

DISTRICT OF COLUMBIA  
TAXICAB COMMISSION  
ACCESSIBILITY ADVISORY  
COMMITTEE

October 15, 2015

*Annual Report on  
Accessible Vehicle  
For Hire Service*

## Dedication to Chairman Ronald Linton

This year's report is dedicated to former District of Columbia Taxicab Commission Chairman Ron Linton (1929 - 2015). Chairman Linton was an author, academic, and public policy planner who dedicated his life to public service, focusing on the fields of transportation, water resources, environment, and public safety. A native of Detroit, Michigan, he held a Bachelor's degree in Political Science from Michigan State University. He served on numerous committees and was a visiting professor in urban studies at Rensselaer Polytechnic Institute in Troy, NY. Chairman Linton was first appointed as D.C. Taxicab Commissioner in 2011. The Chairman worked hard to modernize the vehicle for hire industry, built the framework for, and kick-started the successful Transport DC program. The Chairman was a passionate advocate, calling for access to transportation as a civil right for all people. The Chairman envisioned a 100% accessible fleet in the District. This committee, comprised of advocates, District staff, and industry stakeholders will continue its work in remembrance of the Chairman, his contributions, and strong advocacy for the rights of people with disabilities.

## EXECUTIVE SUMMARY

### Introduction

Under the DC Taxicab Service Improvement Amendment Act of 2012 (DC Taxi Act) the Accessibility Advisory Committee (the Committee) is tasked with transmitting to the Mayor, and to the Council, an annual report on the accessibility of taxicab service in the District and how it can be further improved. The Committee, responding to changes in the market and industry, is addressing accessibility issues for both taxi and transportation network companies (TNCs) referred to in this report as public and private vehicles for hire (VFH) respectively. This report serves as the Committee's 2015 submission and builds on the recommendations and background provided in the comprehensive report submitted February 20, 2014, and annual report submitted September 30, 2015.

### A. The Need for Accessible Vehicle for Hire Service in the District

The number of wheelchair accessible vehicles (WAVs) in the past year has increased from 20 to a little over 140 (roughly 2% of the accessible taxi fleet). This is a significant increase, but there is still work to be done. The District is not alone, according to the National Council on Disability, "the lack of wheelchair-accessible taxi service is one of the most important transportation issues for people with disabilities in the United States."

At about 26 percent of the District population, people with disabilities are a significant minority, a minority that anyone can join temporarily or permanently. As the District's population ages, there is an associated increase in disabilities. The District's *Age-Friendly Strategic Plan 2014-2017* has made accessible transportation a priority.

Adults with disabilities are more than twice as likely to have inadequate transportation. Transportation remains one of the biggest barriers to employment. Accessible VFH are needed for spontaneous travel for work or leisure, and emergencies. Broken elevators and delays, stemming from infrastructure in need of repair, on Metrorail can make spontaneous travel difficult and commutes much longer. MetroAccess requires twenty-four hour advanced notice and offers a shared ride that can also take much longer than a VFH trip. Nearly half of the 19,000 bus stops in the DC Metropolitan region are inaccessible. All Uber vehicles and Capital Bikeshares are inaccessible. Wheelchair accessible (WA) VFH fill a glaring gap in accessible transportation alternatives in the region.

This year, the Committee requested stories from the community reflecting their experiences with WA public VFH. Short quotes from these stories are included below. Full submissions can be found in Appendix A.

## **B. The Legal Requirements for Providing Accessible Vehicle for Hire Service**

The rights of District tourists, travelers, workers and residents with disabilities to access public and private VFH services are guaranteed under the Americans with Disabilities Act (ADA), and corresponding regulations, the DC Taxi Act, the Vehicle-for-Hire Innovation Amendment Act of 2014, and the DC Human Rights Act (DCHRA). Laws and regulations include prohibitions against discrimination when providing service, training requirements, and, for public VFH companies, requirements to ensure a percentage of their fleet is WA. The US Department of Justice (DOJ) has filed a Statement of Interest, affirming that private VFH companies are providing transportation services, therefore fall under Title III, and must comply with the ADA.

## **C. Measuring Up: Other Jurisdictions' Provision of Accessible Vehicle for Hire Service**

There are efforts being made across the country by local advocates, city agencies and regional transportation agencies to increase the number of WA vehicles for hire. A few jurisdictions that are working on improving their accessible taxi service include, Alexandria, VA; Baltimore, MD; Chicago, IL; Houston, TX; Montgomery County, MD; New York, NY; Prince George's County, MD; Philadelphia, PA and San Francisco, CA. These jurisdictions are utilizing a combination of federal funds, tax credits, incentives, and governmental requirements to support and increase the number of accessible public VFH.

Montgomery County, MD recently awarded 50 WA taxi permits to a newly-formed co-op. Philadelphia passed a bill to allow for 150 new WAV permits over the next 10 years. New York City rolled out a plan in 2014 to achieve a 50 percent wheelchair accessible fleet by 2020, but the addition of private VFH like Uber to the market has led to a drop in medallion process, and an inability to sell WA medallions. San Francisco's wheelchair accessible fleet has, again, declined over the past year. This decline is attributed to competition from the private VFH.

## **D. Private Vehicle for Hire Accessibility Update: Nationwide**

Currently, private VFH provide extremely limited service to passengers who require WAV service. It is notable that these services are not offered in the District of Columbia. Uber and Lyft maintain that they are neither providing transportation services, nor are they public accommodations. Consequently, they claim they are not required to comply with ADA service or anti-discrimination provisions. This claim contradicts the DOJ statement that Uber and Lyft fall under the requirements outlined in Title III of the ADA.

To accommodate passengers requiring WAVs, Uber is now providing UberACCESS and UberWAV in some markets. Uber partners with existing WAV providers, usually taxis. Advocates have called for private VFH companies to increase the numbers of WAVs in markets in which they operate and to be held to the same standards as public VFH. Advocates have also raised concerns with offering separate services to passengers with disabilities, rather than providing WAVs through services used by the general public.

Uber also provides UberASSIST in some markets. UberASSIST allows passengers to request specially-trained drivers. United Spinal feels strongly that every driver that provides service should be trained to ensure quality service. Uber and Lyft have expressed interest in taking over paratransit networks.

According to the Lyft Help Center, Lyft allows passengers, who require a WAV, to enable Access Mode and request a WAV in some cities. Sidecar provides WAV public VFH contact information on its website for passengers in Chicago, San Francisco, and Seattle.

It is common for the numbers of public VFH to decrease in a city in which private VFH companies are operating as a result of competition. The committee is concerned that the District of Columbia will face similar or greater loss in WAV unless there are adequate regulations for private VFH. Industry stakeholders have shared that

there has been a significant drop in dispatch calls in the past year. Driver income is also reported to have dropped.

Jurisdictions, both state and cities, have passed legislation to regulate private VFH in the past year. Additional legislation is expected in the coming years. While most have addressed insurance requirements, background checks, some have also addressed private and public VFH accessibility. Other jurisdictions have passed, or are considering passing provisions to:

- Increase the number of WA taxi permits
- Assess private VFH accessibility fees or charges to be used to increase WA VFH
- Prohibit private VFH discrimination against people with disabilities or other protected classes
- Collect data reflecting the number of WAV trips provided
- Require reports on how the private VFH plan to prove WA service
- Establish WA safety standards
- Require WAVs, and
- Cap the number of private VFH to ensure a fair market for WA public VFH.

There have been a number of lawsuits filed and investigations launched against Uber and Lyft around the country regarding their provision of adequate service to the disability community

#### **E. DC Accessible Vehicle for Hire Update & Industry Concerns**

Currently, DC taxi companies own 141 WAVs out of the approximately 6,500 public Vehicles for hire (VFH). Approximately, seventy (70) VFHs are running on a regular basis. The Committee acknowledges that DCTC, WMATA, DC Office of Human Rights (OHR), and the Office of Disability Rights (ODR) have been diligently participating in or creating programs to address the need for greater availability of accessible transportation services for all users in the District.

Activities undertaken include:

- Establishment & rapid expansion of the DCTC/WMATA Transport DC Pilot Program
- Continuation of the DCTC Anonymous Riders Program
- Continuation of the DCTC/OHR Anti-Discrimination Initiative
- Establishment of greater age requirements for WA public VFH
- Awarding of Transport DC Grants to existing DC drivers and companies towards the purchase of WAVs; and to all drivers and companies towards WAV rental, and training
- Testing of a new Universal App allow all DC public VFH operators to respond to service requests
- Review of whether to release new public VFH licenses (H-Tags)
- Repeal of the DCTC Proposed Vehicle Modernization Program
- Rulemaking and Enforcement of DC Taxicab Service Improvement Amendment Act of 2012 (DC Taxi Act) Requirements
- Rulemaking for The Vehicle-for-Hire Innovation Amendment Act of 2014 (VFH Amendment Act)

The Committee reached out to industry representatives to get a sense of overall industry issues and support for provisions of accessible service.

- The Washington D.C. Taxi Operators Association' represents more than 2,000 taxicab drivers committed to providing accessible service to the residents and visitors of our city. The right policy mix to increase WAVs has yet to be implemented. There is a greater age allowance for public WAVs, but a private VFH can keep an inaccessible vehicle on the road for the same amount of time. The cost of a WAV purchase is often prohibitive. The DCTC grant program was limited to Washington D.C. residents when the overwhelming majority of taxi drivers live in Maryland and Virginia.
- Yellow Cab Co. of DC Inc. fully supports continued efforts of the committee to increase the levels of accessibility to private and public VFH. Yellow Cab demonstrates their commitment to increasing

transportation accessibility by being one of the leading for the Transport-DC Pilot program. Yellow Cab is deeply concerned that private for-hire entities are not being held to any standards or mandates to increase transportation accessibility in the District. Yellow Cab believes that private VFH entities' insistence on utilizing WAV public VFH will not lend to the much needed increased vehicle and service capacity.

## **F. Committee Recommendations toward Improving Vehicle for Hire Service**

The Committee recommends working within an open entry or equitable system for both private and public VFH, with the long-term goal of obtaining a 100% universally accessible fleet. The District should:

### **Regulatory System Changes**

- Require all private and public VHF operators to provide meaningful Wheelchair Accessible Vehicles (WAVs) service in the District. There should be a percentage requirement of WAVs provided and made available by private VFH.
- Release an equal number of Accessible H-Tags to replace VFH removed from the street due to non-compliance with the DC Taxicab Service Improvement Amendment Act of 2012 (DC Taxicab Act).
- Release 191 accessible H-Tags permits to: A) Drivers who previously held H-Tags in the District and B) Operators of WAVs provided through public VFH companies.
- Require all public and private VFH digital dispatch applications with capabilities allowing passengers to request WAVs.
- Require communication access to videos.
- Require digital dispatch companies, public and private VHF companies and owners that do not currently provide accessible service to pay into a District Accessible Service Fund.
- In conjunction with the DCTC's age restrictions for public VFH, require that replaced VFH meet a universally accessible design
- Please note: Yellow Cab proposes long-term city subsidies, less restrictive vehicle acquisition policies, expanded age limits, granting of WA tags to drivers who have never owned one through a lottery, and mandated centralized dispatch as the solution for a sustainable accessible vehicle program.

### **Regulatory Incentives**

- Increase the age allowance for accessible public and private VFH and/or allow them to remain in service for as long as they pass inspection. Decrease the age allowance for inaccessible private VFH.
- Allow accessible public VFH to go to a separate line at Union Station and area airports.
- Introduce a tax credit for accessible VFH owners.
- Waive license or training fees for accessible VFH owners.
- Give an annual award to a taxi driver of a WAV who provides outstanding service.
- Use District Accessible Service Funds to create a WAV lottery.
- Continue to utilize financing options identified in the *February 2014 Comprehensive Report* (eg, public-private partnerships, a public VFH company or dispatch-provider fee, federal matches) to purchase accessible VFH to lease or sell.

The Committee recommends that procedures and systems, along with responsible personnel, continue to enforce, monitor, support, and report on increased accessible VFH service in the District. The Committee also recommends training of all public and private VFH drivers as is required by law, and the implementation of a public awareness campaign. Public awareness strategies are important for creating public buy-in and increasing accessible VFH demand in the early stages of the proposal.

