TO: Mayor and Members
General Issues Committee
WARD(S) AFFECTED: CITY WIDE

COMMITTEE DATE: March 21, 2013

SUBJECT/REPORT NO:
Eligibility and Registration for Accessible Transportation Services
(PW03128f) (City Wide)

SUBMITTED BY:
Gerry Davis, CMA
General Manager
Public Works Department

PREPARED BY:
Don Hull
Director of Transportation
(905) 546-2424, Extension 1860

George Brovac
Manager of Accessible Transportation Services
(905) 546-2424, Extension 1666

RECOMMENDATION

(a) That the General Manager of Public Works be directed to implement Year 2 of the Accessible Transportation Services (ATS) program enhancement submission, attached as Appendix “A” to Report PW03128f;

(b) That the 2013 budget submission in the amount of $2,300,000, respecting the multi-year implementation of Council’s revised Eligibility and Registration Policy, be revised to $1,400,000, in accordance with Table 1, included in the Executive Summary of this report;

(c) That the remaining budget for this service enhancement be allocated through the annual budget process based on applicant demand and other relevant factors at the time of consideration with the understanding that implementation is to be completed no later than January 2017.

EXECUTIVE SUMMARY

This report requests a 2013 budget allocation to fund the multi-year implementation of Council’s Eligibility Policy, in accordance with recommendation (b) of this report.
Council’s revised Eligibility and Registration Policy was implemented on November 1, 2012. The original estimate assumed an additional annual trip requirement of 78,000 or 1,625 new registrants. The results of the first two months show a net increase of 29 registrants versus an anticipated increase of 270; therefore staff is recommending a revision of the original submission as a 2013 budget mitigation initiative, with the understanding that the risk of having to cap the number of new client applications in 2013 is low. Notwithstanding, staff continue to forecast that demand under the revised policy will eventually materialize, as historical data indicates that new client uptake is always slow during the winter months.

As such, the $900,000 recommended reduction in 2013, has been deferred to 2015, and reflected in the revised Table 1, below. The remaining budget for this service enhancement will be requested through the annual budget process based on applicant demand and other relevant factors at the time of consideration.

Table 1

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Base Expenditures</td>
<td>$850,000</td>
<td>$850,000</td>
<td>$1,750,000</td>
<td>$1,575,000</td>
<td>$5,025,000</td>
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<tr>
<td>Eligibility &amp; Registration</td>
<td>$850,000</td>
<td>$850,000</td>
<td>$1,750,000</td>
<td>$1,575,000</td>
<td>$5,025,000</td>
</tr>
<tr>
<td>Fare Parity</td>
<td>$450,000</td>
<td></td>
<td></td>
<td></td>
<td>$450,000</td>
</tr>
<tr>
<td>Service Hour Harmonization</td>
<td>$100,000</td>
<td></td>
<td></td>
<td></td>
<td>$100,000</td>
</tr>
<tr>
<td>Accessible Bookings</td>
<td>$125,000</td>
<td></td>
<td></td>
<td></td>
<td>$125,000</td>
</tr>
<tr>
<td>Total Expenditures</td>
<td>$850,000</td>
<td>$1,400,000</td>
<td>$1,750,000</td>
<td>$1,700,000</td>
<td>$19,396,480</td>
</tr>
<tr>
<td>Capital Requirement</td>
<td>$600,000</td>
<td>$1,000,000</td>
<td>$1,000,000</td>
<td></td>
<td>$2,600,000</td>
</tr>
<tr>
<td>FTE Requirement</td>
<td>2.0</td>
<td></td>
<td></td>
<td>1.0</td>
<td>3.0</td>
</tr>
</tbody>
</table>

April 28, 2010 Council Approved PW03128 (c): expend $500,000 to increase DARTS 17,000 trips annually; expand ATS fleet by four (4) vehicles

**FINANCIAL / STAFFING / LEGAL IMPLICATIONS**

**Financial:** Page 53 of the 2012 Tax Supported, Preliminary Operating Budget, Book 1, Budget Summary Report, FCS12014, includes a multi-year implementation forecasted to have a $5.7 million (2012) Operating Budget impact

**Staffing:** None
HISTORICAL BACKGROUND

Reports PW03128 (b), (c) (d) and (e).

POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS

Attached as Appendix “B” to this report.

RELEVANT CONSULTATION

Historical consultation has included:

- Eligibility Project Steering Committee;
- Members of the City’s Advisory Committee for Persons with Disabilities, and Seniors Advisory Committee;
- City Legal Services;
- Corporate Finance;
- City’s Access and Equity Office;
- Representatives of organizations providing services to, or advocacy on behalf of, persons with disabilities.

ANALYSIS / RATIONALE FOR RECOMMENDATION

To address Council’s desire to achieve a balance between its’ strategic objectives of Financial Sustainability (Effective and Sustainable Growth Management) and Social Development (Residents in need have access to adequate support services. People participate in all aspects of community life without barriers or stigma).

The following table is a summary of the applications received by staff and the determination during November and December 2012, the first two months of the new eligibility:
Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.

Values: Honest, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork

<table>
<thead>
<tr>
<th>Measure (per month)</th>
<th>Number</th>
<th>Percentage</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Number of applications* submitted to ATS</td>
<td>530</td>
<td></td>
<td>ATS</td>
</tr>
<tr>
<td>2. Number of applicants referred for in-person assessments at Salvation Army Lawson Ministries Hamilton (SALMH)</td>
<td>67</td>
<td></td>
<td>SALMH</td>
</tr>
<tr>
<td>3. Number of applicants scheduled for in-person assessments at Salvation Army Lawson Ministries Hamilton (SALMH)</td>
<td>49</td>
<td></td>
<td>SALMH</td>
</tr>
<tr>
<td>4. Number of final determinations</td>
<td>393</td>
<td></td>
<td>ATS</td>
</tr>
<tr>
<td>5. Number of appeals received</td>
<td>0</td>
<td></td>
<td>ATS</td>
</tr>
<tr>
<td>6. Number of determinations overturned after appeal</td>
<td>0</td>
<td></td>
<td>ATS Appeal Panel</td>
</tr>
<tr>
<td>7. Number of determinations upheld after appeal</td>
<td>0</td>
<td></td>
<td>ATS Appeal Panel</td>
</tr>
<tr>
<td>8. Number &amp; Percentage of applications resulting in Unconditional eligibility</td>
<td>237</td>
<td>44.7%</td>
<td>ATS</td>
</tr>
<tr>
<td>9. Number &amp; Percentage of applications resulting in Conditional (Seasonal) eligibility</td>
<td>47</td>
<td>8.9%</td>
<td>ATS</td>
</tr>
<tr>
<td>10. Number &amp; Percentage of applications resulting in Temporary eligibility</td>
<td>90</td>
<td>17.0%</td>
<td>ATS</td>
</tr>
<tr>
<td>11. Number &amp; Percentage of applications denied (not eligible)</td>
<td>19</td>
<td>3.6%</td>
<td>ATS</td>
</tr>
</tbody>
</table>

As demonstrated in the table above the new eligibility allows for a greater range in determinations and identifies a clear transparent process for finalizing an applicant’s eligibility. Additionally, during the first two months of the new process, ATS staff has completed 393 eligibility determinations, of which 82 would not have been eligible under the prior policy.

**ALTERNATIVES FOR CONSIDERATION:**

Council could approve the original budget submission.

**ALIGNMENT TO THE 2012 - 2015 STRATEGIC PLAN**

**Strategic Priority #1**  
A Prosperous & Healthy Community

*WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.*

**Strategic Objective**

1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.  
1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

**Strategic Priority #2**  
Valued & Sustainable Services

*WE deliver high quality services that meet citizen needs and expectations, in a cost effective and responsible manner.*
Strategic Objective
2.1 Implement processes to improve services, leverage technology and validate cost effectiveness and efficiencies across the Corporation.
2.3 Enhance customer service satisfaction.

Strategic Priority #3
Leadership & Governance

WE work together to ensure we are a government that is respectful towards each other and that the community has confidence and trust in.

Strategic Objective
3.3 Improve employee engagement.
3.4 Enhance opportunities for administrative and operational efficiencies.

