

NCTD Experience

During the 2007 wildfires, NCTD was requested by the county Office of Emergency Services to assist with evacuation of a nursing home in Rancho Bernardo, which is beyond NCTD's service area. The request came to NCTD Bus Operations Supervisor, who contacted the Accessible Services Administrator, who contacted the paratransit contractor and also coordinated with MTS in San Diego. Together, NCTD and MTS were able to provide 24 vehicles and evacuate more than 100 people in wheelchairs. The two agency's ability to respond was enhanced by the fact that, following earlier wildfires, they had developed a cooperative agreement and by the fact that they had already restricted "normal" paratransit operations and therefore had vehicles available.

VOTRAN Evacuation Procedures

Since hurricanes are a regular occurrence in Florida, and there is normally warning that a hurricane will occur, procedures for evacuating in advance of a hurricane are relatively well-developed. Transit and paratransit agencies in Florida appear to have well-developed plans for emergency evacuation, and some procedures have been developed for the recovery phase and the period before an official emergency has been declared. Attachment 3 is a slide show developed by CUTR staff that defines steps to be taken according to a timeline beginning 72 hours before a hurricane and continuing for 48 hours after a hurricane.

As an example, in Volusia County, transit agency staff participate in annual preparations for the hurricane season, including planning meetings and a mock evacuation. Once the County orders an evacuation, VOTRAN begins evacuating special needs individuals to shelters. Nursing homes and group homes are required to provide their own transportation.

A triage process has been established for prioritizing requests for special needs evacuation and policies and procedures have been established (see Attachment 4). This process is not limited to ADA paratransit customers, and involves a County nurse and calls by individuals to a County hotline. For the general population, VOTRAN fixed routes run normal routing and evacuees are taken to a transfer point for transportation on a school bus to a general population shelter.

Summary

The same variety of circumstances that apply to relationships with County OpAreas affect planning for evacuation and other requests for assistance. The lessons from other areas have some applicability to Bay Area operators (for example in the case of floods and wildfires). However, response to a major earthquake would be very different.

Ensuring Contractor Preparedness and Staff Availability

With few exceptions, paratransit service in the Bay Area is provided by private contractors. This raises issues of the extent to which contractor staff will be available during an emergency. In July 2008 the Transportation Research Board released its *Special Report 294: The Role of Transit in Emergency Evacuation*, which generally finds that transit (defined to include bus, rail, and paratransit) is not sufficiently integrated into emergency response planning. In addition, the report notes:

“The type of transit service—whether publicly owned and operated or contracted out—can also affect the extent to which transit drivers and equipment will be available in an emergency. In many urban areas, for example, paratransit service is contracted out, and control over drivers and equipment can be an issue during an emergency. Special arrangements must be made in advance in contract agreements to help ensure continuity of service during an emergency evacuation.”

Where paratransit contractors are not solely dedicated to the transit agency contract, additional concerns arise. The TRB report notes:

“Transit agencies are likely to be hard pressed to accommodate those who need special assistance because these services are often contracted out to smaller paratransit operators or demand-responsive service providers. In an emergency evacuation, these specialized providers often face competing demands for their services and have limited drivers and equipment that may not be available to provide the necessary emergency service.”

The report suggests that, “One way to address these issues is to involve paratransit providers with other transit agencies in the development of emergency plans and as part of the response team.”

A transit agency’s contract for paratransit service can include provisions that require the contractor to participate in emergency planning and to operate service during an emergency. However, a transit agency’s legal ability to require a contractor’s staff to be available for emergency operations is unclear.

SamTrans

SamTrans’s contract with MV Transportation for Redi-Wheels paratransit includes the following two provisions:

1. **Emergency Service Planning.** The Contractor shall work with District staff to develop and implement an emergency preparedness plan. Contractor shall participate in District emergency preparedness drills. Examples of emergencies include: electrical power failure, earthquakes, strikes, other natural disasters. Staff shall be appropriately trained in proper handling of these situations.
2. **Modification of Service and Fares.** The District will give 30 days prior written notice to Contractor on the effective date of a modification to the fare structure. Contractor will effect each such modification on its effective date. In the event of an emergency that is declared as such by the District’s Chief Executive Officer/General Manager, the established notice provisions shall not apply, and Contractor will use its best efforts to effect at the earliest possible opportunity the modification of then existing service, or the addition of service that is ordered by the District to respond to the emergency.

SamTrans staff note that these provisions are general in scope and may lack specificity but believe that they allow the transit agency needed flexibility in dealing with the dynamic nature of critical events. SamTrans has its Redi-Wheels contractor, MV Transportation, participate in an annual tabletop exercise about various emergencies. Attachment 5 is a recent tabletop exercise about earthquakes.

Veolia Transportation

Veolia Transportation's business development staff provided information about their efforts to ensure staff availability during an emergency, especially in the case of hurricanes affecting Florida and the Gulf Coast.

Some recent procurements for paratransit services from Gulf Coast systems have required that contractors provide detail about their ability to respond to hurricanes. In response, Veolia had developed a written hurricane procedure plan including specific staff responsibilities during four hurricane phases, defined as hurricane watch, hurricane warning, landfall, and recovery. The plan includes a model interagency emergency MOU, a format for an emergency contact list, preliminary supply box lists, example hurricane phone procedures, an agency evacuation request form, an emergency transportation log, daily activity logs, and a preparation checklist for computers.

It appears that some agencies in Florida and on the Gulf Coast have delegated a great deal of responsibility for emergency planning to contractors. At least based on the material provided by Veolia, as well as the contract manager in Volusia County, Florida, it appears that contractors are commonly directly involved in emergency operations management.

Veolia staff also stressed the importance of programs to help drivers including assuring them that they will be paid and continue to receive benefits despite any disruption that might occur. For example, if a driver has had to evacuate, alternative arrangements for receiving normal wages and benefits help to ensure that drivers will return and be back on the job as quickly as possible. With respect to operations during an emergency at a brokered system, Veolia describes asking drivers who work for subcontractors to "volunteer" to work. In this context, presumably volunteering refers to a commitment to work at a time when many drivers would be unable to, not an offer to work for free.

NCTD and Volusia

NCTD's contractor, First Transit (formerly Laidlaw) has established a list of employees who are willing to working during an emergency. Votran in Volusia County provided a sample of the preparedness memo sent to its employees (Attachment 10).

Summary

Despite the differences in contractual relationships between transit agencies and their paratransit contractors, it would be worthwhile to work together on model contract provisions and to share ideas for improving contractor preparedness. It would also be useful to clarify the legal issues surrounding employees of contract providers.

Business Continuity

Once the immediate response to an emergency is over, there could be a lengthy period during which normal operations continue to be disrupted for various reasons, including extraordinary measures that were taken during the immediate response phase of the emergency. Some emergencies by their very nature would be of long duration (for example pandemic flu). Since paratransit is generally provided by private contractors, it is important that these private businesses be able to stay in business during and following an emergency. Most employers of any size have emergency plans. It is not clear whether there is any legal requirement for such