



LIFT Policy	
Title: Customer No Show/Late Cancellation	ATP-002
Date: December 20, 2018, Revised 12/2025	Page 1 of 7

1.0 Purpose

To encourage responsible trip scheduling and paratransit use, customers are required to cancel unneeded rides as soon as possible and more than 1 hour before the scheduled pick-up time. Failure to cancel unneeded scheduled rides in less than 1 hour before the scheduled pick-up time may result in refusal of transit service.

2.0 Regulatory Basis

The U.S. Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulation allows transit agencies to suspend, for a reasonable period of time, the provision of paratransit service to riders who establish a pattern or practice of missing scheduled trips, also known as No-Shows. In permitting suspensions, the DOT ADA regulation acknowledges that paratransit riders who repeatedly fail to appear for their prearranged rides can have a detrimental effect on operational efficiency, cost, and the quality of the service for other riders.

The Americans with Disabilities Act (ADA) Department of Transportation (DOT) regulations at 49C.F.R § 7.125(h) and 49C.F.R. Part 37, App. D, § 37.125 provide this specific guidance.

No Shows beyond Customer's Control

The ADA does not allow transit agencies to base a suspension of service on any trips missed by a rider for reasons beyond their control, including trips missed due to transit agency error or lateness. Those trips may not be a basis for determining that a pattern or practice of missing scheduled trips exists. Therefore, trips cancelled for reasons that are beyond the customer's control will not be considered by TriMet LIFT as No Shows. This includes, but is not limited to:

- Family emergency
- Illness that precluded the rider from calling to cancel
- Personal attendant or another party who didn't arrive on time to assist the rider
- Rider's appointment ran long and did not provide opportunity to cancel in a timely way
- Another party cancelled rider's appointment
- Rider's mobility aid failed
- Sudden turn for the worse in someone with a variable condition
- Adverse weather impacted rider's travel plans, precluding the rider from cancelling in a timely manner

Additional issues beyond the rider's control, include Transit agency error, which may not be counted as a rider no-show, and includes but is not limited to:

- Vehicle arrived late, after the pickup window
- Vehicle arrived early, before the pickup window, and rider was not ready to go
- Vehicle never arrived
- Vehicle went to the wrong location
- Driver didn't follow correct procedures to locate the rider
- Rider cancelled in a timely way but the cancellation was not recorded correctly or wasn't transmitted to the driver in time

Although No Shows will not be issued for reasons beyond the customer's control, the customer should always make every effort to cancel scheduled trips in a timely manner. It is the customer's responsibility to provide the reasoning for not canceling a trip. Contact should be made with TriMet LIFT as soon as reasonably possible so that No Shows occurring beyond a customer's control can be excused. Lack of any contact will result in a No Show record remaining intact and may lead to a service suspension as detailed below.

3.0 Definitions

No Show - a No Show is when all of the following criteria are met:

- A LIFT-eligible customer has a scheduled trip on LIFT; **AND**
- There has been no contact (call or online booking cancellation) by the customer (or the customer's representative) to cancel the scheduled trip 61 minutes or more before the pick-up window; **AND**
- The vehicle arrives at the scheduled pick-up location within the 30-minute pick-up window; **AND**

The driver cannot locate the customer within 5 minutes, or the driver locates the customer but the rider fails to appear within five minutes.

Advance Cancellation - When the customer (or the customer's representative) cancels (via phone or website) a specific scheduled trip ***at least 61 minutes prior*** to the pick-up window.

Late Cancellation - When the customer (or the customer's representative) cancels (via phone or website) a specific scheduled trip within 61 minutes of the pick-up window. Late cancellations will be treated as No-Shows.

Cancellation at Door - when the vehicle arrives at the location designated for a specific scheduled trip within the 30-minute pick-up window and the customer (or the customer's representative) notifies the driver at that time that they no longer need the scheduled trip. A cancellation at the door is considered a No Show.

Notes on Cancellation:

- The customer (or the customer's representative) must cancel (via phone or website) other trips for the day that are no longer needed.
- TriMet LIFT schedules pick-up and return trips separately, and assumes that all scheduled return trips are needed unless notice is given by the customer or their representative that they are not. If a pick-up trip is a No Show, **TriMet LIFT will not automatically cancel the return trip.** A No Show on the return trip will count as a second No Show for the day.
- Customers may inform operators that they will not need their return trip if they cancel at the door, however they are still required to call TriMet LIFT to cancel, or cancel their trip online.
- Late cancellations and cancellations at the door, as defined above, will also be treated as No Shows.

