

DISTRICT OF COLUMBIA
DEPARTMENT OF FOR-
HIRE VEHICLES
ACCESSIBILITY ADVISORY
COMMITTEE

December 2, 2016

*Annual Report on
Accessible
Vehicle-For-Hire
Service*

Dedication

This year's report is dedicated to our brothers, sisters, transgender and non-binary disability community family members that still reside in institutions, but would rather live in the community. Whether in a group home setting, a psychiatric institution, intermediate care facility, or prison, we advocate in your honor so that accessible transportation may be one less barrier to (re)joining the community.

Executive Summary

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 referred to in this report as public and private vehicles-for-hire (VFH) respectively. This report serves as the Committee's 2016 submission and builds on the recommendations and background provided in the comprehensive reports submitted October 15, 2015, September 30, 2014 and February 20, 2014.

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

The number of public wheelchair accessible vehicles (WAVs) in the past year has increased from 141 to a little over 221 (roughly 2.7% of the District's public VFH fleet). This is a significant increase, but there is still work to be done. 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 30% of people with disabilities are working, 41% live in poverty, compared to 76% and 14% of those without disabilities. Provision of accessible on-demand transportation also bolsters the District's compliance with the American's with Disabilities Act (ADA) integration mandate laid out in the Supreme Court's *Olmstead v L.C.* decision that allows people with disabilities to live in the community.

According to a DFHV survey of District residents roughly 30% of all public and private VFH trips not made were found to have been linked to the lack of accessible vehicles. Based on the survey responses, the DFHV recommended a total of 218 WAV public VFH and 1,428 private VFH. There are currently an unknown number of Uber WAVs, and no Lyft WAVs.

This summer the DFHV announced a series of drastic policy changes to the Transport DC program to address inadequate funding for increased demand. During the campaign to roll back the changes users talked often about using Transport DC to get to the grocery store, spend time with friends, go to restaurants and movies, see grandchildren, and travel to urgent care centers, dialysis appointments or hospitals in the evenings. Through actions and words Transport DC users made clear - accessible on-demand transportation had changed their lives for the better.

Finally, during the implementation of the SafeTrack program to improve the rail system, the Washington Metropolitan Area Transit Authority (WMATA) urged passengers to consider using alternative travel options. Unfortunately, many people with disabilities cannot use the District's inaccessible bikeshare program, have limited access to the private VFH in the region, and do not own a vehicle. WMATA continues to debate late night service cuts that could affect disabled riders who work late hours, or who simply need to travel in the evenings. On-demand accessible public and private VFH are needed to ensure access to transportation and opportunities for all District residents.

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 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 wheelchair accessible (WA). The US Department of Justice (DOJ) filed a Statement of Interest in 2015, affirming that private VFH companies are providing transportation services, therefore fall under Title III, and must comply with the ADA. Although Uber settled in a case brought by the National Federation of the Blind to ensure provision of service for blind passengers and their service animals, discrimination continues. A lawsuit has been brought against Uber in Chicago seeking provision of equal service to wheelchair users.

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

Based on data collected in 2015 there are efforts being made across the country by local advocates, city agencies and regional transportation agencies to increase the number of WA VFH. 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.

D. Private Vehicle-for-Hire Accessibility Update: Nationwide

Uber and Lyft have reported an increased interest from public officials in utilizing their services for subsidized public transit options, including: creating first/last mile programs that aim to provide transportation options to and from public transit sites, replacing low ridership bus routes with subsidized private VFH service, subsidized paratransit alternatives, and emergency response alternatives.

In October, the Federal Transit Administration (FTA) announced \$8 million in funding through its Mobility on Demand (MOD) Sandbox Program initiative for public transportation projects. The initial Notice of Funding Opportunity (NOFO) outlined four guiding principles for transit agencies and other applicants, including an expectation of service for people with disabilities through equity of service delivery. It is the hope of the Committee that the MOD Sandbox guiding principles will set a precedent for future funding opportunities at a local and federal level, and create an expectation for companies like Uber and Lyft to offer accessible service. Case studies of Chicago, IL; Altamonte Springs, FL; Boston, MA; and Washington, DC's transit agency reflect a need for equity moving forward.