## **Conclusion**

The Committee acknowledges the willingness of the DC Council and hard work of the DCTC staff to implement a handful of our previous recommendations. There is no doubt, as is reflected in the stories shared in this report, that increased WAV VFH service in the District is improving lives. We urge the Council, Mayor, and

DCTC to continue to make improvements and prioritize accessible transportation. We urge you to consider the recommendations made in this report, **most importantly, we urge you to ensure private VFH are expected to provide accessible service in the District.**

In 2015, the nation and the District celebrated and reflected on the positive impact that the ADA has had for 54 million Americans with disabilities. The District can and should lead the nation – ensuring that access to all transportation services is available to each and every District worker, visitor, and resident.

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## Introduction

On July 10, 2012, the District of Columbia City Council passed the DC Taxicab Service Improvement Amendment Act of 2012 (DC Taxi Act) to improve taxicab service in the District. Section 20f of the Act addresses accessibility for individuals with disabilities, and requires the DC Taxicab Commission (DCTC) to establish a Disability Taxicab Advisory Committee (the Committee) to advise the Commission on how to make taxicab service in the District more accessible for individuals with disabilities. Under the DC Taxi Act, the Committee is tasked with transmitting to the Mayor, and to the Council, an annual report on the accessibility of taxicab service in the District and how it can be further improved. The Committee has changed its name to the Accessibility Advisory Committee to be inclusive to older adults. The Committee, responding to changes in the market and industry, is addressing accessibility issues for both taxi and transportation network companies (TNCs) referred to as public and private vehicles for hire (VFH) respectively.

This report is broken into 6 sections: A) an update on the continuing need for accessible VFH service in the District; B) an update on legal requirements; C) how other jurisdictions are providing accessible VFH service, D) an update on accessible private VFH service; E) a DCTC update and DC industry issues and concerns; and F) committee recommendations for how service can be further improved. This report serves as the Committee's 2015 submission and builds on the recommendations and background provided in the comprehensive report submitted February 20, 2014, and annual report submitted September 30, 2015.<sup>i</sup>

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## A. THE NEED FOR ACCESSIBLE VEHICLE FOR HIRE SERVICE IN THE DISTRICT

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The number of wheelchair accessible vehicles (WAVs) in the past year has increased from 20 to a little over 141 (roughly 2% of the taxi fleet). This is a significant increase, but there is still work to be done. In February 2015 DCTC announced it would be allowing taxi companies an additional 6 months to comply with a mandate to provide accessible service. Ian Watlington, a wheelchair user who works for the National Disability Rights Network, reacted in a *WAMU 88.5* report, "People in wheelchairs have been sitting on curbs around the District forever, waiting for a cab to pick them up. So now we have to wait some more? ... I think it is time they get down to business and give us the taxicabs we deserve in this District."<sup>ii</sup>

The District is not alone, as is reflected in the *Other Jurisdictions* section of this report, according to the National Council on Disability, "the lack of wheelchair-accessible taxi service is one of the most important transportation issues for people with disabilities in the United States."<sup>iii</sup>

The District's residents, workers and visitors need increased accessible transportation options. Accessible, demand responsive transportation is necessary for travel to work, school, religious and cultural events, medical appointments, to spend time with family and friends, a night out, and in case of emergencies. In this section we explore the need for increased universal (i.e. user-friendly and accessible to all people), including wheelchair accessible (WA), transportation in the District. This year the Committee requested stories from the community reflecting their experiences with WA public VFH. Short quotes from these stories are included below. Full submissions can be found in Appendix A.

### I. By the Numbers: Who Needs Wheelchair Accessible Vehicles for Hire?

At about 26 percent of the District population, people with disabilities are a significant minority, a minority that anyone can join temporarily or permanently.<sup>iv</sup> There are 118 disability advocacy organizations in DC and its surrounding areas, and the District is known as a meeting place for these organizations' board meetings, annual conferences, Capitol Hill outreach days, and trainings.<sup>v</sup> People with disabilities and their families from around the world visit the District to tour the nation's capital.

On December 10, 2014, the District unveiled its *Age-Friendly Strategic Plan 2014-2017* as part of its effort to become an age-friendly city under the terms of the World Health Organization Age-Friendly Environments initiative.<sup>vi</sup> As the District's population ages, there is an associated increase in disabilities. Age-Friendly DC has made accessible transportation a priority stating, "We will work to ensure that existing and emerging transportation modes are known, safe, affordable and accessible to all."<sup>vii</sup> The Committee notes, and appreciates, that the report claims the District will continue to provide wheelchair accessible vans and subsidize accessible taxi service.<sup>viii</sup>

## II. Employment and Commerce

Adults with disabilities are more than twice as likely to have inadequate transportation - leading to fewer opportunities for employment and increased poverty. In the District, only 34%<sup>ix</sup> of people with disabilities are working, 37%<sup>x</sup> live in poverty, compared to 74%<sup>xi</sup> and 15%<sup>xii</sup> of those without disabilities. Yet, according to a *National Conference on State Legislatures* recent report, "in 2012, people with disabilities who were not working reported lack of transportation as one of their biggest barriers to employment."<sup>xiii</sup>

District leadership agrees. The *FY 2016 Proposed Budget: Pathways to the Middle Class* states, "Strengthening local transit and transportation options is about so much more than convenience for District residents and visitors, it is a matter of economic necessity."<sup>xiv</sup> Additional measures can and should be taken to ensure transit and transportation in the region is accessible to all.

Lack of adequate accessible options can leave people stranded at work. Dennis Butler, advocate and University Legal Services representative, described his daily routine to plan his commute home after work, before the District's additional WA public VFH were available. He would begin at 3 p.m. , and sometimes still be at work at 8 pm in the evening searching for a way home.<sup>xv</sup>

Wheelchair accessible VFH allow for people with disabilities to fully engage in the community in ways that align with the Mayor's *Pathways to the Middle Class*. Reliable and accessible transportation ensures that residents and visitors can live, work, and relax in the District. It also promotes commerce, which is important to the District's continued growth and development.<sup>xvi</sup> "Being able to utilize a service like [Transport DC], if it is dependable, would mean the difference in me staying in the City to eat at one of their restaurants," asserts District commuter and advocate Kent Kyser.<sup>xvii</sup>

## III. Alternative Transportation: the Transit Gap and Spontaneous Travel

VFH are vital alternatives when other options are unavailable to people with disabilities. Many people with disabilities who cannot drive or who cannot afford their own cars make regular use of VFH.

### A. Spontaneous Travel for Emergencies

There are even more urgent situations that would require a wheelchair accessible (WA) taxicab. For example, during a medical emergency, hospital ambulances do not transport wheelchairs. Advocates on the committee have expressed concern over not being able to transport with their wheelchair, leaving patients without a method of getting to the restroom or returning home from the hospital.

Mary Jane Owen, Disability Concepts in Action representative and wheelchair user, told of a time when her beloved cat was unexpectedly ill and needed urgent care at the veterinarian. Ms. Owen was able to call a WA taxi and, after receiving the appropriate medical care, her cat returned home happy and healthy.<sup>xviii</sup> Mary Jane also shared an account of using a WA taxi this summer when she received an unexpected phone call about her daughter's passing: "Frantically I searched for transportation options and remembered I'd registered for a program new to me that did not require a 24 hour advance reservation...I did not see my daughter alive but I was there to grieve as her body was blessed and prayers uttered. I had a new right – to be there during that first grieving with medical professionals."<sup>xix</sup>

## B. Spontaneous Travel for Leisure

Advocates with disabilities have also expressed a desire for spontaneous travel. MetroAccess requires twenty-four hour advanced notice; and without careful trip planning with other modes of transportation, people with disabilities could face similar situations as Dennis Butler, where it takes hours to secure a ride.

Public VFH driver Saleem Abdul-Mateen shared his experience providing needed WA service to passenger Ms. R. when her daughter called requesting a ride for her mom to the sculpture garden, “It was a short trip downtown with the windows open and a soft breeze drifting through the vehicle. The passenger’s daughter biked across town and was awaiting our arrival. I returned after a time to gather up Ms. R. She had a glow about her and you could tell that the fresh air and sunshine had lifted her spirits.”

Dennis Butler humorously shared his gratitude for being able to call a WA public VFH when he is feeling spontaneous:

*As an independent-minded quadriplegic, I like to spend a lot of time outside. When I want to go somewhere I do not think about it or develop a plan, I go. Sometimes the lack of planning ends my outing when the battery [powering the wheelchair] dies or, as the subway elevator door closes and I remember that I forgot to ask someone to press the button, allowing for an impromptu moment of contemplation. Ripe with youthful optimism I would sit and wait for a passer-by to call on the elevator. Taxi vans have helped me rid myself of elevator moments on the subway. I arrange for a van and contemplate the scenery from the window.*

## C. An Alternative to Public Transit

In addition to the recent events that have led to Metro station outages, closings, and now at least 6 months of delays,<sup>xx</sup> non-working Metro elevators and shuttles can add hours to a commute. In these cases, alternatives for many people with disabilities are limited. MetroAccess paratransit service takes ages, requires pre-scheduling a day in advance, and is a shared ride service.<sup>xxi</sup> Nearly half of the 19,000 bus stops in the DC Metropolitan region are inaccessible.<sup>xxii</sup> Most public VFH, all Uber vehicles<sup>xxiii</sup> and Capital Bikeshares are inaccessible.<sup>1xxiv</sup> WA public VFH fill a glaring gap in accessible transportation alternatives in the region.

Heidi Case, advocate and wheelchair user, recalls a day when she was returning home after visiting a friend at the Washington Hospital Center:

*I was thinking how nice it would be to just be able to hail [a] cab and get home so much more quickly than the bus and the train ride would do... However I would need a full wheelchair accessible taxi. I saw the rear end [of a taxi] and realized it had the foldable ramp in the back, and was actually a wheelchair accessible taxi. I screamed, "wait!" and the taxi stopped. I was so excited to be able to hail a taxi that I could use. That experience gave me a vision of "the future" when accessible taxis would be the norm in DC, not the exception. It was an exhilarating experience!<sup>xxv</sup>*

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## B. THE LEGAL REQUIREMENTS FOR PROVIDING ACCESSIBLE VEHICLE FOR HIRE SERVICE

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<sup>1</sup> Currently, Uber does not provide WA vehicles in the District. Capital Bikeshare does not offer accessible alternatives such as trikes or handcycles.

## I. Americans with Disabilities Act (ADA) Requirements

The ADA, passed in 1990, defines vehicles for hire as private entities providing demand responsive transportation, i.e. transportation that a consumer may receive on demand via a phone call, a street hail, or through a web application. Under Title III of the ADA, private entities operating demand responsive transportation (including limousines or sedans) are not required to purchase or drive wheelchair accessible, or accessible, sedan-style taxis. However, the ADA does stipulate that if the taxi owner purchases a new van that seats less than 8, including the driver, the van must be wheelchair accessible or the taxi operator must provide equivalent service to passengers who require wheelchair accessible service.<sup>xxvi</sup> The ADA also requires that any individual with a disability, even if they can walk or transfer from their wheelchair to their seat, must be allowed to board a wheelchair accessible taxi and may not be required to transfer to a seat.<sup>xxvii</sup> In addition to safety measures and rules regarding door height,<sup>xxviii</sup> and safety equipment for wheelchair accessible vans,<sup>xxix</sup> the ADA requires training for taxi employees on how to provide service to people with disabilities,<sup>xxx</sup> accessible communication materials,<sup>xxxi</sup> and provision of service without discrimination.<sup>xxxii</sup>

## II. Private Vehicles for Hire

Disability advocates claim that private VFH such as Uber and Lyft are required to comply with these same ADA requirements. A number of lawsuits have been filed across the country. Uber and Lyft have argued that they do not need to comply since they are not providing transportation, and are not a public accommodation.<sup>xxxiii</sup>

### A. Department of Justice (DOJ) Statement of Interest

The Department of Justice has filed a statement of interest in a California lawsuit brought by the National Federation of the Blind against Uber Technologies, LLC for failing to comply with ADA requirements to provide service to individuals with service animals.<sup>xxxiv</sup> According to the DOJ statement, “in this context, “operates” includes “the provision of transportation services by a ... private entity itself or by a person under a contractual or other arrangement or relationship with the entity.” 49 C.F.R. § 37.3. Thus, an entity may operate a demand responsive system even if it does not itself provide transportation services, if it does so through a contractual relationship with another entity or even individual drivers. Indeed, as explained in the DOT guidance, *while an entity may contract out its service, it may not contract away its ADA responsibilities.*[committee’s emphasis] See 49 C.F.R. pt. 37, app. D § 37.23; see also 49 C.F.R. § 37.23(d).”

