



Minnesota Regional Transit
Board: Records.

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MEETING OF THE REGIONAL TRANSIT BOARD

Monday, May 20, 1991
Mears Park Centre Chambers
4:00 p.m.

AGENDA

- A. CALL TO ORDER AND ROLL CALL**
- B. APPROVAL OF AGENDA**
- C. APPROVAL OF MINUTES**
 - 1. Regional Transit Board Meeting of May 6, 1991
- D. CHAIR'S REPORT**
 - 1. Legislative Report
- E. REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE**
Ruth Franklin, Chair
 - 1. Financial Statements - January, February and March 1991
 - 2. Market Research Request for Proposal
 - 3. Urban Mass Transportation Administration (UMTA) Grant Application, Advanced Public Transportation Program, Resolution No. 91-04
 - 4. Metro Mobility Fare and Service Changes
 - 5. 1991 Capital Funding Contract for the City of Hastings
 - 6. Report of the Audit Committee
 - 7. Southwest Metro Transit Capital Fund Request
- F. OTHER BUSINESS**
- G. PUBLIC COMMENT**

Michael J. Ehrlichmann
Chair

5/20/halt

Those of you here from last week's Administration and Finance Committee meeting heard from me at a time when I was quite upset.

To illustrate what upset me, let me give you a brief rendition of the minutes of that meeting from a consumer's point of view.

"Consumer" is a word we in the disability rights and independent living movements began using because words like "patient" and "client" had been used so often to devalue us and what we said and did. "Consumer," when it is used to denote a member of the general public, means a user of goods and services, and generally carries with it the implication that the person designated by the word "consumer" has a right to a certain level of quality in the goods and services consumed. Obviously, from what I heard last week, to many of you it has just become a synonym for "patient" and "client" to describe a person with a disability using your services, who, as did countless "patients" and clients before, better take what he or she gets and be grateful for it.

Don't assume because I am a Metro Mobility consumer, that you are dealing with Bart Simpson. I have a masters with hours toward a doctorate in astrophysics. I teach part time. I have done research in independent living and disability law and policy at the U. of Kansas for a living for the last five years. I need no education or explanation to understand your numbers, your jargon, your statistics, and the validity, or lack thereof, of your research, information, and proposals.

The consumer's minutes of last week's committee meeting:

Mike Ehrlichman said we could raise 3.5 mil by increasing general fares by 10 cents, but didn't think the public would go for it. Then a report was given on the prospective savings for various service cuts, and fare increases from 1-3 dollars for people with disabilities on Metro Mobility. These savings ran from 180 to 800 thousand, and no combination equalled 3.5 mil. One service cut was cited as affecting only 40 people and saving 180 K. This comes to saving \$4,500 each by cutting off 40 people - people, not numbers, from their employment, education, and community participation. These 40 people do not have other options. As Nicci Hagenah of Minneapolis pointed out in the current issue of Access Press, depriving people with disabilities of Metro Mobility is not the same as depriving that same area's general population of bus service - it is more like depriving them of their bus service and their cars. After this enlightening report of the fantastic benefits to be gained by imposing increases of 10 to 30 times a dime on the disabled population, she added that perhaps raising fares would discourage long trips and frequent use of Metro Mobility. (Am I hallucinating, or have I seen TV ads encouraging non-disabled riders to take the bus, and even offering them a monthly pass for \$32?) This script by Franz Kafka concluded with Ehrlichman thanking the disabled community for its tolerance and understanding. (Was he possibly referring to their presumed willingness to be screwed 30 times over what the general public would tolerate?) I didn't hear tolerance and understanding at the two public hearings held in March. I heard only fear and anger. I heard over 100 consumers say, "Don't take away my ride, don't price it out of my reach, or I will lose my job, have to quit school, and be isolated in my home. You'll screw up my whole life. Don't do it." Your alleged consideration of what these consumers had to say gives new meaning to the term "deaf and dumb."

At this point, I felt like somebody who went to attend a meeting of the Urban League, and discovered she had inadvertently rolled into a Ku klux Klan meeting.

What finally triggered me to give you public testimony whether you wanted it or not was Ehrlichman's statement of how indefinite the ADA regs are, with words like "comparable" and "similar to." I have given you all a copy of those regs as they apply to fares and waivers for undue financial burden. I don't believe "shall not in any case exceed twice the base fare" is an ambiguous phrase. I also seriously doubt that not getting enough money out of the legislature and being afraid to ask the general public (whose busses and highways are also subsidized transportation) for a nominal fare increase will hold up as "undue financial burden."

There are ways to ease the transportation budget crunch other than service cuts and fare increases to a population already paying far more than their fair share, beyond their ability to pay, and as of July 26, even, in some cases, an already illegally high fare.

Study other cities our size, my own recommendation would be Denver - it has a highly accessible system with complementary paratransit and no light rail system, and serves a wide area.

Look into more efficient management. Last Monday I took 5 Metro Mobility rides between 7am and 8pm. I was alone on the van all 5 times.

Raise the general fare. Why is it objectionable to charge the general public a dime more and A OK to raise our MM fare a dollar or more? You have a good bus system. People will pay what it costs to ride.

Where is our discount pass for up to twice the \$32 the general public pays for it?

Cut administrative overhead. I've probably given you more information on the handouts and purple flyer in less than 15 minutes than your full time accessibility person gives you in a month.

In fact, if you fired half the administrative deadweight and went to retainers to lawyers, accountants, and private consultants you would save a small fortune.

COMMERCIAL: I now run my own business, Barrier Breakers. It's business includes legal research, conducting needs assessments and surveys as described in the brochure, and providing a newsletter service to disability organizations. We are plugged into current information and mounds of research data through our FAX and phone modem. We produce what you demand with speed and accuracy because that's what we make money doing. Barrier Breakers is not a charity or advocacy group - it is a for profit, competitive business, staffed by people with disabilities who capitalize not on their being disabled, but on being good at what they do. If you want more bang for your bucks, get rid of the collection of bureaucrats and committees who are living proof of the Peter Principle, writing endless memos to one another and eternally discussing those memos at meetings. Contract with professionals and businesses who only survive by producing.