APPENDICES / SCHEDULES

Appendix “A” - ATS Service Enhancement Submission
Appendix “B” - PW03128(d)
<table>
<thead>
<tr>
<th>Department</th>
<th>Public Works Tax</th>
<th>Division</th>
<th>TEF - Transit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Service</td>
<td>Accessible Transportation Services - Service Manager and DARTS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Current Service Level</td>
<td>444,000 budgeted DARTS trips; net ATS expenditures of $12,300,000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Proposed Service Level & Potential Impact**

- Implement new eligibility and registration program for Accessible Transportation Services section of Transit, as directed by Council in Report PW03128Q.
- Expand DARTS program by 225,000 trips per year over 3 year phase-in period, beginning with 78,000 additional trips in 2012, then 75,000 additional trips in 2013, and 72,000 in 2014. Requires approximately $5,250,000 in additional annual net expenditures; this being the sum of an additional $1,750,000 in each year over the 3 year phase-in period.
- 2012 requirements include:
  - DARTS Contract: $1,487,000 (net of revenues, including FTE and subcontract requirements)
  - ATS Service Manager: $130,000 (2 FTE - Customer Service)
  - ATS Service Manager: $133,000 (Contribution to Reserve - 5 additional DARTS vehicles)
- Requires related 2012 Capital approval of $1,000,000 (5 DARTS buses at present cost of $185,000 plus $15,000 per vehicle contingency) and further similar capital approvals in 2013 and 2014.

**Financial Analysis:**

<table>
<thead>
<tr>
<th>Operating Budget Impact</th>
<th>Strategic Plan Linkage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description</td>
<td>Annualized Amount</td>
</tr>
<tr>
<td>Employee Expenses</td>
<td>130,000</td>
</tr>
<tr>
<td>Other Expenses</td>
<td>1,620,000</td>
</tr>
<tr>
<td><strong>Total Gross Expenditure</strong></td>
<td><strong>1,750,000</strong></td>
</tr>
<tr>
<td>Less: Revenues</td>
<td>0</td>
</tr>
<tr>
<td>- 0%</td>
<td>0</td>
</tr>
<tr>
<td><strong>Net Impact</strong></td>
<td>1,750,000</td>
</tr>
<tr>
<td><strong>FTE</strong></td>
<td>2.00</td>
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</tbody>
</table>

*Appendix 6*
That the General Manager of Public Works be directed to implement the Accessible Transportation Services (ATS) program enhancement submission, as identified on Page 53 of the 2012 Tax Supported, Preliminary Operating Budget, Book 1, Budget Summary Report, FCS12014, attached as Appendix “A” to this report that includes a multi-year implementation forecasted to have a $5.7 million (2012) Operating Budget impact as follows:

(a) That initial Operating budget in the amount of $850,000 is approved in 2012;

(b) That the remaining budget for this service enhancement be allocated through the annual budget process based on applicant demand and other relevant factors at the time of consideration with the understanding that implementation is to be completed no later than January 2017.

EXECUTIVE SUMMARY

Arising from the February 29 meeting of General Issues Committee (GIC), respecting Committee’s consideration of an Accessible Transportation Services (ATS) service enhancement submission, staff was directed to report back to Council as follows:

- the implications of continuing to grandfather the approximately 7,500 existing clients;
the cost of implementing the new eligibility criteria for the 7,500 clients;

- risk assessment on the phase-in options.

Appendix "B" as attached outlines the eligibility policy previously approved by Council.

The total enrolment of the Accessible Transportation Services (ATS) is 11,816 registrants. Eligibility is determined by the applicant's personal physician's assessment that they are unable to use conventional public transit due to the nature of their disability. Eligible persons qualify for the Taxi Scrip program of which there are 8,795 registrants. Of the ATS total enrolment, there are 8,788 registrants for the DARTS program which is specifically for persons who use a wheelchair, scooter or walker; or who require kidney dialysis; or who are diagnosed with Alzheimer's Disease.

In addition to the current eligibility policy, Council has three associated policies that are not universally present in all other municipalities, wherein persons with Alzheimer's and persons requiring Kidney Dialysis are deemed automatically eligible for the full DARTS services. In addition, the Taxi Scrip program is available in a limited number of municipalities. A number of registrants in all three programs may not meet the test of the functional assessment and may experience negative impacts.