### B. DC Vehicle-for-Hire Innovation Amendment Act of 2014

The Vehicle-for-Hire Innovation Amendment Act of 2014 (VFH Amendment Act) requires all private VFH companies (ie, digital dispatch companies providing private VFH) to submit 1% of all gross receipts to the Office of the CFO. The revenue collected is transmitted to the DCTC. As of March 10, 2015 (the effective date of the Act ), digital dispatch companies, which include private VFH, are required to train associated operators in how to properly and safely handle mobility devices and equipment, and to treat an individual with disabilities in a respectful and courteous manner.

The VFH Amendment Act requires private VFH to adopt zero-tolerance policies against discrimination, and to post the zero-tolerance policy on their website, along with the procedure for reporting a complaint if a passenger feels that an operator has violated the policy. The zero tolerance policy against discrimination includes discrimination against any of the protected classes established under the DC Human Rights Act of 1977, including disability. Discrimination could include refusal of service based on a protected characteristic or based on an individual’s service animal (unless the operator has a documented allergy); rating a passenger based on disability; using derogatory language, among other things. The company must suspend an operator, and initiate an investigation once a complaint has been filed. The company must maintain relevant records for the purposes of enforcement.

The VFH Amendment Act also prohibits companies that provide digital dispatch, including public and private VFH, from charging additional or special charges for providing services to individuals with disabilities; and may not require individuals be accompanied by an attendant. Digital dispatch operators must, upon accepting a

ride request, stow mobility equipment in the vehicle's trunk if the passenger requests it and the device fits. If the mobility device does not fit the company is prohibited from charging a cancellation fee, or, if the fee is charged, they must provide the passenger with a refund in a timely manner.

The VFH Amendment Act requires that, by January 1, 2016, companies providing digital dispatch: ensure their websites and mobile apps are accessible to the blind and visually impaired and deaf and hard of hearing; and provide a report to the Council's Committee on Transportation and the Environment on how the company intends to increase wheelchair-accessible public or private vehicle-for-hire service to individuals with disabilities. Notwithstanding any other law, the VFH Amendment Act prohibits the DCTC from requiring private VFH to provide a list or inventory of vehicles or operators, including numbers of WAVs. A company that provides digital dispatch, including companies dispatching private VFH, is exempt from regulations by the DCTC other than the rules required to ensure compliance with the Act. Relevant VFH Amendment Act language is included in Appendix A of this report.

### **III. Public Vehicles for Hire**

#### **A. DC Taxicab Service Improvement Amendment Act of 2012**

The 2012 DC Taxi Act requires an increasing percentage of vehicles owned by larger taxi fleets to be wheelchair accessible in the coming years. In addition, the DC Taxi Act provides new regulations for public VFH employee training, responding to street hails from people with disabilities, and dispatch service. It also requires DCTC to seek a partnership with WMATA, the DC Office of the State Superintendent of Education, and any other governmental entity to provide accessible services using taxicabs. DCTC is required to report to the Council within 18 months of the DC Taxi Act on the status of agreements and the estimated cost savings. The Committee was tasked with exploring and recommending: a timetable and plan to rapidly increase the number of accessible taxicabs to meet the need; financing options for operators, associations or companies; and the means by which the District can achieve a fleet of 100 percent wheelchair accessible taxicabs.

#### **B. DC Human Rights Act**

The DC Human Rights Act (HRA) prohibits discrimination based on 19 traits, including disability. Not providing full access to every publicly-regulated transportation option to people in the District may violate the HRA. The District has been a leader in addressing inequality and discrimination amongst DC's diverse communities. The intent of the Council in passing the HRA was to "secure an end in the District of Columbia to discrimination for any reason other than that of individual merit, including ... discrimination by reason of ... disability." D.C. Code § 2-1401.01. Regarding public accommodations, the HRA prohibits any individual to "deny, directly or indirectly, any person the full and equal enjoyment of the goods, services, facilities privileges, advantages and accommodations of any place of public accommodations." Taxi companies are considered public accommodations under the HRA. *Mitchell v. DCX, Inc.*, 274 F.Supp.2d 33, 48 (D.D.C. 2003).

Please refer to the *February 2014 Comprehensive Report* for more detailed descriptions of the legal requirements for providing accessible public VFH service, and legislation language and regulations in the *Comprehensive Report Appendices*.

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## **C. MEASURING UP: OTHER JURISDICTIONS' PROVISION OF ACCESSIBLE VEHICLE FOR HIRE SERVICE**

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Many jurisdictions throughout the U.S. are utilizing a combination of federal funds, tax credits, incentives, and governmental requirements to increase the number of accessible VFH. Jurisdictions are also providing

subsidized public VFH trips for paratransit eligible passengers. The following are brief descriptions and highlights of accessible VFH programs in select jurisdictions.

**Table 1: City and States Assessed**

City & State	Population	WA Taxi Began	# Public VFH	# WA Taxis	% Total	Notes: Increase or Decrease, Future Plans, Private VFH
Alexandria, VA	150,575	2014	767	25	3.3%	Increase by 2 this year
Baltimore, MD	826,925	1991	1,370	10	.7%	Increasing by 25 in near future
Chicago, IL	2,722,389	1990s	6,900	163	2.4%	Last year's goal was to more than double. Decreased by 9. Medallion owners w 20+ must have 5% WAV fleet. Private VFH must respond to requests for WAV. Can refer to Centralized WAV Taxicab Dispatch.
Houston, TX	2,239,558	N/A	2,480	304	12.3%	Legislation requires 3% public/private fleets WA. Committee recommendations & pending leg offer alternative option
Montgomery Co., MD	1,030,447	N/A	770	48	6.2%	Releasing 8 WAV permits to individuals, 8 WAV permits to small fleets, 50 WAV permits to new co-op
New York, NY 5 borough Taxis / Street Hail Liveries	8,491,079	2004	13,563/ 7,947	581 / 1,805	4.3% / 22.7%	Plan to get to 50% by 2020, but drivers not buying medallions. All who operate through FH base incl. Private VFH, required to provide WA service
P.G. County	904,430	2012	1,075	7	.7%	No updates from 2014, 2015
Philadelphia, PA	1,560,297	2012	1,698	10	.6%	2012 Legislation (Act 119) providing for assurance of 150 new WAV only medallions over 10 years passed. Implementing. Dropped WAV bid price. City expects to have 30 WAV taxis by 10/15 and 50 WAV taxis by 2016.
San Francisco, CA	852,469	1994	1,846 (2,105 auth.)	64 (100 auth.)	3.5%	Decreased by 16. Possible causes: higher maintenance, gas costs, fewer drivers available
Washington, D.C. <sup>2</sup>	658,893	2010	5,950	~99	1.2%	20% company fleets need to be WAV by 2018.

Sources: Population Count U.S. Census Bureau Annual Estimates of the Resident Population: April 1, 2010 to July 1, 2014 2014 Population Estimates. City and county taxicab regulations departments, and press. See Table 2 sources.

**Table 2: Other Jurisdiction's Programs, Funding, Incentives and Issues**

City	Programs, Funding & Incentives
Alexandria, VA <sup>xxxv</sup>	<ul style="list-style-type: none"> <li>City requires that each taxicab fleet have a percentage of WAV; however, this percentage was not shared</li> <li>Taxi companies provide WAV training</li> </ul>
Baltimore, MD <sup>xxxvi</sup>	<ul style="list-style-type: none"> <li>In Baltimore County, only Baltimore City has WAV currently</li> <li>Commission staff completing plan to accept applications for 25 wheelchair accessible cabs (see PSC Case No. 9184 in near future)</li> <li>Taxi companies provide in-kind wheelchair accessible taxi service</li> </ul>

<sup>2</sup> The number of taxis and WAV taxis reflects vehicles on the road according to a DCTC 2014 study and WAMU News 88.5.

	<ul style="list-style-type: none"> <li>• In Baltimore City, taxicab drivers take a required training course, that includes ADA compliance</li> </ul>
Chicago, IL <sup>xxxvii,xxxviii, xxxix</sup>	<ul style="list-style-type: none"> <li>• A disability advisory committee comprised of industry representatives and people with disabilities was created to make recommendations.</li> <li>• A Chicago taxi/VFH ordinance passed in 2014 includes an 'inaccessibility fee'. Operators that drive less than 20 hours a week pay 10 cents per ride into an accessible vehicle fund. Licensees that operate more than 20 hours per week pay \$100 a year for each inaccessible vehicle. Incentives include, but are not limited to: <ul style="list-style-type: none"> <li>○ Industry subsidizing the purchase of vehicles through a WAV Accessibility Fund (currently contains \$3.5 million, expected to increase \$700,000 a year)</li> <li>○ Increase in the number of years a WAV may stay on the road</li> <li>○ Voucher to cut to the front of the line at airports for WAV vehicles providing service to wheelchair users.</li> </ul> </li> <li>• VFH are required to develop a system to respond to requests for accessible vehicles. This system may include referring customers to Centralized Wheelchair Accessible Vehicle Taxicab Dispatch</li> <li>• Public VFH trips are subsidized for paratransit eligible passengers</li> <li>• A fast lane is offered at airports for WAV</li> <li>• WAV drivers must undergo taxicab driver training program at City of Colleges. The curriculum includes serving passengers with disabilities</li> </ul>
Houston <sup>xl</sup>	<ul style="list-style-type: none"> <li>• Pending litigation prevents Houston representatives from releasing information about the number of private VFH operating in their jurisdiction</li> <li>• There is a cap on the number of private VFH permits in Houston. No other VFH industry has a cap</li> <li>• WAV are granted an extended service life, provided they pass a third-party mechanical inspection on an annual basis</li> <li>• The city is working on a RFP for training all VFH drivers that will include ADA compliance</li> <li>• Companies will also be eligible to submit their own in-house training with ADA compliance to the city for approval</li> <li>• A stakeholder committee met this year and provided recommendations for increasing public and private WAVs. See Section D(III) of this report.</li> </ul>
Montgomery Co., MD <sup>xli,xlii</sup>	<ul style="list-style-type: none"> <li>• Authorizing 66 WAV permits</li> <li>• Centralized dispatch system and universal app for all cabs</li> <li>• Recently passed leg. also requires County's Department of Transportation to develop plan to increase WAVs, with a goal of 100% WAVs by 2025</li> <li>• New Transportation Services Improvement Fund, imposes per-trip surcharge on private VFH towards increasing WAV service</li> <li>• Subsidized Taxi Service</li> <li>• Call n Ride</li> <li>• Same Day Access (SDA) Program</li> </ul>
New York, NY <sup>xliii,xliv,xlv,xlvi,xlvii</sup>	<ul style="list-style-type: none"> <li>• The NY City Council and Taxi, Limousine Commission (TLC) voted unanimously in 2014 to achieve a 50 percent accessible fleet by 2020, but, according to United Spinal, the TLC is having difficulty selling WAV medallions &amp; values have dropped</li> <li>• The TLC is mandating taxi fleets to phase-in accessible cabs through their normal replacement cycle.</li> <li>• "Individual operators will similarly be subject to "lotteries" that would</li> </ul>