4.0 Responsibilities:

No Show Notifications

Customers may also be contacted by email, phone or interactive voice response (IVR) of a No Show notification. Communications will include the total number of No Shows and the percent of No Shows in reference to the total number of trips booked in the period. Specific dates, times and locations of each No Show in the period will be provided in writing. Customers may reach out to LIFT Customer Service to setup notifications.

Customers with three or more no-shows in a given calendar month that exceed 10 percent of their scheduled trips for the month will receive a No Show suspension notification warning letter for their first violation in a rolling 12 month period. For second or subsequent violations in a rolling 12 month period, of three or more no-shows in a given month that exceed 10 percent of scheduled trips, a customer will receive a No Show suspension letter in accordance with the table on page four (4).

Pattern and Practice of No Shows

Customers may be suspended from paratransit service when they show a "pattern or practice" of No Shows, which occurs when:

- a. three or more no-shows occur in a given month that exceed 10 percent of scheduled trips;
AND
- b. The reason for the No Show/Late Cancellation was NOT beyond the rider's control.

The following are examples of what **would** and **would not** constitute a pattern and practice of No Shows:

Example 1: A customer books 20 trips in a calendar month and misses three trips. This customer **will** have a pattern and practice of No Shows because (a) the customer had three No Shows, and (b) those No Shows represent 15% of the total trips booked;

Example 2: A customer books 5 trips in a calendar month and misses two trips. This customer **will not** have a pattern and practice of No Shows because the customer did not have three or

more No Shows in the calendar month. (Note that because there were not at least three No Shows, the fact that the customer missed 40% is irrelevant for purposes of determining whether there has been a pattern or practice of No Shows.)

Example 3: A customer books 75 trips in a calendar month and misses 6 trips. This customer **will not** have a pattern and practice of No Shows because although the customer had three or more No Shows in the calendar month, the customer only missed 8% of their scheduled trips.

A customer who shows a pattern or practice of No Shows may be subject to a suspension of service, as shown in the table below.

Consequences for Pattern and Practice of No Shows	
1st Violation*	Letter of warning
2nd Violation*	7 Day Suspension
3rd Violation*	14 Day Suspension
4th+ Violation*	30 Day Suspension & potential loss of Subscription Service
<i>* A "Violation" equates to three or more no-shows in a given month that exceed 10 percent of scheduled trips.</i>	
Violation history covers a 12-month rolling period.	

5.0 “Due Process” Requirement

Upon receiving the Notice of Suspension letter, a customer has the right to an Administrative Review and Appeal of the suspension. The following outlines the steps for requesting an Administrative Review and the basic procedure governing the Administrative Review and Appeal process.

Right to request Administrative Review of suspension

A customer (or a customer's representative) may file a request for an Administrative Review by contacting TriMet LIFT Customer Service. The customer should provide LIFT with any additional information they believe will support their request for a review of the suspension.

By phone:

503-962-8000 x2

By fax:

503-962-8059

By email:

LIFT@TriMet.org

Designated TriMet LIFT staff will review the information provided by the customer (or the customer's representative) and make a decision to either uphold the suspension or to rescind it. This decision will be made within five business days and will be followed by written correspondence (or suitable alternate accessible format) within five business days with a final resolution.

Right to request appeal of suspensions

If the customer is not satisfied with the outcome of the Administrative Review, the customer has a right to request an appeal, within 10 calendar days following the resolution of the Administrative Review. Customers can request a stay-of-suspension while a suspension appeal is pending.

TriMet LIFT staff will evaluate such requests for a stay-of-suspension based on the facts of the suspension and notify customer of the decision.

Requesting an Appeal

The Appellant shall make the appeal in writing via letter, fax, email or verbally via telephone to the appropriate TriMet LIFT staff.

TriMet must receive the request for appeal not later than 30 calendar days after the date that the Appellant receives the Administrative Review's written resolution. For purposes of this requirement, TriMet assumes that the Appellant will have received the decision not later than three calendar days after the date the decision was mailed to Appellant's address of record. TriMet mails all written resolutions via regular U.S. first-class mail, unless the Appellant requests otherwise.

The 30-day appeal period begins to run on the third calendar day after the date the decision was mailed. For example, if the decision was mailed on June 1st, the 30-day appeal period begins on June 4th, and expires on July 4th.

By mail:

TriMet LIFT Program
Attn: LIFT Appeals
710 NE Holladay Street, Suite 100
Portland, OR 97232

By email:

The Appellant shall timely email a request for appeal to LIFTServiceAppeals@trimet.org

By phone:

The Appellant may call and leave a message requesting an appeal by contacting LIFT Service Suspension Appeals at 503-962-5438.