After years of work the City of Chicago amended the Ordinance that governs the public VFH industry to increase accessibility. The Ordinance also established an accessibility fund to help defray the costs of modifications to vehicles. However, the entry of private VFH into Chicago is causing the public VFH fleet to shrink. Even so, in 2015, that shrinking industry filled 41,290 requests for rides in WAVs. Uber provided 14 WAV trips through August of 2015.

Altamonte Springs, FL offers a 20% discount on Uber rides that begin and end within city limits, as well as a 25% discount on rides that lead to their public transportation stations. The subsidized program relies on the expectation of a smartphone and credit card, and has no regulations for accessibility. Many transit riders are being left behind.

The Massachusetts Bay Transit Authority (MBTA) has partnered with Uber and Lyft to offer Boston residents with disabilities an alternative to their paratransit program known as the Ride. Customers with strict and/or fixed incomes will not know the true fee of their ride until the ride is requested. This could suppress trips and create problems for the return trip. Both Uber and Lyft are required to provide WAVs when requested. While Lyft is offering dial-in service as an alternative for riders without smartphones, Uber is distributing smart phones to customers in need. Little is known about the conditions the customer assumes when accepting a smartphone from Uber.

WMATA issued an open solicitation that closes December 9, 2016 for Abilities Ride, a subsidized on-demand alternative to paratransit with private VFH or other service providers. The program requirements are similar to the MBTA program, though there are no requirements for vendors to ensure those without smartphones will have access. While WAV provision is required, there are currently no requirements for equivalent service provision that would ensure equal wait times and costs, and limited comprehensive training requirements. If the Abilities Ride program extends to the District, residents with disabilities should expect robust anti-discrimination and training requirements, as well as changes to private VFH services that extend beyond the parameters of the partnership.

E. DC Accessible Vehicle-for-Hire Update

Currently, DC public VFH companies own 221 WAVs out of the approximately 8,234 licensed public VFH. It is unknown how many wheelchair accessible VFHs are running on a regular basis. The Committee acknowledges that DFHV, 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 include:

- Continuation of the DFHV/WMATA Transport DC Program and Engagement with Riders
- Continuation of the DFHV/OHR Anti-Discrimination Initiative

The Committee encourages:

- Continuation of the DCTC Anonymous Riders Program
- Continued enforcement of DC Taxicab Service Improvement Amendment Act of 2012 Requirements
- Enforcement of The Vehicle-for-Hire Innovation Amendment Act of 2014

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 that meets all residents' needs. The Committee also recommends:

Regulatory System Changes

- Require all private and public VHF operators to provide meaningful WAV service in the District.
- Retain the Transport DC program as a service to District residents. Provide trips to any destination within the District 24/7. Work with Transport DC Users and this committee to ensure sustainability of the program and address any funding or program challenges.
- Ensure the innovative DFHV Neighborhood Shuttle service is available to all District residents, including those who require a wheelchair accessible vehicle, at the same rates and with equivalent wait times.
- Enforce the requirement that 12% of public VFH fleets are comprised of WAVs by December 31, 2016.
- Provide a best practice WAV service manual or training for company owners to highlight lessons learned and ensure WAVs are in use, and VFH companies are providing best possible service.
- Collect data from public and private VFH companies to ensure equitable, integrated WAV service is being provided to District residents, workers, and visitors. Review data annually and institute policy changes if needed.
- Ensure riders are aware of the complaint procedures if service is denied. Include refusal to haul data in any reports compiled to review demand and adequate provision of accessible service.
- Require all public and private VFH digital dispatch applications with capabilities allowing passengers to request WAVs on the same platform, and in the same manner as all other passengers.
- Require equal access to passenger services within the vehicle, including videos and payment systems.

- 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.
- Require District government response to the DFHV AAC Annual Report Recommendations, similar to response required from the DDOT Director to the Pedestrian, Bicycle and now Multi-Modal Advisory Councils. Require reporting of recommendations and the DFHV response to the Council during the annual agency performance review.
- Mandate a centralized dispatch program for all drivers of WAVs. Subsidize drivers' cost of any accessible vehicle dispatch program through the Accessible Service Fund.
- Note: In the 2015 Committee annual report Yellow Cab proposed 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 & Funding

- Allow accessible public VFH to go to a separate line at Union Station and area airports if a centralized dispatch program is mandated.
- Establish and fund a tax credit for accessible VFH owners.
- Waive license fees for accessible VFH owners providing service to wheelchair users. Continue to waive training fees.
- Give a monthly award to a taxi driver of a WAV who provides outstanding service.
- Use District Accessible Service Funds to continue vehicle acquisition, training, and rental assistance grants.
- 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.
- Explore the USDOT Rides to Wellness program, job access grant opportunities, and public-private partnerships with health insurance, healthcare providers, and local and national business community members to support and fund accessible VFH rides to healthcare appointments, recreation, and employment.

The Committee recommends that procedures and systems, along with responsible personnel, continue to enforce, monitor, support, and report on accessible VFH service, and efforts to alleviate discrimination 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 to highlight the District's WAV offerings to the general public.

Conclusion

The Committee acknowledges the willingness of the DC Council and hard work of the DFHV staff to implement a handful of our previous recommendations. We urge the Council, Mayor, and DFHV to continue to make improvements and prioritize accessible transportation. We urge you to consider the recommendations made in this report and to ensure private VFH are expected to provide accessible service in the District. 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

This report serves as the Department of For-Hire Vehicles (DFHV) Accessibility Advisory Committee's 2016 annual report submission. The report builds on the recommendations and background provided in the comprehensive reports submitted October 2015, February 2014, and annual report submitted September 2015.ⁱ 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) an update on VFH service in other jurisdictions, D) an update on accessible private VFH service; E) a DFHV update; and F) committee recommendations for how service can be further improved.

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

The number of public wheelchair accessible vehicles (WAVs) in the past year has increased from 141 to a little over 221 (roughly 2.7% of the District's public VFH fleet). This is a significant increase, but there is still work to be done. Based on availability, there are few private WAV vehicles (Uber provides an unspecified amount and Lyft provides none). District residents continue to need access to on-demand transportation like every other resident, for employment, and to contribute to, benefit from, and remain in the community.

I. Employment and Commerce

As was stated in our 2015, report 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 30% of people with disabilities are working, 41% live in poverty, compared to 76% and 14% of those without disabilities.^{ii, iii, iv, v} Yet, according to a *National Conference on State Legislatures* report, "in 2012, people with disabilities who were not working reported lack of transportation as one of their biggest barriers to employment."^{vi}

District leadership has agreed. 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."^{vii} Additional measures can and should be taken to ensure transit and transportation in the region is accessible to all.

II. Community Integration

Provision of accessible on-demand transportation also bolsters the District's compliance with the American's with Disabilities Act (ADA) integration mandate laid out in the Supreme Court's *Olmstead v L.C.* decision. The Supreme Court ruled that under the ADA people with disabilities have a right to live in the community setting they choose. Accessible transportation ensures people with disabilities can remain in the community. As noted in the District's proposed *2016 Olmstead Community Integration Plan*, Transport DC is one of a handful of accessible transportation options provided by the District.^{viii}

III. DC Department of For-Hire Vehicles Accessibility Study^{ix}

In the spring of 2016, the DFHV conducted a survey of District residents to assess access needs, and service availability. The study collected 770 responses and provides recommendations for how to achieve equity in wheelchair access to public and private VFH in the District.

Of note, the survey found that more WAV Transport DC trips were taken in the SE and NE quadrants of the District. Just 14% of disabled public VFH users (including Transport DC and non-subsidized users) found that public VFH vehicles were inappropriate and could not be used. 50% of disabled users found that private VFH vehicles were inappropriate and could not be used. The survey also measured suppressed demand, the number of trips suppressed because of the lack of an accessible vehicle. Roughly 30% of all public and private

VFH trips not made were found to have been linked to the lack of accessible vehicles. Based on the survey responses, the DFHV accessibility study recommended a total of 218 WAV public VFH and 1,428 private VFH.¹ There are currently an unknown number of Uber WAVs, and no WAV Lyft vehicles.

IV. Lessons from Transport DC Changes

On July 22, 2016 the DFHV announced a series of drastic policy changes to the Transport DC program to address inadequate funding for increased demand. Transport DC provides subsidized sedan and wheelchair accessible public VFH service to MetroAccess eligible individuals. Prior to July 22nd users could call for an accessible public VFH 24/7 to get to any destination within the District. Beginning July 22nd, users could request trips only to employment and medical locations during limited hours, in addition to other restrictions. When policy changes were announced users reacted strongly, attending the ribbon cutting for the new Department of Disability Services (DDS) to express their frustration to the Mayor. After continued dialogue and meetings the DFHV announced changes. Currently users can travel 24/7 anywhere within the District from the 1st thru the 15th of the month, and to employment, volunteer and medical locations from the 16th on as long as funding is available.

During the campaign to roll back the changes users talked often about using Transport DC to get to the grocery store, spend time with friends, go to restaurants and movies, see grandchildren, and travel to urgent care centers, dialysis appointments or hospitals in the evenings. Advocates met twice with government officials, participated in a lobby day on the Anniversary of the ADA. Advocates also hand delivered a letter signed by over 30 organizations and individuals to the Mayor to express concern regarding the programs future and the need for adequate funding. [Refer to Appendix A for a copy of the letter.] In a WAMU 88.5 News report of the protest at the DDS ribbon cutting Transport DC user Thelma Green stated “[Transport DC] gave us, especially people with wheelchairs, our freedom to go and do things that we can enjoy all over D.C.” Another user, Tawanda Lee, reacted to the changes by asking, “so what about when we go monthly shopping and things like that, or visit grandchildren we don’t see but every other weekend? That’s taking away our independence now.”^x

Through action and words over the summer and early fall Transport DC users made clear - accessible on demand transportation had changed their lives for the better. The District had created a successful program that allowed for true community integration. There is, and will continue to be, a need for accessible on demand transportation that will only grow as the District’s residents age.

V. Emergencies and Metro Alternative

Providing as many accessible transportation options as possible to District residents is also vital given potential cuts to Medicaid supports and services under the new presidential administration and Republican Congress.^{xi,xii} Proposed Medicaid block-grants could shift costs to the District. Access to crucial home and community based supports and services that allow for preventative exercise, and care could be decreased. The need for on-demand transportation to a healthcare appointment or urgent care facility would increase as a result. On-demand transportation can provide a literal lifeline.

In addition, during the implementation of the SafeTrack program to improve the rail system, the Washington Metropolitan Area Transit Authority (WMATA) urged passengers to “consider using alternative travel options”.^{xiii} Capital Bikeshare usage has surged, as have Uber trips.^{xiv,xv} Unfortunately, many people with disabilities cannot use the District’s inaccessible bikeshare program, have limited access to the private VFH in

¹ Although the number of WAVs in the District’s public VFH fleet exceeds the DFHV study recommendation, the Committee notes that a WAV may be owned, but not in service. If 218 public VFH WAV is deemed as an adequate number, regulations, and incentives should be implemented to ensure the vehicles are in use and providing equivalent service when needed.

the region, and do not own a vehicle.^{2,xvi} As changes were made to the Transport DC program that decreased service, riders had to again rely on MetroAccess or remain in their homes, neither a suitable option. The *Washington Post* recently reported on MetroAccess service quality decline with total trip times exceeding two hours.^{xvii} In addition, WMATA continues to debate late night service cuts that could affect disabled riders who work late hours, or who simply need to travel in the evenings.^{xviii} On-demand accessible public and private VFH are needed to ensure access to transportation and opportunities for all District residents.

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

I. Americans with Disabilities Act 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.^{xix} 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.^{xx} In addition to safety measures and rules regarding door height, and safety equipment for wheelchair accessible vans, the ADA requires training for taxi employees on how to provide service to people with disabilities, accessible communication materials, and provision of service without discrimination.^{xxi,xxii,xxiii,xxiv,xxv}

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.^{xxvi}

A. Department of Justice (DOJ) Statement of Interest

The Department of Justice filed a statement of interest in a California lawsuit brought by the National Federation of the Blind (NFB) against Uber Technologies, LLC for failing to comply with ADA requirements to provide service to individuals with service animals.^{xxvii} 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).”

Uber and NFB settled this year, but Uber has not stated that it must comply with the ADA.^{xxviii} While Uber can now be held accountable to ensuring service is provided to passengers with service animals, a great deal of

² According to American Housing Survey data 45% of rental households with a wheeled mobility device user have no personal vehicle.

work remains to communicate the new policy throughout the company. A November 2016 *WUSA9* exclusive caught an Uber driver on camera refusing to transport a blind passenger and her service dog while also calling the passenger offensive names. The passenger and her dog, Kristen Fleschner and Zoe, had been denied Uber rides 10 times in the three weeks prior to the story airing.^{xxix}

B. Access Living Files Suit

Access Living, Chicago's center for independent living, filed suit against Uber in October 2016 for inadequate provision of wheelchair accessible service.³ The action seeks a declaration that the ADA requires Uber to provide equal access to people with disabilities under Title III of the ADA as: a private entity providing a public accommodation, a private entity providing demand responsive service, and an entity providing transportation. The complaint claims, "Uber offers a travel service that is unusable for people who require wheelchair accessible vehicles. From Uber's start in Chicago in 2011 until August 2015 (the last period for which information is publicly available), it provided only 14 accessible rides despite an overall industry volume at that time of three million rides a month."^{xxx}

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 DFHV. 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 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 required 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. [Refer to Appendices B and C for copies of Lyft and Uber's reports.] Notwithstanding any other law, the VFH Amendment Act prohibits the DFHV 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

³ *Access Living of Metropolitan Chicago; Michelle Gracia; Rahnee Patrick; and Justin Cooper v. Uber Technologies and Raisier, LLC*

companies dispatching private VFH, is exempt from regulations by the DFHV other than the rules required to ensure compliance with the Act. [Refer to Appendix D for relevant VFH Amendment Act language.]

III. Public Vehicles-for-Hire

A. DC Taxicab Service Improvement Amendment Act of 2012

The DC Taxi Act provided new regulations for public VFH employee training, responding to street hails from people with disabilities, and dispatch service. It also required DCTC to seek a partnership with WMATA (which ultimately led to the formation of the Transport DC program), the DC Office of the State Superintendent of Education, and any other governmental entity to provide accessible services using taxicabs. DCTC was 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 DC Taxi Act also created the Accessibility Advisory Committee.

In addition, under the DC Taxi Act, and sedan regulations, each taxi and sedan company with 20 or more taxis in its fleet is required to dedicate a portion of its fleet to wheelchair accessible taxis: at least 6 percent by December 31, 2014; at least 12 percent by December 31, 2016; and at least 20 percent by December 31, 2018. The Commission may withhold license renewals for those companies that do not meet these requirements.

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." Public VFH 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*.

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

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. Please note that except for Arlington, Baltimore, and Washington, DC the data presented reflects responses to a 2015 survey. A 2016 survey was sent out to all jurisdictions. Competing priorities over the summer left committee members with limited time to collect responses. Survey questions are provided in Appendix E. The Committee encourages the District to follow up with jurisdictions to ensure a more rounded understanding of the industry nationally. Contact details can be provided.

Table 1: City and States Assessed

Note: Except for Arlington, Baltimore, and Washington, DC data reflects 2015 survey responses.

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
Arlington, VA	224,906	N/A	1,257	97	7%	Increase maximum age requirement for taxicab vehicles from 7 to 10 years and eliminated mile requirements. Arlington County Manager recommended no additional taxicabs, including WAV, authorized this year.
Baltimore, MD	826,925	1991	1,151	10	.8%	WAV have not increased, but public for-hire vehicles has decreased by about 200
Chicago, IL ⁴	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. ⁵	672,228 ^{xxxi}	2010	8,234	221	2.7%	20% company fleets need to be WAV by 2018.
<i>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.</i>						

⁴ Data reflects 2015 survey responses. Please refer to the Chicago case study below for an update.

⁵ The number of WAV taxis reflects number of WAVs owned, but may not reflect the number of WAVs in operation at any one time.

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

Note: Data reflects 2015 survey responses.

