

# **MBTA THE RIDE No-Show/Late Cancellation Policy**

## **Background**

Based on customer requests, the MBTA's No-Show/Late Cancellation (NSLC) policy includes enforcement. Passenger no-show trips and late cancellations affect both RIDE customers and the MBTA. Passenger no-shows reduce efficiency due to wasted fuel and time lost verifying that a customer is a no-show; further, both no-shows and late cancellations lead to unused capacity on runs and decreased productivity. No-shows and late cancellations also unfairly impact other customers by causing unnecessary detours and delays.

U.S.DOT regulations 49 CFR 37.125(h) address the issue of no-show policies in ADA complementary paratransit service programs, and state that: *"The entity may establish an administrative process to suspend, for a reasonable period of time, the provision of complementary paratransit service to ADA paratransit eligible individuals who establish a pattern or practice of missing scheduled trips. (1) Trips missed by the individual for reasons beyond his or her control (including, but not limited to, trips which are missed due to operator error) shall not be a basis for determining that such a pattern or practice exists."*

## **No-Show/Late Cancellations**

THE RIDE will record each customer's no-show or late cancellation and may suspend, for a reasonable period, any customer whose violations are excessive, whether the trips are advance reservation or subscription trips. Customers may not dispute an individual no-show or late cancellation at the time it occurs, but should follow the appeal process described in this document.

A ***no-show*** occurs when the vehicle arrives at the pick-up location within the 30-minute pick-up window, waits the required five minutes, an attempt is made to contact the rider, and the customer does not board the vehicle. If the vehicle arrives outside of the 30-minute window or at the incorrect location, the customer will not be considered a no-show. ***No-shows by the individual for reasons beyond his or her control (including, but not limited to, trips which are missed due to operator error) shall not be a basis for determining that such a pattern or practice exists.***

A ***late cancellation*** occurs when a customer cancels a trip less than one hour before the scheduled trip. Trip time changes, such as medical appointment delays, will not be counted as a late cancellation, although advance notification is encouraged. We recommend calling your vendor as soon as you know you can't keep your pickup time. This courtesy can minimize inconvenience to other customers ***Late cancellations by the individual for reasons beyond his or her control (including, but not limited to,***

***trips which are missed due to operator error) shall not be a basis for determining that such a pattern or practice exists.”***

## **Excessive No-Show/Late Cancellations**

No-show/Late cancellations are considered excessive when a customer reserves 7 or more trips within any month and no-shows and/or late cancels 20 percent or more of those scheduled trips. At no time can a customer's no-show/late cancellations exceed 7 within one month without causing a violation. This will be considered a *pattern or practice* of missed trips and the customer will be sent written notification that he/she has violated the No-Show/Late Cancellation Policy and is subject to suspension.

## **Suspensions**

Customers incurring excessive no show or late cancellations may be warned and then suspended for a reasonable period. Repeated violations of this policy will result in longer suspension periods each time. The following suspension periods shall apply to violations of this policy that occur within the same rolling 12-month period.

<b>1<sup>st</sup> Violation</b>	<b>Written Warning</b>
<b>2<sup>nd</sup> Violation</b>	<b>1 Week Period</b>
<b>3<sup>rd</sup> Violation</b>	<b>2 Week Period</b>
<b>4<sup>th</sup> or Subsequent Violations</b>	<b>4 Week Period</b>

**NOTE: All future trips, including Subscription Service, will be cancelled after the second violation for any customer who is suspended under this policy.**

## **Notification of Warning or Suspension:**

Customers violating this policy will receive a notice of warning or suspension identifying each trip that was no-showed or cancelled late. The notice will also advise the customers of the dates when the suspension begins and ends, as well as the date that the customers can start to use paratransit service again if suspended.

## Written Appeals

- Customers must submit the completed ***Notice of Intention to Appeal*** form. Incomplete submissions will NOT be processed.
- Customers must submit a letter listing the dates of the violations and documenting why they believe that the violations should be excused and any supporting documentation.
- These documents must be postmarked within 30 calendar days of the date on which the notice was issued.