You can't continue without fast, accurate information and an accurate perception of public opinion and issues. You don't have it now. Don't blame the victim by handing the bill for running an inefficient, top-heavy system to Metro Mobility's disabled riders. We have finally realized we are being screwed and are ready to scream, "Rape!"

NO 1 ADA REGS EFFECTIVE JULY 26 1991

to travel on a route on the system during the hours of operation of the system at a time, or within a reasonable period of such time, when such a vehicle is not being used to provide designated public transportation on the route; and

(3) Individuals accompanying an eligible individual with a disability shall be provided service as follows:

(i) One other individual accompanying the eligible individual with a disability shall be provided service;

(ii) Additional individuals accompanying the eligible individual with a disability shall be provided service provided that space is available for them in the paratransit vehicle carrying the eligible individual with a disability and that transportation of the additional individuals will not result in a denial of service to individuals with disabilities.

(4) The entity's process for determining "ADA Paratransit Eligibility" shall include the following features:

(i) Information about the process and materials necessary to apply for eligibility shall be made available in accessible formats.

(ii) Individuals with disabilities shall be presumptively "ADA Paratransit Eligible" if the entity has not made an eligibility determination within (2 or 4) weeks of the submission of a completed application. Such presumptive eligibility shall remain in effect until and unless the entity determines that the individual is ineligible.

(iii) The entity's determination concerning eligibility shall be in writing. If the determination is that the individual is ineligible the determination shall state the basis for the finding.

(iv) The entity shall establish an administrative appeal process through which individuals who are denied "ADA Paratransit Eligibility" can obtain review of the denial.

(v) The entity shall provide documentation to each eligible individual stating that he or she is "ADA Paratransit Eligible." The documentation shall include any expiration date for eligibility and any conditions or limitations on the individual's eligibility.

(5) Each entity shall treat as eligible for its complementary paratransit service all individuals, regardless of place of residence, who present documentation that they are "ADA Paratransit Eligible" for complementary paratransit, under the criteria of this section, in the jurisdiction in which they reside. With respect to individuals with disabilities who do not present such documentation and who do not reside in the entity's service area, the entity shall make presumptive "ADA Paratransit

Eligibility" available to them immediately, without the (2 or 4) week waiting period provided for in paragraph (b)(4)(ii) of this section.

(c) In order to meet the requirement of this section for comparable service, the complementary paratransit shall meet the following service criteria:

(1) Service shall be provided to all origins and destinations within (one mile or 1/4 mile or a range from 1/4 mile to 1 1/2 miles, depending on the population density of the area through which a route or portion of a route passes) on each side of any fixed route, except a route on which the entity provides only commuter bus service; *Provided*, That a public entity is not required to provide paratransit service outside the boundaries of the jurisdiction in which it is authorized to operate.

(2) The entity shall schedule and provide paratransit service to any eligible person at any time on a particular day in response to a request for service made any time the previous day. The entity shall make reservation service directly available during at least all normal business hours of the entity's offices, as well as during times, comparable to normal business hours, on a day before a service day when the entity's offices are not open.

(3) The fare for a trip charged to a user of the complementary paratransit system shall be comparable to the base fare that would be charged to the individual for a trip of similar length, at a similar time of day, on the entity's fixed route system.

(i) The base fare, for this purpose, shall include discounts to which the individual would be entitled on the fixed route system.

(ii) Except as provided in this paragraph (c)(3)(iii) of this section, the fare shall not in any case exceed twice this base fare that would be charged to the individual for a trip of similar length, at a similar time of day, on the entity's fixed route system.

(iii) The entity may charge, in addition to the base fare, the equivalent of transfer, premium, or other charges that a person making a similar trip, at a similar time of day on the fixed route system, would have to pay, even if the total of the base fare and these extra charges is more than twice the base fare.

(iv) Nothing in this paragraph shall preclude the entity from charging higher fares or fees to social service or other organizations which arrange with the entity to provide transportation for their clients or other individuals with disabilities.

(4) The entity shall not impose restrictions or priorities based on trip purpose.

(5) The complementary paratransit service shall be available throughout the same hours and days as the entity's fixed route service.

(6) The entity shall not limit the availability of complementary paratransit service to eligible persons by capacity constraints including, but not limited to, restrictions on the number of trips an individual will be provided, waiting lists or consistent denials of trip requests on the basis of insufficient capacity, or consistent untimeliness with respect to scheduled pickup times or trip lengths.

§ 37.113 Requirement to develop and submit paratransit plan.

(a) Each public entity operating a fixed route system shall submit to the appropriate office (indicated in paragraph (b) of this section) a plan for providing paratransit service as a complement to its fixed route service. For purposes of developing and submitting a plan, a group of two or more public entities with overlapping or contiguous service areas may develop and submit a single plan covering their service area. Joint plans must clearly identify the cooperating entities and indicate their endorsement of the plan.

(b) Initially, each plan must be submitted by January 26, 1992. Plan updates must be submitted annually thereafter, with each year's submission due January 26, of that year.

(c) An entity shall submit its plan to one of the following offices, as appropriate:

(1) UMTA Regional Office, as listed in Appendix C to this Part, if it is—

(i) An UMTA recipient under section 9 of the UMT Act;

(ii) Submitting a joint plan and any of the entities is a recipient under section 9 of the UMT Act; or

(iii) Submitting a joint plan that covers portions of more than one State.

(2) UMTA, through the individual state administering agency, if it is—

(i) A section 18 recipient;

(ii) A small urbanized recipient of section 9 funds administered by the state; or

(iii) A public entity that is not an UMT Act recipient.

(d)(1) With respect to plans submitted to UMTA under paragraph (c)(1) of this section, UMTA will approve or disapprove each plan submitted to it, consistent with the provisions of § 37.119 of this part.

(2)(i) With respect to plans submitted through a state under paragraph (c)(2) of

Handwritten box containing text from paragraph (3) and (c)(3)(ii) regarding fare limits. The text states: "(3) The fare for a trip charged to a user of the complementary paratransit system shall be comparable to the base fare that would be charged to the individual for a trip of similar length, at a similar time of day, on the entity's fixed route system. (i) The base fare, for this purpose, shall include discounts to which the individual would be entitled on the fixed route system. (ii) Except as provided in this paragraph (c)(3)(iii) of this section, the fare shall not in any case exceed twice this base fare that would be charged to the individual for a trip of similar length, at a similar time of day, on the entity's fixed route system. (iii) The entity may charge, in addition to the base fare, the equivalent of transfer, premium, or other charges that a person making a similar trip, at a similar time of day on the fixed route system, would have to pay, even if the total of the base fare and these extra charges is more than twice the base fare. (iv) Nothing in this paragraph shall preclude the entity from charging higher fares or fees to social service or other organizations which arrange with the entity to provide transportation for their clients or other individuals with disabilities."

FARES

Vertical text on the right edge of the page, partially cut off, including words like "plan", "provi", "com", "forw", "regi", "find", "app", "part", "urt", "det", "con", "act", "re", "fin", "for", "rec", "in", "ad", "er", "con", "re", "UN", "pl", "wi", "di", "pl", "at", "er", "di", "§", "de", "pu", "of", "th", "pl", "in", "an", "in", "in", "re", "pl", "a", "le", "di", "§", "w", "th", "th", "id", "p", "o", "A", "ar", "at", "tr", "o"

identified in § 37.127 of this part and the information accompanying the request. Any waiver granted will be for a limited and specified time period. If the Administrator grants the applicant a waiver, the Administrator will do one of the following:

(1) Require the public entity to provide complementary paratransit to the extent it can do so without incurring an undue financial burden. The entity shall make changes in its plan that the Administrator determines are appropriate to maximize the complementary paratransit service that is provided to ADA Paratransit Eligible individuals.

(2) Require the public entity to provide basic complementary paratransit services to all "ADA Paratransit Eligible" individuals, even if doing so would cause the public entity to incur an undue financial burden. Basic complementary paratransit service shall include at least complementary paratransit service along the public entity's key routes during core service hours.

(i) For purposes of this section, key routes are defined as routes along which there is service at least hourly throughout the service day.

(ii) For purposes of this section, core service hours encompass at least morning, noon and evening peak periods, as these periods are defined locally for fixed routes service, consistent with industry practice.

(3) If the Administrator determines that the public entity will incur an undue financial burden as the result of providing basic complementary paratransit service, such that it is infeasible for the entity to provide basic complementary paratransit service, the Administrator shall require the public entity to coordinate with other available providers of demand responsive service in the area served by the public entity to maximize the service to "ADA Paratransit Eligible" individuals, to the maximum extent feasible.

§ 37.125 Request for undue financial burden waiver.

An entity submitting a plan for complementary paratransit is eligible to apply for a waiver based on undue financial burden, if

Option I: The entity asserts that it is unable, without significant adverse effects on its overall service to all individuals, to meet the requirements in § 37.111 of this part.

Option II: The entity asserts that it is unable, without significant adverse effects on its overall service to all individuals, to provide to ADA-eligible persons a comparable number of trips

meeting the requirements of § 37.111 of this part, as it provides to all other individuals. The entity shall calculate trips per capita on its fixed route system based on the entire population of the service area divided into the total number of fixed route trips provided. A comparable number of complementary paratransit trips is provided if this number of trips is made available to all ADA Paratransit Eligible persons registered for complementary paratransit service with the public entity.

Option III: The entity exceeds the average cost of providing complementary paratransit service for an area of its size classification.

§ 37.127 Determination of undue financial burden.

(a) In making a determination of undue financial burden, the UMTA Administrator will consider the following factors: (1) Effects on current fixed route service, including reallocation of accessible fixed route vehicles and potential reduction in service, measured by service miles;

(2) Reductions in other services (including other special services as well as fixed route service);

(3) Increases in fares;

(4) Resources available to implement complementary paratransit service, over the period covered by the plan.

(5) Percentage of budget needed to implement the plan, both as a percentage of operating and a percentage of entire budget.

(6) The current level of accessible service, both fixed route and paratransit;

(7) Cooperation/coordination among area transportation providers;

(8) Evidence of increase efficiencies that have been or could be effectuated that would benefit the level and quality of complementary paratransit service available; and

(9) Unique circumstances in the submitting entity's area that affect the ability of the entity to provide paratransit, that militate against the need to provide paratransit, or in some other respect create a circumstance considered exceptional by the submitting entity.

(b) Costs attributable to complementary paratransit shall be limited to costs of providing service specifically required by this part to ADA-eligible individuals, by entities responsible under this part for providing such service.

§ 37.129 Interim requirements for over-the-road bus service operated by private entities.

(a) Private entities operating over-the-road buses, in addition to compliance with other applicable provisions of this part, shall provide accessible service as provided in this section.

(b) The private entity shall provide assistance, as needed, to individuals with disabilities in boarding and disembarking, including moving to and from the bus seat for the purpose of boarding and disembarking.

(c) The private operator shall not deny transportation to any individual on the basis of disability, except on the basis that such denial is essential for the safety of the individual or other persons using the bus. In the event of a denial of transportation on this basis, the private entity shall provide to the individual, within 20 days, a written explanation of the reasons for its action.

(d) To the extent that they can be accommodated in the areas of the passenger compartment provided for passengers' personal effects, wheelchairs or other mobility aids and assistive devices used by individuals with disabilities, or components of such devices, shall be permitted in the passenger compartment. When the bus is at rest at a stop, the driver or other personnel shall assist individuals with disabilities with the stowage and retrieval of mobility aids, assistive devices, or other items that can be accommodated in the passenger compartment of the bus.