	<p>“establish which owners must bring accessible vehicles into service.”</p> <ul style="list-style-type: none"> <li>• “Any taxi operator that is subject to the new rules, including the lottery program, would be eligible for grants to subsidize the expected conversion and maintenance costs.”</li> <li>• “New taxi drivers would also be trained in passenger assistance from June 2014 while all remaining drivers would have to undergo the same training ahead of their first license renewal after Jan. 1, 2016.” (<i>Wall Street Journal</i>)</li> <li>• Passenger surcharge of 30 cents per ride to subsidize upgrades to wheelchair accessible taxis</li> <li>• Tax credit for taxi companies up to \$10,000</li> <li>• Taxi accessibility fee paid by all medallion holders to fund the accessible dispatch line</li> <li>• Deadhead mile reimbursement to drivers for travel time to the pick-up point</li> <li>• Shorty (cutting to the front of the line at the airports) privileges</li> <li>• Sale of 2,000 New Medallions</li> <li>• NYC Council is currently considering a temporary restriction on the number of pre-arranged VFH</li> <li>• All new medallion and VFH driver applications take a WAV training course after application submission</li> <li>• NYC will not issue VFH driver license without training course completion</li> <li>• Accessible Dispatch Program provided in Manhattan is being expanded citywide thru RFP</li> </ul>
Philadelphia, PA <sup>xlviii</sup>	<ul style="list-style-type: none"> <li>• Taxicab &amp; Limousine Division (TLD) of Philadelphia Parking Authority (PPA) provides training stipends and taxi certification renewals for WAV drivers</li> <li>• PPA provides WAV training</li> <li>• One hundred more WAV medallions will be sold</li> </ul>
Prince Georges Co., MD <sup>xlix, l</sup>	<ul style="list-style-type: none"> <li>• May be adopting a .25 fee on all private VFH trips to go towards increasing WAVs</li> <li>• Earlier funding from the Council on Governments and Accessible Taxi Inc.</li> <li>• Accessible Taxi Inc. – offered one-time RFP to MD companies in 2014, total: \$423,833</li> </ul>
San Francisco, CA <sup>li, lii, liii</sup>	<ul style="list-style-type: none"> <li>• SFMTA projected a 30 percent decrease in the total number of wheelchair pickups completed by their ramp taxis from 2013 - 2014 (12,298 in 2013 vs a projected 8,725 in 2014) and attributed the decline to the introduction of TNC service. 8,162 ramped taxi trips were provided in FY2015.</li> <li>• Comparing February 2013 to February 2014, there was a 49 percent decline in the number of wheelchair pickups completed (1,237 in 2013 vs 629 in 2014).</li> <li>• SFMTA has reduced medallion fees. Offering lower cost leases for WAVs</li> <li>• SFMTA has increased incentive award payments: in the first seven months of 2014, SFMTA have paid drivers and companies \$56,900 in incentives (SFMTA issued \$46,785 in incentives for all of 2013)</li> <li>• SFMTA had provided \$75-\$250 per month for providing wheelchair accessible trips to those who requested them. The tiered incentives have been replaced with a \$10 per trip incentive for all ramp taxi drivers for providing service to those who need wheelchair access.</li> <li>• In addition, after 10 or more pick-ups, a \$10 per trip credit is given towards the purchase of a taxi medallion. The maximum credit is \$12,500.</li> <li>• An airport short pass is now given to drivers who complete 2 wheelchair</li> </ul>

- pickups in outlying neighborhoods. Drivers can earn up to five short passes.
- Ongoing Incentives Include:
    - Monetary award for ramp taxi drivers who complete more than the average wheelchair pick-ups
    - Taxi companies receive a \$500 monthly bonus for providing the most wheelchair trips (per medallion)
  - 100 of the 156 required paratransit wheelchair pickups must be verified via debit card for ramp medallion applicants
  - Progressive disciplinary schedule, \$150 citation with repeat facing suspension
  - Both WAV and non-WAV drivers complete ADA-related training

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## D. PRIVATE VEHICLE FOR HIRE ACCESSIBILITY UPDATE: NATIONWIDE

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Private VFH companies, also called transportation network companies (TNCs), such as Uber, Lyft and Sidecar, provide convenient, demand responsive, and fixed route service to millions. Currently, private VFH provide extremely limited service to passengers who require WAV service. It is notable that these services are not offered in the District of Columbia. Uber and Lyft maintain that they are neither providing transportation services nor are they places of public accommodation. Consequently, they claim they are not required to comply with ADA service or anti-discrimination provisions. In this section of the report we explore policies and responses across the country. What follows is not an exhaustive account of all policies.

### I. Private Vehicle for Hire Wheelchair Accessible Services

To accommodate passengers requiring WAVs, Uber is now providing UberACCESS and UberWAV in some markets, including: New York City, Philadelphia, Chicago, San Diego,<sup>liv</sup> Toronto,<sup>lv</sup> Oklahoma,<sup>lvi</sup> and Austin.<sup>lvii</sup> Uber partners with existing WAV providers, usually taxis.<sup>lviii</sup> Advocates have called for private VFH companies to increase the numbers of WAVs in markets in which they operate<sup>lix</sup> and to be held to the same standards as public VFH.<sup>lx</sup> Advocates have also raised concerns with offering separate services to passengers with disabilities, rather than providing WAVs through services used by the general public.<sup>lxi</sup>

Uber also provides UberASSIST in some markets, including: Chicago, Houston, San Diego, Los Angeles, Portland, and San Francisco. UberASSIST allows passengers to request specially-trained drivers.<sup>lxii</sup> United Spinal feels strongly that every driver that provides service should be trained to ensure quality service is provided with sensitivity and respect to all people, as required for private transportation providers under the ADA.<sup>lxiii</sup> Uber has expressed interest in taking over San Francisco's paratransit network. Lyft has expressed interest in providing paratransit services as well. In a January 2015 *Daily Beast* article, San Francisco officials were firmly against the proposal.<sup>lxiv</sup>

According to the Lyft Help Center, Lyft allows passengers, who require a WAV, to enable Access Mode. It is unclear which markets allow for Access Mode enabling. It may be that Lyft is partnering with traditional paratransit or third party specialized transportation providers; however, this cannot be verified. According to Lyft, many of the "accessible vehicle dispatches must be booked at least 24 hours in advance," and passengers may need to sign up ahead of time. Enrollment may take several weeks. Lyft provides paratransit and WAV taxi contact details for cities in 28 states and the District.<sup>lxv</sup>

Sidecar provides WAV taxi contact information on its website for passengers in Chicago, San Francisco, and Seattle.<sup>lxvi</sup>

## II. Private Vehicle for Hire and Accessible Public Vehicle for Hire Service

As a result of competition, it is common for the numbers of public VFH to decrease in a city in which private VFH companies are operating. A decrease in the numbers of accessible public VFH in San Francisco has been attributed to the rise of private VFH companies.<sup>lxvii</sup> In early 2013, there were 100 WAV public VFH in San Francisco. There are now only 64. The NYC Taxi and Limousine Commission is unable to sell accessible taxi medallions, essentially making obsolete the settlement that the NYC TLC reached with the disability community to ensure that 50% of the taxi fleet is accessible.<sup>lxviii</sup> The committee is concerned that the District of Columbia will face similar or greater loss in WAV unless there are adequate regulations on private VFH. Industry stakeholders have shared that there has been a significant drop in dispatch calls in the past year. *CCTV Africa* interviewed a long-time DC taxi driver for a recent story, the driver shared that “his income has been reduced by between 30 and 40% since Uber has entered the market.”<sup>lxix</sup>

## III. Other Jurisdictions’ Private Vehicle for Hire Accessibility Policies

Jurisdictions, both state and cities, have passed legislation to regulate private VFH in the past year. Additional legislation is expected in the coming years. While most have addressed insurance requirements, and background checks, some have also addressed private and public VFH accessibility.<sup>3</sup>

- Seattle<sup>lxx</sup> and Montgomery County, MD<sup>lxxi</sup> have either issued, or established the ability to issue in the future, additional wheelchair **accessible public VFH permits**.
- **Accessibility fees or charges** have been established in (at least) Seattle, Chicago,<sup>lxxii</sup> Austin,<sup>lxxiii</sup> Minneapolis,<sup>lxxiv</sup> Montgomery County<sup>lxxv</sup> and potentially in Prince George’s County,<sup>lxxvi</sup> MD. The funds are collected by government agencies and can be used to increase WAV VFH service. There is a general revenue fee in DC<sup>lxxvii</sup> and Austin.
- Most cities that have passed private VFH legislation with accessibility provisions **including anti-discrimination language** to ensure fair service provision and treatment of passengers and employees with disabilities respectively.
- Chicago requires **data** reflecting the number of accessible trips requested and provided.
- Washington, DC and California<sup>lxxviii</sup> require **reports** on how companies intend to provide accessible service in the future, as well as accessibility of apps, and websites at a future date.
- Austin, Chicago, and Seattle require passengers can **request accessible service via the app**.
- Chicago requires **safety standards** for all private VFH WAVs.
- Houston<sup>lxxix</sup> requires the VFH industry (taxis, limos and TNCs) ensure that its **fleet includes WAVs**. 2014 legislation required a percentage. The Houston Transportation Accessibility Task Force recently submitted recommendations that would allow VFH companies to either ensure a percentage of its fleet is accessible, or meet average wait time requirements for passengers requiring WAVs. A Massachusetts state senator and representative have introduced a bill (Bill H.3702) that would require Uber and competitors to provide at least 1 WA vehicle per every 100 vehicles in service, among other accessibility requirements.<sup>lxxx</sup>
- A New York City proposal<sup>lxxxi</sup> would have **capped the numbers of vehicles** operated by private VFH. Disability advocates argued the cap was necessary to ensure public VFH could continue to operate and ensure the provision of WAV public VFH service. The proposal was withdrawn, but discussions continue.

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<sup>3</sup> Legislation introduced in Seattle, WA; Montgomery County, MD; Chicago, IL; Austin, TX; Houston, TX; California; Minneapolis, MN; and New York City was reviewed.

#### IV. Private Vehicle for Hire Legal and Regulatory Proceedings

A number of lawsuits have been filed across the country against Uber, and at least one naming Lyft. The lawsuits claim Uber and Lyft are violating the rights of passengers with disabilities under the ADA, either through discrimination, by not providing equal service to wheelchair users or passengers with service animals, or not providing WAV service.<sup>4</sup>

The US Department of Justice (DOJ) has filed a Statement of Interest in a California suit brought by the National Federation of the Blind and other plaintiffs, stating that Uber is a transportation provider and does have to comply with the ADA.<sup>5,lxxxii</sup> A California Public Utility Commission administrative court ruling recommended a 7.3M fine and ceasing of operations for not providing data on how they serve the disability community.<sup>lxxxiii</sup> The Massachusetts Attorney General is reportedly investigating access concerns.<sup>lxxxiv</sup>

#### V. Private Vehicle for Hire Service in the District

The Committee provided Uber, Lyft and Sidecar with the opportunity to share any industry issues or concerns to be included in this report. Uber submitted a brief statement regarding its service provision in the District.<sup>lxxxv</sup>

*Uber is always working to make the Uber experience as hassle-free as possible for our riders and driver-partners. Uber's service has significantly improved access to for-hire transportation services for individuals with disabilities in the District, including deaf, blind and developmentally disabled individuals. Uber is encouraged by the increase in the number of wheelchair accessible vehicles in the District and is engaged in productive conversations with various groups to promote continued improvement in this area.*

*In May 2015, Uber released app updates specifically for deaf and hard-of-hearing driver-partners. These updates incorporated suggestions and feedback from drivers as well as the National Association of the Deaf, the nation's leading non-profit advocating for economic empowerment for deaf and hard-of-hearing people. These changes have had a significant impact on drivers and their riders.*

An August 2015 WAMU 88.5 story detailed the call for Uber to provide WA vehicles from District advocates. Dennis Butler, Deputy Chair of this Committee is quoted, "Uber really needs to step up to the plate and provide the [WA] vehicles."<sup>lxxxvi</sup>

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### E. DC ACCESSIBLE VEHICLE FOR HIRE UPDATE & INDUSTRY CONCERNS

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<sup>4</sup> Cases include, but may not be limited to: National Federation of the Blind of California et al v. Uber Technologies, Inc.; McPhail v Lyft, Inc (Austin, TX); Dan J. Ramos, Laura Posadas, and Tina Williams vs Uber Technologies, Inc and Lyft, Inc (TX); and Kiran Vuppala vs Uber Technologies, Inc (NYC, NY).

<sup>5</sup> According to the DOJ statement, "in this context, "operates" includes "the provision of transportation services by a ... private entity itself or by a person under a contractual or other arrangement or relationship with the entity." 49 C.F.R. § 37.3. Thus, an entity may operate a demand responsive system even if it does not itself provide transportation services, if it does so through a contractual relationship with another entity or even individual drivers. Indeed, as explained in the DOT guidance, while an entity may contract out its service, it may not contract away its ADA responsibilities. See 49 C.F.R. pt. 37, app. D § 37.23; see also 49 C.F.R. § 37.23(d)."