The Nelson\Nygaard consulting study, subject of a previous report, estimated a time frame of 18-24 months from the date of implementation of the program, to determine those who would meet the criteria from the existing ATS registrants. Recertification of the existing ATS registrants would achieve goals of equity and consistency, and the realization of cost mitigation of some $1.2M in annual operating cost. The cost of implementing the new eligibility for the existing registrants could only be determined subsequent to an RFP award for assessment services by an external assessment agency as per the eligibility policy, but is estimated to be in the order of $500,000.

The staff recommendations have been developed based on the feedback and direction of GIC based on their budget deliberations to date. There is risk associated with not proceeding to implementation of Council's revised Eligibility Policy in a timely manner.

There is no immediate risk of non-compliance with the revised AODA legislation identified as Ontario Regulation 191/11 Category 63, (1), and included in this report as Appendix "C", as the compliance date for eligibility is 2017. Notwithstanding the January 2017 deadline for compliance with the AODA regulation, the implementation of this initiative is complex, resource and infrastructure intensive, and will take a number of years to achieve.

The more immediate risk would be in the form of an order issued by the Ontario Human Rights Tribunal as the outcome of a complaint which could occur in the mid to latter months of 2012. There is currently one active file before the Ontario Human Rights Tribunal and others can be anticipated in view of the public delegations on this matter and the heightened community awareness.

Recommended program enhancements are submitted on the basis of annualized impact on the budget. In view of Council's desire to explore tax mitigation opportunities in 2012 in all programs, staff is supportive of the entire multi-year implementation
schedule being advanced from January to July, thereby reducing the 2012 levy budget submission by some 50% to $850,000, in view of the reality that it will take several months for staff to address lead times of activities that must be completed prior to implementation of new registrant intake such as issuance and award of the RFP for external assessment services by an independent third party as stipulated in Council’s policy.

Recommendation (b) of this report reflects the intent of the prior direction of Council, identified as Phase 3, Item (3) of the revised eligibility policy directing staff to: “report to Committee and Council on at least an annual basis regarding the new registrant take-up and impacts on the program operating budget”.

Appendix “D” entitled “Accessibility Regulation Table” provides a list of AODA requirements and Hamilton’s status with respect to actions underway or completed.

**FINANCIAL / STAFFING / LEGAL IMPLICATIONS**

Financial: Page 53 of the 2012 Tax Supported, Preliminary Operating Budget, Book 1, Budget Summary Report, FCS12014, includes a multi-year implementation forecasted to have a $5.7 million (2012) Operating Budget impact.

Staffing: The program enhancement submission includes a request for two (2) additional staff in 2012. These would be program coordinators with responsibility to coordinate implementation of the program enhancement.

Legal: Exposure to an Ontario Human Rights complaint has been identified as a likely outcome of not proceeding to implementation of the staff recommendations at this time.

**HISTORICAL BACKGROUND**

Report(s) PW03128 b) and c).

**POLICY IMPLICATIONS**

Attached as Appendix “B” to this report.

**RELEVANT CONSULTATION**

Historical consultation has included:

- members of the City’s Advisory Committee for Persons with Disabilities, and Senior’s Advisory Committee;
- City Legal Services;
- Corporate Finance;
- the City’s Access and Equity Coordinator; and
- Approximately thirty representatives of organizations providing services to, or advocacy on behalf of, persons with disabilities.
To address Council’s desire to achieve a balance between our strategic objectives of Financial Sustainability (Effective and sustainable Growth Management) and Social Development (Residents in need have access to adequate support services. People participate in all aspects of community life without barriers or stigma).

|-------------|--------------------------------------------------|-----------------------------|----------------------------------|-----------------------|----------------------|-------------------------|----------------------|

**Financial Sustainability**
- Effective and sustainable Growth Management

**Social Development**
- Residents in need have access to adequate support services
- People participate in all aspects of community life without barriers or stigma

**APPENDICES / SCHEDULES**
- Appendix A - ATS Service Enhancement Submission
- Appendix B - Council Ratification of May 28, 2007
- Appendix C - Ontario Regulation 191/11
- Appendix D - Accessibility Regulation Table

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Values: Honesty, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork