxi and Ride Share Programs* (Boston, MA: Massachusetts Department of Transportation, 2019), 48.

<sup>29</sup> *Ibid.*, 5, 52.

A 2019 partnership between the Pinellas Suncoast Transit Authority and Lyft aimed at improving customer mobility and accessibility in Pinellas County, Florida, also saw success.<sup>30</sup> Before and after surveys of riders in the partnership program found that 82 percent of respondents reported increased mobility. Trip data supported this perception, with the average number of rides taken by an individual increasing from 7 at the start of the pilot to 11 at the six-month mark. Overall operating costs per ride showed little change, but researchers were not able to disaggregate data to compare the costs of the TNC rides with those of the regular paratransit rides.

## Challenges to Implementation

A Metropolitan Council staff person said that one of the major challenges to providing on-demand service through TNCs would be the lack of wheelchair-accessible vehicles (WAVs). According to a Council staff person, all customers must be treated equally regardless of their mobility needs. However, because Uber and Lyft do not employ drivers or control when or where they work, they cannot guarantee the availability of accessible vehicles for riders who need them.<sup>31</sup> Boston's TNC pilot struggled to ensure the availability of accessible vehicles, with riders using wheelchairs complaining about the lack of WAVs and long wait times. A subsequent U.S. Department of Justice investigation found that wheelchair users could not benefit from the pilot program to the same degree as other users.<sup>32</sup> Consequently, the MBTA began subsidizing WAV operation by the TNCs, after which there was a large increase in the number of WAV rides along with shorter wait times. The Council may need to consider offering a similar subsidy to ensure that TNC service is accessible to all riders.

TNC drivers may lack experience serving people with disabilities, so there is a risk that the quality of service provided by TNCs may not match that offered by trained paratransit service providers. For example, some participants in the MBTA pilot program reported that drivers would not pick them up after seeing their service animal.<sup>33</sup> The Metropolitan Council's new RFP includes training requirements for drivers, including up to two hours of training related to ADA requirements and serving customers with disabilities. However, because TNC drivers are not employees, it is not clear whether TNCs would be able to guarantee driver participation. Due to their lack of specialized training, TNC drivers are also generally limited to providing curb-to-curb service, rather than the door-through-door service available through Metro Mobility, and may not be able to offer mobility assistance to riders.

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<sup>30</sup> Federal Transit Administration, *Mobility on Demand (MOD) Sandbox Demonstration: Pinellas Suncoast Transit Authority (PSTA) Public-Private Partnership for Paratransit, Evaluation Report* (Washington, DC: United States Department of Transportation, 2022), 1-2.

<sup>31</sup> According to a Council staff person, Lyft does not offer WAV service in the Twin Cities area.

<sup>32</sup> Gregory J. Dorchak, Assistant U.S. Attorney, United States Attorney's Office, U.S. Department of Justice, letter to Marie Breen, General Counsel, Massachusetts Bay Transit Authority, February 10, 2022.

<sup>33</sup> Elizabeth Deakin, Jeremy Halpern, and Madeleine Parker, *Examining the Potential for Uber and Lyft to be Included in Subsidized Mobility Programs Targeted to Seniors, Low Income Adults, and People with Disabilities* (Berkeley, CA: University of California Institute of Transportation Studies, 2020), 18.



OLA



April 30, 2024

Judy Randall, Legislative Auditor  
Office of the Legislative Auditor  
Centennial Office Building  
658 Cedar Street St. Paul, Minnesota 55155

Dear Ms. Randall:

Thank you for the opportunity to review and comment on the Office of the Legislative Auditor's report on Metro Mobility. Your office's observations and recommendations for the program will help the Metropolitan Council (Council) continue to deliver quality service that improves mobility for people with disabilities in the region. We agree with the recommendations and generally find they align well with current and upcoming efforts to adjust and improve Metro Mobility service.

The report summarizes the Metro Mobility program and its role complementing the fixed route transit system for people with a disability or health condition that prevents their use of regular route transit services. The Council deploys these services in accordance with federal regulations, and to additional communities in a state-mandated service area beyond the federally required areas around all-day fixed route transit. While not a focus of the report, the Council is proud to deliver Metro Mobility service with a per-passenger subsidy below many peer paratransit systems. We look forward to the program's ongoing transition to a state forecasted program in State Fiscal Year 2026 and working with the Legislature on any proposed statutory changes related to the program.

Following the COVID-19 pandemic, the private and public transportation industry faced a shortage of mechanics and drivers, and regional transit operations have been affected by this shortage. Post-pandemic ridership in the Metro Mobility program has rebounded more quickly than in other transit services, and in 2023, reached over 80 percent of pre-pandemic levels. Increased demand and ongoing workforce constraints have created program capacity challenges that Council staff and our contractors endeavor to meet every day.

In recent months, Metro Mobility contractors are experiencing success attracting drivers and have implemented schedule and service adjustments resulting in eliminated service denials and improved on-time performance. Mild 2023-2024 winter conditions, along with service adjustments and the implementation of new initiatives including those passed by the legislature in 2023, have helped restore performance while ensuring all ride requests are filled. New replacement buses, including 91 new buses in 2023 and 330 more scheduled in 2024, and ongoing technology improvements contribute to this success as well. We successfully piloted a replacement on-board computer system that provides real-time traffic information and will launch app-based booking this year.