(e) Wheelchairs and other mobility aids or assistive devices that cannot be accommodated in the passenger compartment (including electric wheelchairs and mobility devices) shall be accommodated in the baggage compartment of the bus, unless the size of the baggage compartment prevents such accommodation.

(f) At any given stop, individuals with disabilities shall have the opportunity to have their wheelchairs or other mobility aids or assistive devices stowed in the baggage compartment before other baggage or cargo is loaded, but baggage or cargo already on the bus does not have to be off-loaded in order to make room for such devices. This requirement is subject to the provisions of paragraph (j) of this section with respect to electric wheelchairs.

(g) The private entity shall permit a service animal to accompany an individual with a disability in the passenger compartment.

(h) The private entity shall not mandate separate treatment for individuals for disabilities who use its

WAIYERS FOR "UNDE FINAYCAL BURDEN"



REGIONAL TRANSIT BOARD

Mears Park Centre
230 East 5th Street
St. Paul, Minnesota 55101
612/292-8789

RESOLUTION NO. 91-04

**RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION
BY THE REGIONAL TRANSIT BOARD WITH THE
DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA,
FOR GRANTS UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964,
AS AMENDED**

WHEREAS, the secretary of transportation is authorized to make grants for a mass transportation program of projects; and

WHEREAS, the Regional Transit Board has prepared an application under Section 6 of the Urban Mass Transportation Act of 1964, as amended, for assistance in funding a demonstration of automated card reader systems in the Metro Mobility program; and

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicants, including the provision by it of the local share of the project costs in the program; and

WHEREAS, it is required by the U.S. Department of Transportation in accord with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the Federal Mass Transportation Act of 1964, as amended, through February 1988, and related laws, the applicant give an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U.S. Department of Transportation requirements thereunder; and

WHEREAS, it is the goal of the applicant that minority business enterprise be utilized to the fullest extent possible in connection with these projects, and that definitive procedures shall be established and administered to ensure that minority businesses shall have the maximum feasible opportunity to compete for contracts when procuring construction contracts, supplies, equipment contracts, or consultant and other services;

NOW THEREFORE BE IT RESOLVED:

1. That the executive director is authorized to execute and file applications on behalf of the Regional Transit Board with the U.S. Department of Transportation to aid in the financing of transportation planning activities pursuant to Section 6 of the Federal Mass Transportation Act of 1964, as amended, and related laws.

2. That the executive director is authorized to execute and file with such applications an assurance or any other document required by the U.S. Department of Transportation effectuating the purpose of Title VI of the Civil Rights Act of 1964.
3. That the executive director is authorized to furnish such additional information as the U.S. Department of Transportation may require in connection with the application for the program of projects.
4. That the executive director is authorized to set forth and execute affirmative minority business policies in connection with the program of projects' procurement needs.
5. That the executive director is authorized to execute grant agreements on behalf of the Regional Transit Board with the U.S. Department of Transportation for aid in financing the demonstration project.

Adopted with 20th day of May 1991.

Michael J. Ehrlichmann, Chair

Mary Fitzgerald, Secretary

Hubert 5/20/91

Weekly Cash Balances April - June 91

| RTB - All funds | Actual Mar-91 | Actual Apr-5 | Actual Apr-12 | Actual Apr-19 | Actual Apr-26 | Actual May-3 | Actual May-10 | Actual May-17 | Est May-24 | Est May-31 | Est Jun7 | Est Jun14 |
|----------------------------|------------------|-----------------|------------------|------------------|------------------|-----------------|------------------|------------------|---------------|---------------|-------------|--------------|
| Beginning Cash Balance | 4,533,362 | 9,045,082 | 6,251,379 | 5,383,061 | 2,754,587 | 1,943,863 | 2,919,628 | 2,179,501 | 2,046,200 | 1,309,700 | 1,135,600 | 348,900 |
| Receipts | | | | | | | | | | | | |
| Property taxes (incl Debt) | | | | | | 25,651 | 120,997 | | | | | |
| Federal grants | 21,206 | | | | | 37,697 | | | | | | |
| Interest income | 37,357 | 2,655 | 1,957 | 9,334 | 1,057 | 5,753 | 3,458 | 1,720 | 1,000 | 900 | 800 | 500 |
| Bond Proceeds | | | | | | | | | | | | |
| State appropriations | 13,176,000 | | | | | 1,000,000 | | | | | | |
| Misc | 87,548 | | | 361 | 31 | 397 | | 612 | | | | |
| Total | 13,322,111 | 2,655 | 1,957 | 9,695 | 1,088 | 1,069,498 | 124,455 | 2,332 | 1,000 | 900 | 800 | 500 |
| Disbursements | | | | | | | | | | | | |
| MTC Regular Route | 6,882,134 | 2,525,254 | 0 | 2,549,000 | | | | | | | | |
| Debt Service/MTC Met Cncl | 186 | 0 | 0 | | | | | | | | | |
| Metro Mobility | 1,285,428 | 23,746 | 600,548 | | 714,266 | | 652,446 | 0 | 662,500 | | 662,500 | |
| Other Providers | 283,441 | 66,827 | 246,441 | 9,734 | 63,663 | 8,216 | 157,448 | 27,147 | 50,000 | 50,000 | 100,000 | 230,000 |
| LRT/New Serv/Test Mktng | 130,194 | 91,259 | 140 | 13,168 | 22,793 | 10,602 | 32,793 | 6,246 | | 25,000 | | |
| General & Admin. | 229,008 | 89,271 | 23,146 | 66,267 | 11,089 | 74,916 | 21,894 | 102,240 | 25,000 | 100,000 | 25,000 | 80,000 |
| Total | 8,810,391 | 2,796,357 | 870,275 | 2,638,170 | 811,811 | 93,734 | 864,582 | 135,633 | 737,500 | 175,000 | 787,500 | 310,000 |
| Ending Cash Balance | 9,045,082 | 6,251,379 | 5,383,061 | 2,754,587 | 1,943,863 | 2,919,628 | 2,179,501 | 2,046,200 | 1,309,700 | 1,135,600 | 348,900 | 39,400 |



5/20/91
harlan

Transportation
2900 Pleasant Avenue South
Minneapolis, MN 55408
612-827-6151

May 17, 1991

Dear Member of the Regional Transit Board:

As a Metro Mobility provider, we are quite concerned about the development of the Day Activity Centers (DAC's) possibly being pulled out of the Metro Mobility program.