## I. Current Status

Currently, DC taxi companies own 141 WAVs<sup>lxxxvii</sup> out of the approximately 6,500 public VFH. Approximately, ninety-nine (99) VFHs are running on a regular basis,<sup>lxxxviii</sup> providing service to individuals with mobility disabilities who use wheelchairs and live, work, and/or travel in and around DC. No private VFH providers offer WAV service at this time. The Committee acknowledges that DCTC, WMATA, DC Office of Human Rights (OHR), and the Office of Disability Rights (ODR) have been diligently participating in or creating programs to address the need for greater availability of accessible transportation services for all users in the District. Current activities are summarized below. The Committee hopes the District will continue increasing access for all.

**DCTC/WMATA Transport DC Pilot Program** – DCTC and WMATA have collaborated to provide Transport DC (formerly CAPS-DC) service. The program provides an alternative taxi service to MetroAccess eligible passengers. The program initially was limited to passengers going to and from dialysis appointments (from October 1, 2014 – January 31, 2015), then to passengers going to and from medical appointments (February 1, 2015 - April 31, 2015), then to and from any destination within the District (May 1, 2015 - present). The Transport DC call number connects passengers to either Yellow Cab or Transco who confirm the passenger's MetroAccess ID number. Transco and Yellow Cab, the two companies who initially applied to provide CAPS-DC service, have a one year contract to run the digital dispatch service.

MetroAccess customers with District residency are eligible participants given opportunities to travel spontaneously with up to two other companions directly to and from their chosen destinations, without the inconveniences of a shared ride program. However, WAVs are not only limited to Transport DC eligible participants. While Transport DC participants have priority, participating WAVs are also available to the general public.

Each Transport DC trip costs a combined \$33 for the District and passengers. Twenty-eight (\$28) of the \$33 is paid by DCTC and \$5 of the \$33 dollars is paid by the Transport DC customer. Each driver earns \$20 per trip and the remaining \$13 is maintained by the company. Each company is required to purchase a new WA vehicle every 3,000 trips under the Transport DC program. In an effort to put additional wheelchair accessible taxicab vehicles in service DCTC collaborated with WMATA to auction 33 vehicles that were purchased by Yellow Cab of DC and Transco, Inc. DCTC issued grants for each purchase up to \$4,800 and grants up to \$1,500 to have the vehicles retrofitted (installation of dome light, taxi meter, dispatch equipment, paint each vehicle in the DCTC uniform colors).<sup>lxxxix</sup>

Traditional MetroAccess trips cost the District an average of \$50 per trip, \$100 roundtrip. According to WMATA's Customer Service and Operation's Committee, Transport DC runs at about half the cost of MetroAccess.<sup>xc</sup> DDOT has committed funding for \$2.8M in FY 2016. Committee advocate stakeholders are concerned that allocated funding may not be adequate to meet demand as awareness of the program increases.

DCTC has marketed the Transport DC program throughout the year, using newspaper, radio, television, and mobile geo-fencing ads. Additional and continued efforts to ensure the public is aware of the program are needed. DCTC holds a user group each month to generate feedback. Independent owner/operators who reside in the DC can participate through the Transport DC grant program.

The Committee submitted comments to DCTC regarding the Transport DC program and provided the following recommendations: 1) Passenger feedback compiled regularly; 2) Revisions and changes to the Transport DC program are implemented, as needed, and; 3) WMATA and DCTC find ways to allow independent owner/operators to participate if the program is successful.<sup>xcii</sup>

Ridership has increased steadily, as participants were allowed to use the service to travel to more destinations and more riders became aware of the program. In November 2014, after the completion of the first month, Transport DC provided 654 rides. By January 2015, the amount of rides nearly doubled to 1,212. During the month of July 2015, when Transport DC rides became open to all MetroAccess customers, there were 7,456 trips. During the month of August there were 8,723 trips, suggesting a growing demand.<sup>xcii</sup>

The Committee feels the program has been a success and recommends further funding by DDOT and WMATA for an increased number of Transport DC trips to MetroAccess-eligible passengers over the year. Other committee recommendations include: A) providing incentives for all WAV drivers to participate in the Transport DC service; and B) increasing the percentage and number of WAVs on the road so that customers using wheelchairs can hail a WA vehicle, as well as call dispatch.

**DCTC Anonymous Riders Program** – DCTC has continued to run the Anonymous Rider Program. The program deploys anonymous riders, including: African Americans and Caucasians; males and females; riders representing a wide range of ages; an individual using a wheelchair, and; a person requiring the assistance of a seeing-eye dog.<sup>xciii</sup> A recent report from January – June 2015 revealed that 26 out of 86 riders with disabilities participating in the program were denied service.<sup>6xciv</sup>

**DCTC/OHR Anti-Discrimination Initiative** – OHR and DCTC launched a new taxi complaint form and process in 2014 to make it easier to file discrimination complaints against taxi drivers or companies. Available on both agency websites, the taxi discrimination complaint form simplifies the information required for reporting possible discrimination and simultaneously files the complaints with OHR and DCTC. Each agency launches independent investigations of a reported incident, potentially holding drivers liable for damages at both agencies when discriminatory behavior is found. The process is in response to an OHR Director’s Inquiry that showed only a small percentage of complaints to DCTC were labeled as discriminatory.

OHR revised its complaint page, indicating that passengers may file a discrimination complaint against private VFH services using the same form. Currently, companies and their drivers can be held liable for discrimination claims. A recent DCTC proposed rulemaking may attempt to waive company liability.<sup>xcv</sup>

**Age Requirements** – January 2015, DCTC adopted new taxicab vehicle retirement regulations. Maximum vehicle ages are now extended for WA public VFH. WA vehicles that utilize:

1. CNG or fuel cells may remain in service for 12 years;
2. Diesel, E85, or LP may remain in service for 11 years;
3. Hybrid gasoline may remain in service for 10 years, and;
4. Standard gasoline may remain in service for 8 years.<sup>xcvi</sup>

Age requirements for private VFH allow vehicles that are 10 years of age at entry into service and up to 12 model years of age while in service.<sup>xcvii</sup> There are currently no age requirement incentives to drive a fuel efficient or WA private VFH.

**Transport DC Grants** – August 2015, DCTC established a grants program to assist District residents and taxicab companies to obtain new WA vehicles. Applications were available to drivers with a valid H-tag and taxicab companies that have met the 6% WAVs requirement. All those awarded a grant were required to agree to participate in the Transport DC program. In addition, an online sensitivity training program developed in partnership with ODR was required for accepting the grant.<sup>xcviii</sup> Drivers residing in and outside of the District could apply for grants towards renting a WA vehicle and towards WA vehicle training.

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<sup>6</sup> District passengers are not alone in facing discrimination. According to a 2015 National Council on Disability report: *Transportation Update: Where We’ve Gone and What We’ve Learned*, “In some cities, people with various disabilities—wheelchair users, users of crutches, and blind people, among others—are often passed up by taxicabs.” (p. 259)

As of September 2, 2015, DCTC had awarded \$572,495 in grants to District taxicab operators. Applications are still being accepted through September 30, 2015 for the Transport DC Expansion Grants Program, as a balance of \$177,505 remains to be awarded.

Twenty (20) grants of \$7,500 with matching \$5,000 grants from Mobility Ventures were being offered toward the purchasing of MV-1 wheelchair accessible vehicles (WAVs). MV-1 WA vehicles were being made available at a discounted price of \$25,000. As result of current grant opportunities, MV-1 WA vehicles could be acquired for \$12,500. The success of this grants program has convinced Mobility Ventures to make additional specially priced MV-1 vehicles available.

To date, seven (7) grants at \$7,500 have been awarded by DCTC: two were awarded to individual drivers and five grants went to a company. Seventy-six (26) grants of \$2,500 to offset the cost to rent a WA vehicle have been awarded to twelve (12) individual drivers and six (6) companies. There were two training grants designed to provide free disability sensitivity and vehicle operation training to any District taxi driver.<sup>xcix</sup> DCTC is currently developing the training program.

**Universal App** – DCTC is working with public VFH stakeholders to develop a universal app. The app would allow all DC public VFH operators to respond to service requests submitted from customers’ smartphones similar to apps utilized by private VFH operators.<sup>c</sup> According to proposed emergency rulemaking, the co-op would determine rates and fares. All public VFH operators will be required to be signed in to the app while on duty. A co-op will provide management, service and support. The co-op will be “owned and operated for the mutual benefit of all of its members, for the purpose of promoting the use of available DCTC-licensed taxicabs, including wheelchair accessible vehicles, by the residents of and visitors to the District.” In addition, the co-op “shall promote the availability of wheelchair accessible taxicab service, and may use incentives to owners and operators to support such availability.”<sup>ci</sup>

**Issuance of New Public VFH Licenses** – February 2015, DCTC convened a Panel on Industry (POI) to address the various issues pertaining to H-Tags, namely whether additional tags and vehicle operating licenses should be issued so that rental drivers could operate vehicles of their own.<sup>7</sup> The POI compiled a report commonly referred to as *The H-Tag Report*.<sup>cii</sup> The POI recommends that, based on the findings of a *2014 Taxicab Study*, 191 new licenses be issued to meet demand and a similar study should be conducted to determine demand every 2 years.<sup>8</sup> Additional licenses should be issued if new licenses are supported by a market study. The new licenses should be distributed to drivers who surrendered their tags, and drivers who trained at the University of the District of Columbia in the 2 years prior to the moratorium. Any remaining licenses should be distributed via lottery. The POI declined to comment on whether licenses distributed should be for wheelchair accessible vehicles.

The POI collected feedback on H-Tag issues through an H-Tag information form that was placed on the DCTC website, through review of other stakeholder comments and public hearings, and of a *2014 Taxicab Study*. According to the H-Tag Report, over 1,000 forms were collected. The most common argument expressed came from drivers who had never held an H-Tag. They argued for a return to an open system and, “notably, many of these drivers supported issuing H-tags *only* for new, fuel efficient, wheelchair accessible vehicles.”<sup>ciii</sup>

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<sup>7</sup> According to the POI’s *H-Tag Report* (August 2015) both companies and driver are restricted from obtaining new H-tags due to a moratorium that has been in effect since 2009. An H-tag is a vehicle tag issued by the Department of Motor Vehicles with the letter H, which indicates authority from DCTC to operate as a public VFH. Vehicles may not be operated without a separate, and initial, public VFH license issued by DCTC. The public VFH license is a professional license “not freely distributed due to public policy reasons like safety and consumer protection.”

<sup>8</sup> The Chairman of the POI recommends returning to the open licensing system.

DCTC issued a Notice of Proposed Rulemaking September 11, 2015 which stated that it would not issue any new Independent Taxicab Numbers.<sup>civ</sup>

**DCTC Proposed Vehicle Modernization Program (Repealed)** – According to a DCTC press release, DCTC proposed Chapter 5 regulations that would have created a “Vehicle Modernization Program which would allow the formation of new associations that agree to have fleets that are 100% wheelchair accessible and use fuel efficient vehicles by a specific date...The current Vehicle Modernization Program mandates that no vehicle more than seven model years will be in service by 2018.”<sup>cv</sup> Currently, there is a hold on the release of H-Tags. The permit is needed to drive a taxi sedan in the District. The program would have allowed for the release of new accessible vehicle tags that could be sold in the future, as long as the tags remain active. The program was repealed July 10, 2015.<sup>cvi</sup>

**DC Taxicab Service Improvement Amendment Act of 2012 (DC Taxi Act) Requirements** - Under the DC Taxi Act, each taxi company with 20 or more taxicabs in its fleet as of July 1, 2012, was required to dedicate a portion of its fleet to wheelchair accessible taxis:

- 6 percent by December 31, 2014;
- 12 percent will be required by December 31, 2016; and
- 20 percent by December 31, 2018.<sup>cvi</sup>

The Committee is working to compile data that would allow for WA public VFH projections based on the percentage mandates. The Committee will submit this data to the DC Council and Mayor as soon as it is made available.

In February 2015, DCTC implemented the requirements providing companies an additional one hundred eighty (180) days to comply with the DC Taxi Act requirements. On July 1, 2015, DCTC announced that eighty-six (86) wheelchair accessible vehicles had been added to the District taxicab fleet, as a result of the DC Taxi Act percentage requirement. Of the ninety-one (91) companies authorized to operate in the District, nineteen (19) had not met the required mandate and filed appeals. Five (5) companies did not meet the mandate and were ordered to cease operations.<sup>9</sup> According to the DCTC website, as of September 19, 2015, 3 companies had been served cease and desist notifications, while 3 continued to await a statement on their appeal.<sup>10,cviii</sup>

In addition, the DC Taxi Act provided new requirements for taxi employee training, responding to street hails from people with disabilities, and dispatch service.<sup>cix</sup> The DC Taxi Act requirements could increase the numbers of accessible taxis in fleets more than 200 WAVs by 2018, based on 2013 data,<sup>cx</sup> though there are no current requirements for companies to ensure the accessible taxis are being used to provide service.

**The Vehicle-for-Hire Innovation Amendment Act of 2014 (VFH Amendment Act)** - The VFH Amendment Act became effective March 10, 2015. DCTC has published emergency proposed rulemaking the currently extends to November 5, 2015 to implement the VFH Amendment Act.<sup>cx</sup> The Act requires zero tolerance anti-discrimination policies be adopted by all private VFH companies. By January 1, 2016, the Act also requires companies providing digital dispatch to ensure that their respective websites and mobile apps are accessible to customers who are blind, visually impaired, deaf, and hard of hearing. Additionally, a report from individual

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<sup>9</sup> Companies that have filed appeals include: Ambassador Cab Association, Black Pearl Cab Company, Classic Cab Association, Columbia Cab Association, Constitution Cab Company, Dial Cab Company, Dynasty Cab Company, Empire Cab Association, Essence Cab Company, Fairway Cab Association, Luxury Cab Company, Maine Cab Company, Meritt Cab Association, Patriot Cab Company, Presidential Cab Association, Rock Creek Cab Company, Silver Cab Association, Travelers Cab Company, and VIP Cab Company.

<sup>10</sup> Companies that have been served cease and desist notifications include Dove, United and Washington Cab. Patriot, Rock Creek and Maine Cab have filed appeals and are awaiting settlement.

taxi companies must be submitted to the Council's Committee on Transportation and the Environment on how the company intends to increase WA public or private VFH service to individuals with disabilities.

Notwithstanding any other law, the VFH Amendment Act prohibits the DCTC from requiring private VFH to provide a list or inventory of vehicles or operators, including the numbers of wheelchair accessible vehicles. A company that provides digital dispatch, including a company that dispatches private VFH, is exempt from regulations by the DCTC other than the rules required to ensure compliance with the Act. Additional accessibility requirements of the Act can be found in the legal requirements section of this report.

## II. Industry Issues & Concerns

The Committee reached out to industry representatives to get a sense of overall industry issues and support for provisions of accessible service. The following are the responses verbatim. These are not the views of the Committee, nor do they represent the entirety of the VFH industry in the District.

***The Washington D.C. Taxi Operators Association** represents more than 2,000 taxicab drivers committed to providing accessible service to the residents and visitors of our city. The number of WA vehicles has increased in the District of Columbia and going forward there is a scheduled increase. The DCTC has provided some incentives to accelerate the numbers but the right policy mix has yet to be implemented.*

*For example the DCTC vehicle replacement schedule is impracticable within the new competitive environment. TNCs are permitted to bring a vehicle into service at 10 years old and keep the vehicle on the road until it is 12 years old, while a standard gasoline WA taxi is only allowed on the road if it less than 5 years old and under 100,000 miles. This WAV is only allowed on the road for 8 years under the vehicle replacement schedule.*

*Furthermore, the cost of purchase is often prohibitive. The DCTC announced a grant program offering \$7,500 for assistance with the purchase of a new WA vehicle. However, the grant was limited to Washington D.C. residents when the overwhelming majority of taxi drivers live in Maryland and Virginia. Drivers want to provide the service. As we continue to work with the DCTC we will encourage the agency to adopt policies that expand opportunities for drivers and create practical incentives within the new competitive environment.<sup>cxii</sup>*

***Yellow Cab Co. of DC Inc.** fully supports the continued efforts of the Disability Advisory Committee to increase the levels of accessibility to public transportation specifically in the private and public for hire areas. We fully support programs that will promote greater awareness of the ADA guidelines and all efforts underway to implement driver education in this critical area. We have submitted ideas to the Taxicab Commission on increasing the wheelchair accessibility fleet in the District and hope that these ideas will be given serious consideration.*

*Yellow Cab Co. fully demonstrates our commitment to increasing transportation accessibility by being one of the leading accessibility service providers for rollDC for the past five-years and the Transport-DC Pilot program which started in October 2014. We are deeply concerned that private for-hire entities are not being held to any standards or mandates to increase transportation accessibility in the District. We are disturbed by their exhibited lack of social awareness and sensitivity by failing to lend their substantial resources to improve transportation accessibility for the disabled community. Furthermore, their insistence on trying to utilize the resources mandated by the City and funded by the taxicab industry will not lend to the much needed increased vehicle and service capacity.<sup>cxiii</sup>*

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## F. COMMITTEE RECOMMENDATIONS TOWARD IMPROVING VEHICLE FOR HIRE SERVICE

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### I. Support of Accessible Vehicle for Hire Services in Local Legislation

There is currently one Council bill under consideration that could increase the availability of, and improve the environment for, accessible VFH services. The Committee supports this bill with proper attention to highlighting the need for increased accessibility across all modes of transportation in the District.

**B21-0313, Transportation Reorganization Act of 2015** - The bill would reorganize the District's agencies responsible for transportation options and public rights-of-way, including: public and private VFH; streetcars; bikeshare; parking meters and regulations; sidewalks and curb cuts and; crosswalks. The bill is currently being reviewed by the DC Council's Transportation Committee. The Committee requests that any District transportation agency or provider, including Public and Private VFH companies, will ensure that all provided services are fully accessible to all people with and without disabilities. With the recent rise in competition from private VFH companies, the emphasis for accessible taxi service needs to be strengthened and more thoughtful strategies are required to be implemented to ensuring access to all VFH services in the District.<sup>11</sup>

### II. Achieving a Fully Accessible Vehicle for Hire Fleet within the District

The Committee recommends working within an open entry, or equitable system, for both private and public VFH, with the long-term goal obtaining a 100% universally accessible fleet. While an open entry taxi system allows for greater flexibility among drivers entering the market, integrating our accessibility goal will require: A) Additional regulations and incentives; and B) Enhanced training and public awareness, enforcement, and administrative improvements.

#### A. Regulatory System Changes Necessary for Achieving a Fully Accessible Vehicle for Hire Fleet

Obtaining a 100% universally accessible VFH fleet is attainable. Regulatory changes and providing incentive-based options have provided opportunities toward a more fully accessible VFH fleet.

The Committee recommends the following:<sup>12</sup>

- 1. Require all private and public VHF operators to provide meaningful WAV service in the District. There should be a percentage requirement of WAVs provided and made available by private VFH.** Private VFH are not required to have WAVs. The DC Council should consider limiting the number of available private VFH to ensure a competitive market, and provide more WAVs in the District to meet the increased demand and needs of passengers who use wheelchairs.
- 2. Release an equal number of Accessible H- Tags to replace VFH removed from the street due to non-compliance with the DC Taxicab Service Improvement Amendment Act of 2012 (DC Taxicab Act).**

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<sup>11</sup> The SFMTA Taxicab and Accessible Services Division (TAS) presented on the status of the taxi industry to the SFMTA Board. ("Taxicab and Accessible Services Division: Status of Taxi Industry," September 16, 2014). The TAS stated that from 2013-2014 wheelchair trips declined and ramp (ie, wheelchair accessible) medallions had been turned in. TAS attributed the decline to the impact of the TNCs provision of service in the area and a misaligned regulatory framework. Refer to Section C, Table 2 above for details on how TAS has worked to maintain accessible service

<sup>12</sup> The Committee discussed, but did not agree on a recommendation to exempt passengers requiring a WAV from paying the \$2 digital dispatch fee currently applied. DCTC fare regulations require an extra \$2 fee for passengers who call to request a taxi. With limited numbers of WAV in the District, the majority of customers requiring a WAV must call to access service.

At least 3 public VFH companies have ceased operation due to their inability to set aside 6% of its fleet to wheelchair-accessible taxis in accordance with the DC Taxicab Act. The 2014 Taxi Study released by DCTC cited the need for 6,141 public VFH in the District. While the numbers of public VFH do not meet demand, an equal number of accessible H-Tags should be released to replace tags turned in when a company ceases operations.

3. **Release 191 accessible H-Tags permits to: A) Drivers who previously held H-Tags in the District and B) Operators of WAVs provided through public VFH companies.**

The 2014 Taxi Study released by DCTC suggested that an additional 191 tags could be released to meet demand.

4. **Require all public and private VFH digital dispatch applications with capabilities allowing passengers to request WAVs.**

Due to the fact that there are limited numbers of public VFH WAVs, the Committee recommends ensuring future and existing apps allow passengers to request WAVs. The opportunity to hail a WAV from the street is extremely limited. Passengers with wheelchairs must be afforded the same access to transportation options as other passengers without disabilities.

5. **Require communication access to videos.**

Currently, screens of many public VFH payment systems provide informational videos, including videos released by District agencies, while the passenger is en route. In accordance with the ADA, these videos are required to provide captioning and be accessible to Deaf and Hard of Hearing passengers. All forms of communication and videos provided by public or private VFH should be accessible to all.

6. **Require digital dispatch companies, public and private VFH companies, and owners that do not currently provide accessible service to pay into a District Accessible Service Fund.**

Digital dispatch companies including private VFH and owners, and companies that do not provide themselves, or don't have service agreements with providers of accessible VFH service, should be required to pay into a District Accessible Service Fund. This fee could go towards the purchase of an accessible VFH, training, and/or costs needed to more fully implement accessible VFH service in the District. The Council should also consider whether District stakeholders that would benefit from increased accessible VFH service, such as the hospitality industry, should be required to pay into the Fund.

7. **In conjunction with the DCTC's age restrictions for public VFH, require that replaced VFH meet a universally accessible design**

As noted above, between 2013 and 2017, all vehicles older than seven years will be removed from service.<sup>cxiv</sup> The Committee recommends the District update their regulations to require that beginning in 2016, all new VFH licensed in the District meet a minimum set of accessible design standards.

That standard should be determined through stakeholders including advocate and driver feedback. The District could support this accessible public VFH replacement process through a variety of means, such as providing accessible taxis to lease, loan guarantees, tax credits or other incentives towards the purchase of new, accessible vehicles. Alternatively, the District could provide increased incentives for the replacement of an older vehicle with an accessible model for a limited time period (for example, 2016-2017), and then move to the accessible design taxi requirement for all new vehicles starting in 2018.

The Committee believes replacing aged-out vehicles with accessible vehicles is a feasible model for rapidly increasing the number of accessible public VFH. In comparison, the ADA required public buses

that aged out to be replaced with accessible models over time. As a result, and within a relatively short period of time, the nation's public bus system became accessible to nearly all passengers.

The Committee recommends establishing, and updating over time, an accessible VFH design standard rather than requiring the purchase of a specific vehicle. A Commission of members from DCTC, ODR, the taxi industry and disability rights community, in consultation with the U.S. Access Board, should set and agree upon these accessible taxi design standards. The standard should incorporate existing ADA requirements regarding space and safety, and should also include vehicle requirements such as ramp location, as well as ramp or entrance height and slope requirements that are accessible for wheelchair and non-wheelchair using passengers who may require lower steps or slope. Additionally, these standards should include consistent accessible payment options, which should be paid for through the Access Fund, and some vehicles that would allow two wheelchair users to travel together in the same taxi. The District could then incentivize manufacturers who develop vehicles that meet or exceed these standards.

**Please note:** while the majority of the Committee supports the above recommendation, Yellow Cab disagrees with the recommended approach. Yellow Cab proposes long-term city subsidies, less restrictive vehicle acquisition policies, expanded age limits, granting of WA tags to drivers who have never owned one through a lottery, and mandated centralized dispatch as the solution for a sustainable accessible vehicle program.