## In-person Appeals

- Customers must submit the completed ***Notice of Intention to Appeal*** form postmarked within 30 calendar days of the date on which the notice was issued.
- Customers should circle the dates of the violations from the enclosed report that they intend to appeal in person. Customers will be contacted to schedule an appeal hearing. Customers must be available to attend the hearing at a mutually agreed-upon date and time.

No suspension will take effect if customers have filed an appeal in accordance with the instructions and deadlines noted in this policy and the Paratransit Appeals Board has not determined the outcome of the appeal.

## Appeal Decision

THE RIDE will advise customers in writing of its decision concerning their appeal. If the decision upholds the suspension, the notice of decision will provide customers with the beginning and ending dates of the suspension period. The decision of the Paratransit Appeals Board is final.

**We anticipate making changes to this document and improvements to this policy as it becomes necessary for the purpose of providing the best paratransit service possible.**

**The next page is intentionally left blank-Appeal information follows on Pages 5/6**

**This page has been intentionally left blank.**

## NOTICE OF INTENT TO APPEAL

Please complete this form if you wish to appeal your suspension from the MBTA's RIDE program. **The appeal must be postmarked within 30 calendar days of the date the warning notice or suspension notice was issued.** Information on the appeal process is listed on the reverse side titled '**APPEALS PROCESS**'.

### PRINT CLEARLY

Name: \_\_\_\_\_ RIDE ID# \_\_\_\_\_

Home Address: \_\_\_\_\_

Date of Birth: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

### You must CHECK ONE of the following:

- I choose to **appeal in person.** If you choose to appeal in person, you will be contacted by MBTA RIDE staff to schedule an appeal hearing. You must be available to attend a hearing at a mutually agreed-upon date. **Please bring all supporting documentation to your appeal. Be specific with the dates you are appealing.**
- I choose to **appeal in writing.** If you choose to appeal in writing, please submit either the '**STATEMENT of APPEAL**' form on the reverse side **or a letter** specifically stating why you believe that the violations were charged against you in error. Be specific with the dates you are appealing. **Please include all supporting documentation with your appeal.**

**Sign below to indicate that the information you have given is correct to the best of your knowledge. If you are unable to sign, you may have someone sign for you and indicate their relationship to you. Unsigned/dated forms will be returned.**

Signature/Date: \_\_\_\_\_

You may bring a representative with you. Please indicate any accommodations (i.e. interpreter) required to participate in the hearing. \_\_\_\_\_

**Incomplete forms will not be processed. Please return completed form(s) to:**

**MBTA RIDE NSLC Appeals Board  
Ten Park Plaza-5750, Boston, MA 02116**

## APPEALS PROCESS

- RIDE customers who have received a notice of warning or suspension are entitled to an appeal.
- Customers may appeal in writing or in person by filling out a completed **'Notice of Intent to Appeal'** form postmarked **within 30 calendar days** of the date the **warning notice or suspension notice** was issued.
- Customers must identify which dates they are appealing.
- Appeal hearings are held at **MBTA, Ten Park Plaza-5750, Boston, MA 02116**. Free RIDE transportation to/from the appeal will be provided for the customer and a personal care attendant.
- Trip requests that are made for trips that would occur after the date the suspension is scheduled to begin will not be honored unless the MBTA has received the completed **'Notice of Intent to Appeal'** form in a timely manner and the appeal is pending.
- Incomplete **'Notice of Intent to Appeal'** will not be processed.
- Notification of appeals decision will be made to customers in writing.
- The decision of THE RIDE NSLC Appeals Board is final.

Should you have questions, please call the MBTA RIDE program office at 800-533-6282 (in-state toll-free); 617-222-5123 (voice/relay); 617-222-5415 (TTY); Monday-Friday 8:30 a.m-5 p.m. or email us at [theride@mbta.com](mailto:theride@mbta.com).