As we have related to the staff, it is our opinion that it would be in the best interest of the DHS, RTB, and DAC's if the DAC's remained a part of the Metro Mobility system. We believe everyone has underestimated the increased costs of the individual type riders that will remain if the DAC's exit from the program. The efficiencies of the DAC group rides have always been able to offset the cost of individual trips.

We feel the RTB and DHS should get together as soon as possible and resolve this issue either as a legislative initiative or as an administrative policy. Please call me at 827-6151 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Harlan Dahl".

Harlan Dahl
Vice President-Director

Haulat 5/20/91

Those of you here from last week's Administration and Finance Committee meeting heard from me at a time when I was quite upset.

To illustrate what upset me, let me give you a brief rendition of the minutes of that meeting from a consumer's point of view.

"Consumer" is a word we in the disability rights and independent living movements began using because words like "patient" and "client" had been used so often to devalue us and what we said and did. "Consumer," when it is used to denote a member of the general public, means a user of goods and services, and generally carries with it the implication that the person designated by the word "consumer" has a right to a certain level of quality in the goods and services consumed. Obviously, from what I heard last week, to many of you it has just become a synonym for "patient" and "client" to describe a person with a disability using your services, who, as did countless "patients" and clients before, better take what he or she gets and be grateful for it.

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Mike Ehrlichman said we could raise 3.5 mil by increasing general fares by 10 cents, but didn't think the public would go for it. Then a report was given on the prospective savings for various service cuts, and fare increases from 1-3 dollars for people with disabilities on Metro Mobility. These savings ran from 180 to 800 thousand, and no combination equalled 3.5 mil. One service cut was cited as affecting only 40 people and saving 180 K. This comes to saving \$4,500 each by cutting off 40 people - people, not numbers, from their employment, education, and community participation. These 40 people do not have other options. As Nicci Hagenah of Minneapolis pointed out in the current issue of Access Press, depriving people with disabilities of Metro Mobility is not the same as depriving that same area's general population of bus service - it is more like depriving them of their bus service and their cars. After this enlightening report of the fantastic benefits to be gained by imposing increases of 10 to 30 times a dime on the disabled population, she added that perhaps raising fares would discourage long trips and frequent use of Metro Mobility. (Am I hallucinating, or have I seen TV ads encouraging non-disabled riders to take the bus, and even offering them a monthly pass for \$32?) This script by Franz Kafka concluded with Ehrlichman thanking the disabled community for its tolerance and understanding. (Was he possibly referring to their presumed willingness to be screwed 30 times over what the general public would tolerate?) I didn't hear tolerance and understanding at the two public hearings held in March. I heard only fear and anger. I heard over 100 consumers say, "Don't take away my ride, don't price it out of my reach, or I will lose my job, have to quit school, and be isolated in my home. You'll screw up my whole life. Don't do it." Your alleged consideration of what these consumers had to say gives new meaning to the term "deaf and dumb."

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Study other cities our size, my own recommendation would be Denver - it has a highly accessible system with complementary paratransit and no light rail system, and serves a wide area.

Look into more efficient management. Last Monday I took 5 Metro Mobility rides between 7am and 8pm. I was alone on the van all 5 times.

Raise the general fare. Why is it objectionable to charge the general public a dime more and A OK to raise our MM fare a dollar or more? You have a good bus system. People will pay what it costs to ride.

Where is our discount pass for up to twice the \$32 the general public pays for it?

Cut administrative overhead. I've probably given you more information on the handouts and purple flyer in less than 15 minutes than your full time accessibility person gives you in a month.

In fact, if you fired half the administrative deadweight and went to retainers to lawyers, accountants, and private consultants you would save a small fortune.

COMMERCIAL: I now run my own business, Barrier Breakers. It's business includes legal research, conducting needs assessments and surveys as described in the brochure, and providing a newsletter service to disability organizations. We are plugged into current information and mounds of research data through our FAX and phone modem. We produce what you demand with speed and accuracy because that's what we make money doing. Barrier Breakers is not a charity or advocacy group - it is a for profit, competitive business, staffed by people with disabilities who capitalize not on their being disabled, but on being good at what they do. If you want more bang for your bucks, get rid of the collection of bureaucrats and committees who are living proof of the Peter Principle, writing endless memos to one another and eternally discussing those memos at meetings. Contract with professionals and businesses who only survive by producing.

You can't continue without fast, accurate information and an accurate perception of public opinion and issues. You don't have it now. Don't blame the victim by handing the bill for running an inefficient, top-heavy system to Metro Mobility's disabled riders. We have finally realized we are being screwed and are ready to scream, "Rape!"

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DOT ADA REGS EFFECTIVE JULY 26

to travel on a route on the system during the hours of operation of the system at a time, or within a reasonable period of such time, when such a vehicle is not being used to provide designated public transportation on the route; and

(3) Individuals accompanying an eligible individual with a disability shall be provided service as follows:

(i) One other individual accompanying the eligible individual with a disability shall be provided service;

(ii) Additional individuals accompanying the eligible individual with a disability shall be provided service provided that space is available for them in the paratransit vehicle carrying the eligible individual with a disability and that transportation of the additional individuals will not result in a denial of service to individuals with disabilities.

(4) The entity's process for determining "ADA Paratransit Eligibility" shall include the following features:

(i) Information about the process and materials necessary to apply for eligibility shall be made available in accessible formats.

(ii) Individuals with disabilities shall be presumptively "ADA Paratransit Eligible" if the entity has not made an eligibility determination within (2 or 4) weeks of the submission of a completed application. Such presumptive eligibility shall remain in effect until and unless the entity determines that the individual is ineligible.

(iii) The entity's determination concerning eligibility shall be in writing. If the determination is that the individual is ineligible the determination shall state the basis for the finding.

(iv) The entity shall establish an administrative appeal process through which individuals who are denied "ADA Paratransit Eligibility" can obtain review of the denial.

(v) The entity shall provide documentation to each eligible individual stating that he or she is "ADA Paratransit Eligible." The documentation shall include any expiration date for eligibility and any conditions or limitations on the individual's eligibility.

(6) Each entity shall treat as eligible for its complementary paratransit service all individuals, regardless of place of residence, who present documentation that they are "ADA Paratransit Eligible" for complementary paratransit, under the criteria of this section, in the jurisdiction in which they reside. With respect to individuals with disabilities who do not present such documentation and who do not reside in the entity's service area, the entity shall make presumptive "ADA Paratransit

Eligibility" available to them immediately, without the (2 or 4) week waiting period provided for in paragraph (b)(4)(ii) of this section.

(c) In order to meet the requirement of this section for comparable service, the complementary paratransit shall meet the following service criteria:

(1) Service shall be provided to all origins and destinations within (one mile or 1/4 mile or a range from 1/4 mile to 1 1/4 miles, depending on the population density of the area through which a route or portion of a route passes) on each side of any fixed route, except a route on which the entity provides only commuter bus service; *Provided*, That a public entity is not required to provide paratransit service outside the boundaries of the jurisdiction in which it is authorized to operate.

(2) The entity shall schedule and provide paratransit service to any eligible person at any time on a particular day in response to a request for service made any time the previous day. The entity shall make reservation service directly available during at least all normal business hours of the entity's offices, as well as during times, comparable to normal business hours, on a day before a service day when the entity's offices are not open.

(3) The fare for a trip charged to a user of the complementary paratransit system shall be comparable to the base fare that would be charged to the individual for a trip of similar length, at a similar time of day, on the entity's fixed route system.

(i) The base fare, for this purpose, shall include discounts to which the individual would be entitled on the fixed route system.

(ii) Except as provided in this paragraph (c)(3)(ii) of this section, the fare shall not in any case exceed twice the base fare that would be charged to the individual for a trip of similar length, at a similar time of day, on the entity's fixed route system.

(iii) The entity may charge, in addition to the base fare, the equivalent of transfer, premium, or other charges that a person making a similar trip, at a similar time of day on the fixed route system, would have to pay, even if the total of the base fare and these extra charges is more than twice the base fare.

(iv) Nothing in this paragraph shall preclude the entity from charging higher fares or fees to social service or other organizations which arrange with the entity to provide transportation for their clients or other individuals with disabilities.

(4) The entity shall not impose restrictions or priorities based on trip purpose.

(5) The complementary paratransit service shall be available throughout the same hours and days as the entity's fixed route service.

(6) The entity shall not limit the availability of complementary paratransit service to eligible persons by capacity constraints including, but not limited to, restrictions on the number of trips an individual will be provided, waiting lists or consistent denials of trip requests on the basis of insufficient capacity, or consistent untimeliness with respect to scheduled pickup times or trip lengths.

§ 37.115 Requirement to develop and submit paratransit plan.

(a) Each public entity operating a fixed route system shall submit to the appropriate office (indicated in paragraph (b) of this section) a plan for providing paratransit service as a complement to its fixed route service. For purposes of developing and submitting a plan, a group of two or more public entities with overlapping or contiguous service areas may develop and submit a single plan covering their service area. Joint plans must clearly identify the cooperating entities and indicate their endorsement of the plan.

(b) Initially, each plan must be submitted by January 26, 1992. Plan updates must be submitted annually thereafter, with each year's submission due January 26, of that year.

(c) An entity shall submit its plan to one of the following offices, as appropriate:

(1) UMTA Regional Office, as listed in Appendix C to this Part, if it is—

(i) An UMTA recipient under section 9 of the UMT Act;

(ii) Submitting a joint plan and any of the entities is a recipient under section 9 of the UMT Act; or

(iii) Submitting a joint plan that covers portions of more than one State.

(2) UMTA, through the individual state administering agency, if it is—

(i) A section 13 recipient;

(ii) A small urbanized recipient of section 9 funds administered by the state; or

(iii) A public entity that is not an UMT Act recipient.

(d)(1) With respect to plans submitted to UMTA under paragraph (c)(1) of this section, UMTA will approve or disapprove each plan submitted to it, consistent with the provisions of § 37.119 of this part.

(2)(i) With respect to plans submitted through a state under paragraph (c)(2) of

FARES

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identified in § 37.127 of this part and the information accompanying the request. Any waiver granted will be for a limited and specified time period. If the Administrator grants the applicant a waiver, the Administrator will do one of the following:

(1) Require the public entity to provide complementary paratransit to the extent it can do so without incurring an undue financial burden. The entity shall make changes in its plan that the Administrator determines are appropriate to maximize the complementary paratransit service that is provided to ADA Paratransit Eligible individuals.

(2) Require the public entity to provide basic complementary paratransit services to all "ADA Paratransit Eligible" individuals, even if doing so would cause the public entity to incur an undue financial burden. Basic complementary paratransit service shall include at least complementary paratransit service along the public entity's key routes during core service hours.

(i) For purposes of this section, key routes are defined as routes along which there is service at least hourly throughout the service day.

(ii) For purposes of this section, core service hours encompass at least morning, noon and evening peak periods, as these periods are defined locally for fixed route service, consistent with industry practice.

(3) If the Administrator determines that the public entity will incur an undue financial burden as the result of providing basic complementary paratransit service, such that it is infeasible for the entity to provide basic complementary paratransit service, the Administrator shall require the public entity to coordinate with other available providers of demand responsive service in the area served by the public entity to maximize the service to "ADA Paratransit Eligible" individuals, to the maximum extent feasible.

§ 37.125 Request for undue financial burden waiver.

An entity submitting a plan for complementary paratransit is eligible to apply for a waiver based on undue financial burden, if

Option I: The entity asserts that it is unable, without significant adverse effects on its overall service to all individuals, to meet the requirements in § 37.111 of this part.