**These adjustments and initiatives have yielded positive results. Since January 2, 2024, denials of ride requests have been eliminated, on-time performance has reached 92.9 percent, and use of innovative program options have grown, as described below:**

- Implementation of expanded service hours in the Premium On-Demand taxi alternative for Metro Mobility certified customers. In 2023, customers took over 75,000 taxi rides in this program option, an 80 percent increase over 2022.
- Some Metro Mobility riders may use fixed-route buses and trains for some trips. A free fare pilot program for Metro Mobility certified riders in the 2023 transportation bill has been a success since its implementation in July, serving 21,500 rides from October 2023 through mid-April 2024. This pilot is currently scheduled to expire after December 31, 2024.

The report makes several recommendations regarding the role of contractors in customer service. The Council will procure new service contracts in the upcoming year and will consider revisions to address various recommendations on contractors' role in the complaints process. Council staff remain the primary point of contact for any service concerns; we also acknowledge contractors share responsibility for service outcomes and may sometimes facilitate issue resolution in a single contact. At the same time, we will take steps to ensure concerns are fully documented and contractors forward *any* matter comprising a complaint.

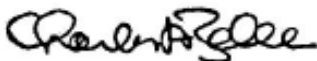
Additionally, Metro Mobility provides written guidance to customers upon certification and recertification referring them to the Metro Mobility Service Center, not the provider, for handling of complaints and commendations. We share this guidance in newsletters and communicate it on our website. We will continue to take these steps and consider additional communications to ensure customers understand to direct their complaints and commendations to the Metro Mobility Service Center.

In 2022, the Council completed a project to update its customer relations application with additional reportable fields and incorporated this functionality into its reporting platforms. We are also in the process of adding position(s) to our customer service team to leverage this functionality and increase the Council's capacity for review and investigation of rider concerns. As the report notes, we have already taken initial steps to revise work instructions to increase staff guidance on the handling of complaints. We also corrected reporting to ensure any contractual performance bonuses are appropriately determined.

Lastly, Metropolitan Transportation Services - Contracted Services is undergoing a strategic restructuring process to include staffing changes and software support to improve the accuracy and utility of financial transactions and reporting tools that will assist in managing service contracts across program areas (Metro Mobility, Metro Move, Transit Link, Fixed route, etc). While these tools are implemented, we corrected existing reporting to ensure any contractual performance bonuses are appropriately verified, paid, and will revise a small number of past erroneous payments in ongoing contract invoicing.

We appreciated your staff's efforts during this review. We look forward to incorporating improvements to continue delivering high quality transit services in the region. If you have further questions, please contact Charles Carlson, Metropolitan Transportation Services Executive Director, at 651-602-1761.

Sincerely,



Charles A. Zelle  
Chair, Metropolitan Council

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May 2016  
*Agricultural Commodity Councils*, March 2014

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*Guardian ad Litem Program*, March 2018  
*Mental Health Services in County Jails*, March 2016

### Economic Development

*Minnesota Investment Fund*, February 2018  
*Minnesota Research Tax Credit*, February 2017  
*Iron Range Resources and Rehabilitation Board (IRRRB)*,  
March 2016

### Education (Preschool, K-12, and Postsecondary)

*Minnesota Department of Education's Role in Addressing  
the Achievement Gap*, March 2022  
*Collaborative Urban and Greater Minnesota Educators  
of Color (CUGMEC) Grant Program*, March 2021  
*Compensatory Education Revenue*, March 2020  
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March 2019  
*Early Childhood Programs*, April 2018  
*Perpich Center for Arts Education*, January 2017  
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*Minnesota Teacher Licensure*, March 2016

### Environment and Natural Resources

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*Department of Natural Resources: Deer Population  
Management*, May 2016  
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Investigations*, February 2022

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Organizations*, February 2023  
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*Office of Minnesota Information Technology Services  
(MNIT)*, February 2019  
*Mineral Taxation*, April 2015

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*Minnesota Department of Health Oversight of HMO  
Complaint Resolution*, February 2016  
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*Department of Human Services Licensing Division:  
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*Child Protection Removals and Reunifications*, June 2022  
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Oversight*, February 2017  
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March 2015

### Jobs, Training, and Labor

*Worker Misclassification*, March 2024  
*Unemployment Insurance Program: Efforts to Prevent  
and Detect the Use of Stolen Identities*, March 2022  
*State Protections for Meatpacking Workers*, 2015

### Miscellaneous

*Minnesota Housing Finance Agency: Down Payment  
Assistance*, March 2024  
*RentHelpMN*, April 2023  
*State Programs That Support Minnesotans on the Basis  
of Racial, Ethnic, or American Indian Identity*,  
February 2023  
*Board of Cosmetology Licensing*, May 2021  
*Minnesota Department of Human Rights: Complaint  
Resolution Process*, February 2020  
*Public Utilities Commission's Public Participation  
Processes*, July 2020  
*Economic Development and Housing Challenge Program*,  
February 2019  
*Minnesota State Arts Board Grant Administration*,  
February 2019  
*Board of Animal Health's Oversight of Deer and  
Elk Farms*, April 2018  
*Voter Registration*, March 2018  
*Minnesota Film and TV Board*, April 2015

### Transportation

*Metro Mobility*, April 2024  
*Southwest Light Rail Transit Construction: Metropolitan  
Council Decision Making*, March 2023  
*Southwest Light Rail Transit Construction: Metropolitan  
Council Oversight of Contractors*, June 2023  
*MnDOT Workforce and Contracting Goals*, May 2021  
*MnDOT Measures of Financial Effectiveness*,  
March 2019  
*MnDOT Highway Project Selection*, March 2016

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