#### **B. Regulatory Incentives toward an Accessible Vehicle for Hire Fleet**

Incentives for acquiring WAVs to increase fleet percentages are an important component in achieving a 100 percent universally accessible public VFH fleet in the District. Many drivers work long hours, for low rates, yet rely on their jobs to support their families. However, the Committee does not recommend any additional incentives to provide trips to people with disabilities vs. people without disabilities. The Committee *does* recommend the following:

- 1. Increase the age allowance for accessible public and private VFH and/or allow them to remain in service for as long as they pass inspection. Decrease the age allowance for inaccessible private VFH.**  
Allowing a longer vehicle life provides a significant incentive to drivers. DCTC increased the vehicle life for WAV public VFH this past year. The age allowance, 12 years for a Compressed Natural Gas (CNG) WAV, is equivalent to the age allowance for an inaccessible private VFH, decreasing the incentive to drive a public WAV over an inaccessible private VFH. Given the high upfront costs of purchasing an accessible VFH, allowing more years on the road will help drivers recoup their initial investment.
- 2. Allow accessible public VFH to go to a separate line at Union Station and area airports.**  
In other jurisdictions, such as Chicago, accessible public VFH are allowed to forego long lines at airports. This solution provides for more efficient service for passengers, and provides an incentive to the driver who no longer needs to wait in long lines.
- 3. Introduce a tax credit for accessible VFH owners.**  
New York State provides a tax credit for owners of accessible public VFH. The credit provides up to \$10,000 per new vehicle or new modifications. Tax credits provided in DC, Virginia and Maryland could decrease the cost of accessible VFH purchases for DC VFH drivers.
- 4. Waive license or training fees for accessible VFH owners.**  
An additional barrier often cited for increasing the number of accessible VFH in service is the higher operating cost. Waiving these fees for owners of accessible VFH could provide an incentive to owners and potential operators.

**5. Give an annual award to a taxi driver of a WAV who provides outstanding service.**

As an incentive, Chicago awards a Driver Excellence Award to the most outstanding driver of an accessible taxi. They solicit input from the disability community, and the winning driver receives a wheelchair taxi medallion. Here, the District could offer prizes such as a longer lease, a used or new accessible public VFH, or a training and license package.

**6. Use District Accessible Service Funds to create a WAV lottery.**

Funds collected through the existing passenger surcharge, from DCTC, or from dispatch companies or owners of inaccessible VFH, could be used for a lottery. Independent owners and drivers could submit their names to win an accessible taxi.

**7. Continue to utilize financing options identified in the *February 2014 Comprehensive Report* (eg, public-private partnerships, a public VFH company or dispatch-provider fee, federal matches) to purchase accessible VFH to lease or sell.**

The District, in partnership with a private company, non-profit, foundation, wellness stakeholders, the hospitality industry, or other city or urban areas – and/or with the use of federal grants or loans – should continue to explore opportunities to work with vehicle manufacturers to determine whether it is possible to negotiate a lower price for new accessible VFH. The use of this model could also help drive improvements in accessible VFH, and could make operating such a vehicle attainable for independent owner-drivers who might not be able to purchase a vehicle outright.

### **C. Enforcement, Transparency, Accountability of Existing Laws & Regulations**

The Committee recommends that procedures and systems, along with responsible personnel, continue to enforce, monitor, support, and report on increased accessible VFH service in the District. Continued enforcement of the increasing percentage requirements will be important to ensuring full and equal access to VFH in the District. A progress report should be provided during the DCTC annual budget and performance hearings.

### **D. Training**

In addition to the regular training curriculum, the training of VFH drivers should include disability sensitivity, ADA and other legal requirements, and operational and equipment training (use of restraints, seat belts, etc. within the vehicle). DCTC should consult with the accessibility advisory committee, the Office of Disability Rights and the Office of Human Rights in the creation of driver training materials.

All new and currently licensed public and private VHF drivers should complete this training. All current drivers should also be required to be retrained every two years when they apply for license renewal. This training could be an opportunity for drivers to be provided with both policy and cultural competencies, which will help create a community of well-informed drivers.

### **E. Public Awareness**

The Committee recommends implementing a public education campaign about the availability of accessible VFH, and how to access a VFH. In this context, the messages and mediums should be geared toward two separate target audiences: (1) all District residents and visitors, and (2) District residents and visitors in need of accessible public VFH. Some examples of important locations for this information include Union Station, the Convention Center, hospitals and regional and national airports, Metro stations, and high volume bus stops.

#### Importance of Public Awareness

Public awareness strategies are important for creating public buy-in and increasing accessible VFH demand in the early stages of the proposal. For people in need of accessible VFH, information about the availability of those vehicles, and how to access them is critical for helping set a strong foundation in achieving the promise of the program's goals. Moreover, raising awareness about the benefits of having accessible VFH available for

all District residents and visitors can also aid in increasing demand for, and use of, these vehicles. Please refer to the *February 2014 Comprehensive Report* for details on how such a campaign could be implemented.

## Conclusion

The Committee acknowledges the willingness of the DC Council and hard work of the DCTC staff to implement a handful of our previous recommendations including: providing grants for WAVs for both companies and individual drivers; providing grants for training and rental costs; and increasing age requirements for WAVs. There is no doubt, as is reflected in the stories shared in this report, that increased WA VFH service in the District is improving lives. We urge the Council, Mayor, and DCTC to continue to make improvements and prioritize accessible transportation. We urge you to consider the recommendations made in this report, ***most importantly, we urge you to ensure private VFH are expected to provide accessible service.***

It is critical for the District to ensure both public *and* private WA VFH service is available to all. In 2015, the nation and the District celebrated and reflected on the positive impact that the ADA has had for 54 million Americans with disabilities. Setting a long-term goal of an universally accessible VFH system, where any provider could transport any passenger, including passengers with a disability, will allow the District's residents to travel to work, school, make spontaneous trips for fun and in emergencies when there is no other alternative. The District can and should lead the nation – ensuring that access to all transportation services is available to each and every District worker, visitor, and resident.

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- <sup>x</sup> Institute on Disability, University of New Hampshire (2014). Table 4.1: Poverty—Civilians with Disabilities Ages 18 to 64 Years Living in the Community for the United States and States: 2013. *Annual Disability Statistics Compendium*. Retrieved from <http://disabilitycompendium.org/compendium-statistics/poverty/4-1-poverty-civilians-with-disabilities-ages-18-64-years-living-in-the-community-for-the-u-s->
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- <sup>xxix</sup> 49 CFR § 38.23 (1991).
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- <sup>xxxi</sup> 49 CFR § 37.167 (f) (1993).
- <sup>xxxii</sup> 49 CFR § 37.5 (1991).
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## APPENDIX – A

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### Full Responses to Committee Request for WAV Vehicle for Hire Stories

#### Stories from Dennis Butler

I remember working for a federal agency. At 3p I would usually begin to look for a ride home. I would call a Maryland taxi company that had vans. When I was lucky I got a ride. Sometimes I had to use an address in Maryland that was close to my residence: MD vans were prohibited from transporting passengers only in DC at the time. Sometimes I would try the subway if a taxi was unavailable. Sometimes I was still in the office at 8pm with few options.

Now I call one of two taxi companies and request a van. Usually a van arrives when I request it. Sometimes I may have to wait 15 minutes.

As an independent-minded quadriplegic, I like to spend a lot of time outside. When I want to go somewhere I do not think about it or develop a plan, I go. Sometimes the lack of planning ends my outing when the battery dies or, as the subway elevator door closes and I remember that I forgot to ask someone to press the button, allowing for an impromptu moment of contemplation. Ripe with youthful optimism I would sit and wait for a passer-by to call on the elevator. Taxi vans have helped me rid myself of elevator moments on the subway. I arrange for a van and contemplate the scenery from the window.

#### 3 Different Scenarios with Transport DC from Heidi Case

##### Experience #1

I was at Washington Hospital Center on Friday evening the 31st of July waiting to see my good friend in the recovery room after surgery and then up to her room after that. It was getting very late after I saw her in recovery and spoke to her surgeon but they still did not have an open bed in the surgical floor for her to be moved to. My concern would normally be my own transportation back home. I certainly could not have planned a pickup time the day before as required by MetroAccess, and I did not want to take public transportation home after 10:00 pm at night. Fortunately because of the Transport DC program and the increased number of wheelchair accessible cabs, I was able to call them to come pick me up at the hospital and take me home when I was ready. I was waiting for her to have a room so I would be able to safely leave her personal items in her room, which I had been asked to hold by the hospital staff until she was settled in a hospital room.

Waiting for someone to get through surgery can be a stressful experience, but knowing I would have access to an accessible mode of public transportation on demand made the whole experience better! Thank you Transport DC.

##### Experience #2

I had a Dr. appt at the National Rehabilitation Hospital (NRH) on Wednesday August 19th and finished my appt. after 5:00. As I went out to the Receptionist desk to schedule my return appt. There were several upset NRH staff members talking to another patient who was elderly and walked with difficulty with a cane. They were upset because MetroAccess had left the woman at NRH because she had not gotten out to the van fast enough, even though staff had been out there asking that MetroAccess wait for her to get out to the van. The Patient was upset because Medicaid had already paid MetroAccess for the trip ahead of time so she had no cash with her.

I shared with the staff and patient about the Transport DC program and how to use it and I shared the call in number. One of the Staff members offered to give the patient the \$5.00 fee and they called to schedule a cab. Both Staff and the patient was very grateful to have a solution to their transportation problem. Thank goodness for Transport DC!

### Experience #3

One day while waiting for a bus to come at the "Bus Circle" at Washington Hospital Center for my ride home I saw a taxi making a round at the circle to see if anyone wanted a taxi ride home. I was thinking how nice it would be to just be able to hail that cab and get home so much more quickly than the bus and then train ride would do. I was tired and it had been a long day. However I would need a full wheelchair accessible taxi and in my experience, I had never seen one driving by when I needed one.

However just as it was passing I saw the rear end and realized it had the foldable ramp in the back, and was actually a wheelchair accessible taxi. I screamed, "wait!" and the taxi stopped. I had used Transport DC before and knew about the \$5 flat ride for MetroAccess customers. The Taxi driver offered to let me call in so he would only have to charge me the \$5, but I said no. I was so excited to be able to hail a taxi that I could use, I said I would pay the full fare to get home! That experience gave me a vision of "the future" when accessible taxis would be the norm in DC, not the exception. It was an exhilarating experience!

### **A Success Story about What DCTC Meant to One Family from Mary Jane Owen**

Recently our beloved cat, Toi Toi, became very sick with an impacted colon. She was in pain, took to hiding under the furniture, and crying. All normal body systems seemed to stop functioning. It was obvious that she had to go to the doctor but she had always resisted any restrains to her movement. She didn't like to be picked up and certainly did not want to be put into any sort of box. The task of "capture" made it impossible to anticipate just when she could be found and "forced" into any sort of container. It took a number of "captures" followed by several attempts to force her still muscular body into a carrier. It was unpredictable when she would be "ready" to be taken to the Friendship Animal Hospital. This was an emergency situation with an unpredictable time frame. Metro Access was not going to work and as a motorized wheelchair user the usual taxi trip was not going to fill the bill.

DCTC came to the rescue. Once she was in the carrier a simple call and a wait in the lobby meant we successfully arrived at the Friendship Animal Hospital, exhausted by the struggle of "capture" but aware that we were in professional hands. She was finally hospitalized for several days. We needed the help of DCTC for three trips back and forth with Toi Toi and the carrier.

The trips were complicated by the fact that the facility was on a stretch of street where machinery was being used to construct a new building and the street was closed so there were challenges in getting to the front door. This meant that the drivers had to be flexible in both drop off and pick up. They were all up to the task and there were no unsolvable challenges.

Toi Toi is now home and has gotten her zest for life back. She seems a bit more willing to accept change - - the vets and the procedures forced her to learn that lesson of "letting go" of her need to have her feet on the ground. We are so happy that DCTC came to our rescue – just in time for a wonderful ending to what could have been a very different story.

Mary Jane and India Owen  
Washington, DC 20009

### **The Purpose of this Message from Mary Jane Owen**

The late afternoon call on my daughter's cell phone was expected to be an update on her return home to celebrate her birthday. Instead my joyful response was met by a gruff male voice inquiring if I was related to my daughter with no information other than to go to the ER at GWUH. Frantically I searched for transportation options and remembered I'd registered for a program new to me that did not require a 24 hour advance reservation. On the verge of hysteria I dialed the number that brought a taxi to my door. I did not see my daughter alive but I was there to grieve as her body was blessed and prayers uttered. I had a new right - - to be there during that first grieving with medical professionals

### **A Day in the Garden by Saleem Abdul Mateen**

Fatima called to say that her Mom, Ms. R, had been cooped up in the house for too many days. My question as always is, how I can facilitate the process? I am a wheelchair accessible vehicle (wav) operator in the Nation's capital. On the street I am known as Capitol 93 and it has been my pleasure to serve the DC wav community for nearly 5 years.