Option II: The entity asserts that it is unable, without significant adverse effects on its overall service to all individuals, to provide to ADA-eligible persons a comparable number of trips

meeting the requirements of § 37.111 of this part, as it provides to all other individuals. The entity shall calculate trips per capita on its fixed route system based on the entire population of the service area divided into the total number of fixed route trips provided. A comparable number of complementary paratransit trips is provided if this number of trips is made available to all ADA Paratransit Eligible persons registered for complementary paratransit service with the public entity.

Option III: The entity exceeds the average cost of providing complementary paratransit service for an area of its size classification.

§ 37.127 Determination of undue financial burden.

(a) In making a determination of undue financial burden, the UMTA Administrator will consider the following factors: (1) Effects on current fixed route service, including reallocation of accessible fixed route vehicles and potential reduction in service, measured by service miles;

(2) Reductions in other services (including other special services as well as fixed route service);

(3) Increases in fares;

(4) Resources available to implement complementary paratransit service, over the period covered by the plan.

(5) Percentage of budget needed to implement the plan, both as a percentage of operating and a percentage of entire budget.

(6) The current level of accessible service, both fixed route and paratransit;

(7) Cooperation/coordination among area transportation providers;

(8) Evidence of increase efficiencies that have been or could be effectuated that would benefit the level and quality of complementary paratransit service available; and

(9) Unique circumstances in the submitting entity's area that affect the ability of the entity to provide paratransit, that militate against the need to provide paratransit, or in some other respect create a circumstance considered exceptional by the submitting entity.

(b) Costs attributable to complementary paratransit shall be limited to costs of providing service specifically required by this part to ADA-eligible individuals, by entities responsible under this part for providing such service.

§ 37.129 Interim requirements for over-the-road bus service operated by private entities.

(a) Private entities operating over-the-road buses, in addition to compliance with other applicable provisions of this part, shall provide accessible service as provided in this section.

(b) The private entity shall provide assistance, as needed, to individuals with disabilities in boarding and disembarking, including moving to and from the bus seat for the purpose of boarding and disembarking.

(c) The private operator shall not deny transportation to any individual on the basis of disability, except on the basis that such denial is essential for the safety of the individual or other persons using the bus. In the event of a denial of transportation on this basis, the private entity shall provide to the individual, within 20 days, a written explanation of the reasons for its action.

(d) To the extent that they can be accommodated in the areas of the passenger compartment provided for passengers' personal effects, wheelchairs or other mobility aids and assistive devices used by individuals with disabilities, or components of such devices, shall be permitted in the passenger compartment. When the bus is at rest at a stop, the driver or other personnel shall assist individuals with disabilities with the stowage and retrieval of mobility aids, assistive devices, or other items that can be accommodated in the passenger compartment of the bus.

(e) Wheelchairs and other mobility aids or assistive devices that cannot be accommodated in the passenger compartment (including electric wheelchairs and mobility devices) shall be accommodated in the baggage compartment of the bus, unless the size of the baggage compartment prevents such accommodation.

(f) At any given stop, individuals with disabilities shall have the opportunity to have their wheelchairs or other mobility aids or assistive devices stowed in the baggage compartment before other baggage or cargo is loaded, but baggage or cargo already on the bus does not have to be off-loaded in order to make room for such devices. This requirement is subject to the provisions of paragraph (j) of this section with respect to electric wheelchairs.

(g) The private entity shall permit a service animal to accompany an individual with a disability in the passenger compartment.

(h) The private entity shall not mandate separate treatment for individuals for disabilities who use its

WAIVERS FOR "UNDE FINANCIAL BURDEN"

5/20/91 - handout

REGIONAL TRANSIT BOARD

Mears Park Centre
230 East Fifth Street, St. Paul, Minnesota 55101
612/292-8789

DATE: May 17, 1991
TO: Chair and Members of the Regional Transit Board
FROM: Cyndie Mayer, Senior Project Manager
Cynthia Curry, Paratransit Analyst
SUBJECT: Metro Mobility Fare and Service Changes

RECOMMENDATION

That the Regional Transit Board approve the following Metro Mobility fare and service changes to become effective July 1, 1991:

- Increase Metro Mobility customer fares, with provider subsidy rates simplified and reduced to offset the additional fare revenue that will be collected, as follows:

| <u>Proposed Fare</u> | |
|----------------------|--------|
| Under 8 Miles | \$2.00 |
| Over 8 Miles | \$3.50 |

- Reduce area of Metro Mobility coverage in Area 2 communities to coincide with the area of coverage for peak hour regular route transit service. Peak hour service only would be provided on weekdays and weekends in the following communities:

| | |
|--------------|---------------------|
| Apple Valley | Maple Grove |
| Arden Hills | Medicine Lake |
| Birchwood | Mendota |
| Burnsville | Mendota Heights |
| Centerville | Plymouth |
| Chanhassen | Prior Lake |
| Chaska | Rosemount |
| Circle Pines | Savage |
| Dellwood | Shakopee |
| Eagan | Sunfish Lake |
| Eden Prairie | White Bear Lake |
| Lilydale | White Bear Township |
| Lino Lakes | Woodbury |

- Reduce area of Metro Mobility coverage to Area 1 communities of Mendota Heights, west Bloomington and east Edina to coincide with the area of coverage for peak hour regular route transit service in these communities, and
- Eliminate the over-8-mile coupon program.



REGIONAL TRANSIT BOARD

Mears Park Centre
230 East 5th Street
St. Paul, Minnesota 55101
612/292-8789

Minutes of the
REGIONAL TRANSIT BOARD
Mears Park Centre Chambers
May 6, 1991

MEMBERS PRESENT: Michael J. Ehrlichmann, Chair; Doris Caranicas; John Finley; Ruth Franklin; Ed Kranz; Sandra Hilary; Terrance O'Toole; Norbert Theis; and Elwyn Tinklenberg

MEMBERS EXCUSED: Richard Wedell

OTHERS PRESENT: Charles Weaver, legal counsel; Emil Brandt and Karen Lyons, Dirk deVries, Metropolitan Council; Mary O'Hara Anderson; Sarah Meyers; Greg Andrews, Howard Blin, Randy Rosvold, Becky Scudder, Dale Ulrich, Kathy Grochowski, Regional Transit Board.