A request or notice for appeal should include the name of the requestor, the name of the customer, preferred contact method and details, and whether the request is for an appeal with or without a hearing (see below for descriptions of each process).

If a request or notice for appeal is received, LIFT staff shall: (1) promptly advise the Appeal Arbiter Appeal Panel of a timely request for an appeal; (2) if the Appellant requests a hearing, coordinate a hearing date, time, and location with the Appellant and the Appeal Arbiter, and notify the parties in writing; and (3) reserve sufficient time for the hearing. If necessary, LIFT staff shall arrange for the Appellant to receive LIFT transportation to and from the place of hearing at no charge, or the hearing can be held virtually.

Appeal with Hearing

Prior to Hearing, Appellant may request copies of documents relating to the decision being appealed. The Appeal Arbiter or their designee shall promptly consider and decide all requests for documents. The Appeal Arbiter shall timely provide all requested documents or items to the Appellant that are relevant and non-privileged.

Appellant may request the appearance of other individuals who have knowledge of information relevant to the decision being appealed. The Appeal Arbiter or their designee shall promptly consider and decide all requests for the appearance of witnesses, considering the witness's relevance to the decision being appealed or the likelihood that the witness will assist the Appeal Arbiter in deciding the appeal. The Appeal Arbiter does not have subpoena power to order the appearance of witnesses.

Appellants may submit not later than three days before the appeal hearing, including the date of the hearing, written arguments, evidence, and any other information the Appellant wishes the Appeal Arbiter to consider before the hearing. The Appeal Arbiter may consider written arguments, evidence, and any other information presented for good cause shown by the Appellant, for the first time at the hearing.

At Hearing

The Appellant may represent themselves at hearing, or may be represented by an attorney, paralegal or legal assistance, caseworker, care provider, or other person designated by the Appellant to present the Appellant's case.

The parties may present documents and offer other oral, written or recorded information to support their respective positions or to respond to each other's positions. TriMet shall present its position first, then the Appellant may present. As required or appropriate, the parties shall be permitted to present additional documents.

The Appeal Arbiter may for good cause continue a hearing or permit the post-hearing submission of additional evidence, information and arguments. If a continuance or post-hearing submission is permitted, the Appeal Arbiter shall promptly advise the parties of the date, time and location of the continued hearing or the date by which the post-hearing submission must be received by the Appeal Arbiter. The hearing will be electronically recorded.

Appeal without Hearing

If the individual declines an in-person appeal hearing, LIFT staff shall inform the Appellant of the date by which the Appellant must submit to TriMet any written materials the Appellant wishes the Appeal Arbiter to consider in determining the Appellant's appeal. Extensions of this date may be

allowed for good cause.

Following the submission date, the Appeal Arbiter shall review the Appellant's file and written submissions, if any, and decide the matter.

Evidentiary Burden and Standard

TriMet shall have the burden of demonstration that the Appellant's suspension of paratransit service was appropriately determined. This burden must be satisfied by a preponderance of all the evidence submitted in connection with the appeal or otherwise in the Appellant's record. The standard of admissibility for evidence and information presented in connection with an appeal shall be whether the evidence or information is of the type that a reasonable person would rely upon in making decisions about their personal affairs. The burden of presenting evidence to support a fact or position in a contested case rests on the proponent of the fact or position.

Decision and Notification of Decision

The Appeal Arbiter may uphold or overturn the suspension determination or, modify the suspension determination.

The Appeal Arbiter shall notify the individual of its decision and the reasons for its decision in writing, not later than 15 days after the date of the appeal hearing, including the date of the hearing. Or, if the individual declined a hearing, the Appeals Arbiter shall notify the individual of its decision and the reasons for its decision in writing not later than 15 days after the date the Appeals Panel reviewed and considered the matter.

If no decision is made on an appeal of suspension determination within 15 calendar days of the date of the appeal hearing, or within 15 days of the date of the Appeals Arbiter consideration without the attendance of the Appellant, or within 15 days of the receipt of requested additional documents and information, the Appellant will be eligible for LIFT service beginning the 16th day, until and unless a decision otherwise is rendered by the Appeals Arbiter.⁴ TriMet shall immediately inform the individual that they are presumptively eligible to continue to receive LIFT service first by telephone and then follow up with a written communication to the individual's last known address of record.

This document will be provided to customers requesting an appeal. It is also available by calling LIFT at 503-962-8000, option 2, or from TriMet's website, www.trimet.org/lift.

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