Although we agreed to touch bases before we proceeded I got a call yesterday indicating that Mrs. R was expecting my arrival today. As ALLAH would have it, it was perfect timing. The weather was a warm and sunny 80 degrees and I arrived a few minutes prior to our scheduled appointment. Ms. R was ready to go and she rolled out shortly, assisted by her nurse Kay.

We were headed to the Sculpture garden and it was a short trip downtown with the windows open and a soft breeze drifting through the vehicle. The classical music on the stereo had everyone in an idyllic mood. Fatima biked across town and was awaiting our arrival. Upon seeing one another Ms. R and Fatima both began to smile, you could see the striking resemblance of the two women.

I returned after a time to gather up Ms. R. She had a glow about her and you could tell that the fresh air and sunshine had lifted her spirits. Kay shared a story with me about the aggressive squirrel who wanted to share her lunch and the three of us had a good laugh as we proceeded to Mrs. R's home. Mrs. R told me about the sculptures, the foliage and the fountain in the garden. Most of all she was elated to have spent a day out and most especially a day out with Fatima. She is already looking ahead to her next outing.

Sometimes we work in the garden and sometimes the garden works in us.

PEACE.

Capitol 93

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## APPENDIX – B

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### DC Vehicle-for-Hire Innovation Amendment Act of 2014 (relevant sections)

#### **Sec. 20f-1. Accessibility of digital dispatch for individuals with disabilities.**

(a) By January 1, 2016, a company that provides digital dispatch shall:

- (1) Ensure that the company's websites and mobile applications are accessible to the blind and visually impaired and the deaf and hard of hearing; and
- (2) Provide a report to the Council's Committee on Transportation and the Environment, or its successor committee with oversight of for-hire vehicles, on how the company intends to increase access to wheelchair-accessible public or private vehicle-for-hire service to individuals with disabilities.

(b) A company that provides digital dispatch shall not:

- (1) Impose additional or special charges on an individual with a disability for providing services to accommodate the individual; or
- (2) Require an individual with a disability to be accompanied by an attendant.

(c) If an operator accepts a ride request through digital dispatch from a passenger with a disability who uses a mobility device, upon picking up the passenger, the operator shall stow the passenger's mobility equipment in the vehicle if the vehicle is capable of stowing the equipment. If a passenger or operator determines that the vehicle is not capable of stowing the equipment, the company that provides digital dispatch shall not charge a trip cancellation fee or, if such fee is charged, shall provide the passenger with a refund in a timely manner.

#### **Sec. 20f-2. Training of employees and operators.**

- (a)
  - (1) A company that uses digital dispatch shall train associated operators in how to properly and safely handle mobility devices and equipment and to treat an individual with disabilities in a respectful and courteous manner.
  - (2) Completion of a public vehicle-for-hire driver's training course approved by the Commission shall satisfy the operator training requirement of this subsection.

#### **Sec. 20j-(1-3). General requirements for private vehicles for hire.**

A private vehicle-for-hire company shall:

- (1) Create an application process for a person to apply to register as a private vehicle-for-hire operator;
- (2) Maintain an up-to-date registry of the operators and vehicles associated with the private vehicle-for-hire company;
- (3) Provide the following information on its website:
  - (A) The private vehicle-for-hire company's customer service telephone

number or electronic mail address;

(B) The private vehicle-for-hire company's zero tolerance policy established pursuant to paragraphs (9) and (10) of this section;

(C) The procedure for reporting a complaint about an operator who a passenger reasonably suspects violated the zero tolerance policy under paragraphs (9) and (10) of this section;

**Sec. 20j-7. Certification, enforcement, and regulation of private vehicles for hire.**

(e) Notwithstanding any other provision of law, the Commission shall not require a private vehicle-for-hire company to provide the Commission with a list or inventory of private vehicle-for-hire operators or vehicles associated with a private vehicle-for-hire company."

(m) Section 201 (D.C. Official Code § 50-329.02) is amended as follows:

(1) Subsection (b) is amended as follows:

(A) The lead-in language is amended to read as follows:

(b) A company that provides digital dispatch shall be exempt from regulation by the Commission, other than the rules issued pursuant to this subsection and subsection (c-1) of this section. The Commission may establish rules only to the extent necessary to ensure compliance with the following service requirements; provided that, the rules shall protect the personal privacy rights of customers and operators, and shall not result in the disclosure of confidential business information:".

**Sec. 20j-1(10-12). General requirements for private vehicles for hire.**

A private vehicle-for-hire company shall:

(10)(A) Establish a policy of zero tolerance for discrimination or discriminatory conduct on the basis of a protected characteristic under section 231 of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law2-38; D.C. Official Code§ 2-1402.31), while a private vehicle-for-hire operator is logged into a private vehicle-for-hire company's digital dispatch. Discriminatory conduct may include:

(i) Refusal of service on the basis of a protected characteristic, including refusal of service to an individual with a service animal unless the operator has a documented serious medical allergy to animals on file with the private vehicle-for-hire company;

(ii) Using derogatory or harassing language on the basis of a protected characteristic;

(iii) Refusal of service based on the pickup or drop-off location of the passenger; or

(iv) Rating a passenger on the basis of a protected characteristic;

(B) It shall not constitute discrimination under this paragraph for a private vehicle-for-hire operator to refuse to provide service to an individual with disabilities due to violent, seriously disruptive, or illegal conduct by the individual. A private vehicle-for-hire operator shall not, however, refuse to provide service to an individual with a disability solely because the individual's disability results in appearance or involuntary behavior that may offend, annoy, or inconvenience the operator or another person;

(C) Immediately suspend, for the duration of the investigation conducted pursuant to subparagraph (D) of this paragraph, a private vehicle-for-hire operator upon receiving a written complaint from a passenger submitted

through regular mail or electronic means containing a reasonable allegation that the operator violated the zero tolerance policy established by subparagraph (A) of this paragraph; and

(D) Conduct an investigation when a passenger makes a reasonable allegation that an operator violated the zero tolerance policy established by subparagraph (A) of this paragraph;

(11) Maintain records relevant to the requirements of this section for the purposes of enforcement; and

(12) Submit to the Commission for the purposes of registration:

(A) Proof that the private vehicle-for-hire company is licensed to do business in the District;

(B) Proof that the private vehicle-for-hire company maintains a registered agent in the District;

(C) Proof that the private vehicle-for-hire company maintains a website that includes the information required by paragraph (3) of this section;

(D) Proof that the private vehicle-for-hire company has established a trade dress required by section 20j-4, including an illustration or photograph of the trade dress;

(E) A written description of how the private vehicle-for-hire company's digital dispatch operates;

(F) Proof that the private vehicle-for-hire company has secured the insurance policies required by section 20j-3; and

(G) The certification required by section 20j-7; provided, that the Commission shall not impose a registration, licensure, certification, or other similar requirement for a private vehicle-for-hire company to operate in the District that exceeds the requirements set forth in this act.

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## ABOUT THE DC TAXICAB COMMISSION ACCESSIBILITY ADVISORY COMMITTEE

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On July 10, 2012, the District of Columbia City Council passed the DC Taxicab Service Improvement Amendment Act of 2012 (DC Taxi Act) to improve taxi service in the District. Section 20f of the DC Taxi Act addresses accessibility, required the DC Taxicab Commission (DCTC) to establish a Disability Taxicab Advisory Committee (the Committee) to advise the Commission on how to make taxicab service in the District more accessible to people with disabilities. The Committee was mandated to transmit to the Mayor and to the Council a comprehensive report and recommendations on a range of subjects regarding accessible taxi service.

The full Committee – which has met 30 times between January 2013 and September 30, 2015 – is a compilation of representatives from the DC Office of Disability Rights; the Office of Human Rights; the Commission on Persons with Disabilities; DC taxicab companies, associations, and operators; the Office of the Chief Financial Officer; disability advocates; and the DC Taxicab Commission. Half of the Committee is reserved for members or representatives of the disability and older adult advocacy community.

The Committee convened as a whole and also met, in its first year, as subcommittees in the areas of: (A) The legal requirements for providing accessible taxicab service; (B) The need for accessible taxicab service in the District; (C) How other jurisdictions are providing accessible taxicab service; (D) A timetable and plan to rapidly increase the number of accessible taxicabs to meet the need of accessible taxicabs in the District; (E) A description of the types of grants, loans, tax credits, and other financial assistance and incentives that could be provided to taxicab companies, associations, and operators to offset the cost of purchasing, retrofitting, maintaining, and operating accessible taxicabs; (F) A recommended package of grants, loans, tax credits, or other types of financial assistance and incentives that could be provided to taxicab companies, associations, and operators to offset the cost of purchasing, retrofitting, maintaining, and operating accessible taxicabs; (G) The means by which the District can achieve a fleet of 100% universally-accessible taxicabs; and (H) A proposed timeline and plan, including an analysis of the feasibility, costs, and benefits, for requiring all new taxicabs to be wheelchair-accessible when replacing old taxicabs that are removed from service.

The Committee submitted a preliminary report of sections A-C in June 2013, and a comprehensive report in February 2014. Per the DC Taxi Act of 2012 mandate, the Committee submitted an annual report on September 30, 2014. In 2014, the Committee voted to change its name to the Accessibility Advisory Committee to reflect its desire to have both disability and older adult representatives as advocate members.

Over the past year the Committee has developed and adopted By-Laws and established an ad-hoc Moving Forward subcommittee and two standing subcommittees: Annual Report, and Membership and Outreach. The Committee voted in a new Chair and Deputy Chair, met with Acting Chairmen of the DCTC, and staff from Councilmember Cheh's office to introduce the Committee and its work and discuss issues of concern. In April 2015, the Committee submitted a combined testimony with United Spinal Association to the DC Taxicab Commission budget oversight hearing.

The Committee seeks support and resources that will allow accessibility advocates, vehicle for hire industry representatives, and District officials to learn from each other and work together to achieve a 100 percent accessible and inclusive vehicle for hire fleet. The committee will continue to meet and report on the accessibility of VFH service in the District, and how it can be further improved.

The Disability Advisory Committee thanks Mayor Muriel Bowser, the DC Council, and DCTC for acknowledging the need for accessible VFH service in the District.

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## MEMBERS OF THE DC TAXICAB COMMISSION ACCESSIBILITY ADVISORY COMMITTEE

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### **District of Columbia Offices and Agency Representatives**

Christiaan Blake, Director, Office of ADA Policy and Planning, Washington Metropolitan Area Transit Authority  
Elliot Imse, Director of Policy and Communications, DC Office of Human Rights  
Susie McFadden-Resper, ADA Compliance Specialist (Public Works), DC Office of Disability Rights  
Karl Muhammad, ADA Program Manager, Office of Taxicabs, DC Taxicab Commission  
Tiffanie Thompson, Policy Analyst, Office of the Chief Financial Officer  
Kali Wasenko, Public Affairs Specialist, Executive Office of the Mayor - Office of Disability Rights

### **District of Columbia Taxicab Industry Representatives**

Saleem Abdul-Mateen, Royal Cab  
Anthony Dash, Bay Cab Co.  
Carolyn Robinson, DC Professional Taxicab Drivers Association  
Royale Simms, Washington DC Taxi Operations Association, Teamsters Local 922  
Roy Spooner, Yellow Cab Co.

### **District of Columbia Accessibility Advocate Community Representatives**

Georges Aguehoude, DC Center for Independent Living, Inc.  
Dennis Butler, University Legal Services, Committee Deputy Chair  
Heidi Case, Self Advocate  
Mat McCollough, DC Developmental Disabilities Council  
Mary Jane Owen, Disability Advocates in Action  
Richard Simms, DC Center for Independent Living, Inc.  
Carol Tyson, United Spinal Association, Committee Chair  
Janice Wise-Diggs, Self Advocate

### **Committee Observers**

Kelly Buckland, Executive Director, National Council on Independent Living  
Adam Gutbezahl, Legislative Counsel, Office of Councilmember Mary M. Cheh  
Katherine Noethe, Legislative Counsel, Office of Councilmember Mary M. Cheh  
Neville Waters, Public Information Officer, DC Taxicab Commission