The meeting was called to order at 4:05 p.m. and roll was taken. Finley moved and O'Toole seconded approval of the agenda; The motion was unanimously approved.

APPROVAL OF MINUTES

O'Toole moved and Caranicas seconded that the following minutes be approved:

Regional Transit Board Meeting, April 15, 1991

The motion was unanimously approved.

CHAIR'S REPORT

Driver of the Month Award

Caranicas presented the award to Chuck Elliot, who is a driver for the Wilder Foundation.

Public Hearing Date on Marginal Cost Policy

The Chair reported that the Public Hearing on Marginal Cost Policy would held on June 17, 1991 at 5:00 p.m. following the Board Meeting.

Personnel Issue

O'Toole moved and Kranz seconded:

That the Regional Transit Board approve appointment of Kathy Grochowski to the unclassified position as a secretarial assistant to the chair's office at salary range 4, per Section 5.2 of the RTB Personnel Code, retroactive to February 1, 1991.

REPORT OF THE POLICY COMMITTEE

Adoption of Recommendations for Consolidation of MTC High Subsidy Crosstown Routes in Bloomington

Tinklenberg moved and O'Toole seconded:

That Regional Transit Board approve the service consolidation plan for Bloomington local crosstown service and to direct the executive director of the RTB to solicit bids for implementation of this service according to the RTB's competitive bidding guidelines.

The motion was unanimously approved.

OTHER BUSINESS:

There being no other business, O'Toole moved and Finley seconded that the meeting be adjourned. The motion was unanimously approved and the meeting adjourned at 4:25 p.m.

I hereby certify that the foregoing constitutes a true and accurate record of the Regional Transit Board's meeting of May 6, 1991.

Respectfully submitted,

Kathy Grochowski
Acting Secretary

Approved this 20th day of May 1991.



REGIONAL TRANSIT BOARD
Mears Park Centre, 230 East 5th Street
St. Paul, Minnesota 55101
612/229-2700

REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE

At its meeting of May 13, 1991 the committee discussed and approved the following recommendations:

Financial Statements - January, February and March 1991

The Administration and Finance Committee recommends:

That the Regional Transit Board receive the January, February and March 1991 financial statements and direct that they be placed on file.

Market Research Request for Proposal

The Administration and Finance Committee recommends:

That the Regional Transit Board authorize the issuance of a Request for Proposal for a transit market research study to be funded from Work Programs 91-19 and 91-13.

Urban Mass Transportation Administration Grant Application-Advanced Public Transportation Program, Resolution 91-04

The Administration and Finance Committee recommends:

That the Regional Transit Board approve a resolution authorizing submittal of an application for Urban Mass Transportation Administration Section 6 funding under the Advanced Public Transportation Program.

Metro Mobility Fare and Service Changes

The Administration and Finance Committee recommends:

That the Regional Transit Board authorize the executive director to negotiate and approve contracts with the providers of Metro Mobility service with the following customer fare increases to become effective July 1, 1991:

Customer Fares

| | |
|------------------------------|--------|
| Under Eight (8) Miles..... | \$2.00 |
| Over Eight (8) Miles..... | \$4.00 |
| Over Twelve ((12) Miles..... | \$5.00 |

The committee also agreed to forward the other other elements of the fare increase to the full board with no committee recommendation.

1991 Capital Funding Contract for the City of Hastings

The Administration and Finance Committee recommends:

That the Regional Transit Board approve 1991 capital funding and authorize the executive director to enter into capital contracts with the City of Hastings in an amount not to exceed \$24,000.

Report of the Audit Advisory Committee

Audits of Dakota Area Referral and Transportation for Seniors, Inc. (DARTS)--1986, 1987, 1988, 1989

The Administration and Finance Committee recommends:

That the Regional Transit Board approve the audit reports on the Dakota Area Referral and Transportation for Seniors, Inc. (DARTS) for 1986, 1987, 1988 and 1989, but with the settlement of the net financial elements at \$7,758 due to DARTS.

Audits of Senior Community Services Transportation--1986, 1987, 1988 and 1989

The Administration and Finance Committee recommends:

That the Regional Transit Board approve the audit reports of the Senior Community Services Transportation Program, 1986 through 1989, and that the executive director be directed to implement a repayment schedule of \$100 per year until repaid.

Audits of Scott County Transportation Services--1988 and 1989

The Administration and Finance Committee recommends:

That the Regional Transit Board approve the audit reports of the Scott County Transportation Service for 1988 and 1989.

Audits of Anoka County Transportation Programs--1988 and 1989

The Administration and Finance Committee recommends:

That the Regional Transit Board approve the audit reports of the Anoka County Transportation Programs for 1988 and 1989.

Southwest Metro Transit Capital Fund Request

The Administration and Finance Committee recommends:

That the Regional Transit Board amend the Regional Transit Board Five-Year Transit Plan to include Southwest Metro Transit park and ride lot projects and enter into a capital agreement with Southwest Metro Transit in an amount not to exceed \$1,050,000.

Other Business

The committee discussed the current cash flow situation that has resulted from the sharply declining fund balance, state appropriation cuts, and the need to fund the receivables due from agencies being billed for Metro Mobility service. No formal action was taken.

Ruth Franklin
Chair

MFF
5/14/91

5/20/91 - halms

REGIONAL TRANSIT BOARD

Mears Park Centre
230 East Fifth Street, St. Paul, Minnesota 55101
612/292-8789

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| Centerville | Plymouth |
| Chanhassen | Prior Lake |
| Chaska | Rosemount |
| Circle Pines | Savage |
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| Eagan | Sunfish Lake |
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