City	Programs, Funding & Incentives
Alexandria, VA ^{xxxii}	<ul style="list-style-type: none"> City requires that each taxicab fleet have a percentage of WAV; however, this percentage was not shared Taxi companies provide WAV training
Baltimore, MD ^{xxxiii}	<ul style="list-style-type: none"> In Baltimore County, only Baltimore City has WAV currently Commission staff completing plan to accept applications for 25 wheelchair accessible cabs (<i>see PSC Case No. 9184 in near future</i>) Taxi companies provide in-kind wheelchair accessible taxi service In Baltimore City, taxicab drivers take a required training course, that includes ADA compliance
Chicago, IL ^{xxxiv, xxxv, xxxvi}	<ul style="list-style-type: none"> A disability advisory committee comprised of industry representatives and people with disabilities was created to make recommendations. 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"> Industry subsidizing the purchase of vehicles through a WAV Accessibility Fund (currently contains \$3.5 million, expected to increase \$700,000 a year) Increase in the number of years a WAV may stay on the road Voucher to cut to the front of the line at airports for WAV vehicles providing service to wheelchair users. 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 Public VFH trips are subsidized for paratransit eligible passengers A fast lane is offered at airports for WAV WAV drivers must undergo taxicab driver training program at City of Colleges. The curriculum includes serving passengers with disabilities
Houston ^{xxxvii}	<ul style="list-style-type: none"> Pending litigation prevents Houston representatives from releasing information about the number of private VFH operating in their jurisdiction There is a cap on the number of private VFH permits in Houston. No other VFH industry has a cap WAV are granted an extended service life, provided they pass a third-party mechanical inspection on an annual basis The city is working on a RFP for training all VFH drivers that will include ADA compliance Companies will also be eligible to submit their own in-house training with ADA compliance to the city for approval A stakeholder committee met this year and provided recommendations for increasing public and private WAVs. See Section D(III) of this report.
Montgomery Co., MD ^{xxxviii, xxxix}	<ul style="list-style-type: none"> Authorizing 66 WAV permits Centralized dispatch system and universal app for all cabs Recently passed leg. also requires County's Department of Transportation to develop plan to increase WAVs, with a goal of 100% WAVs by 2025 New Transportation Services Improvement Fund, imposes per-trip

	<ul style="list-style-type: none"> • surcharge on private VFH towards increasing WAV service • Subsidized Taxi Service • Call n Ride • Same Day Access (SDA) Program
New York, NY ^{xl,xli,xlii,xliii,xliv}	<ul style="list-style-type: none"> • 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 & values have dropped • The TLC is mandating taxi fleets to phase-in accessible cabs through their normal replacement cycle. • “Individual operators will similarly be subject to “lotteries” that would “establish which owners must bring accessible vehicles into service.” • “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.” • “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>) • Passenger surcharge of 30 cents per ride to subsidize upgrades to wheelchair accessible taxis • Tax credit for taxi companies up to \$10,000 • Taxi accessibility fee paid by all medallion holders to fund the accessible dispatch line • Deadhead mile reimbursement to drivers for travel time to the pick-up point • Shorty (cutting to the front of the line at the airports) privileges • Sale of 2,000 New Medallions • NYC Council is currently considering a temporary restriction on the number of pre-arranged VFH • All new medallion and VFH driver applications take a WAV training course after application submission • NYC will not issue VFH driver license without training course completion • Accessible Dispatch Program provided in Manhattan is being expanded citywide thru RFP
Philadelphia, PA ^{xlv}	<ul style="list-style-type: none"> • Taxicab & Limousine Division (TLD) of Philadelphia Parking Authority (PPA) provides training stipends and taxi certification renewals for WAV drivers • PPA provides WAV training • One hundred more WAV medallions will be sold
Prince Georges Co., MD ^{xlvi,xlvii}	<ul style="list-style-type: none"> • May be adopting a .25 fee on all private VFH trips to go towards increasing WAVs • Earlier funding from the Council on Governments and Accessible Taxi Inc. • Accessible Taxi Inc. – offered one-time RFP to MD companies in 2014, total: \$423,833
San Francisco, CA ^{xlvi, xlix, l}	<ul style="list-style-type: none"> • 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. • 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).

- SFMTA has reduced medallion fees. Offering lower cost leases for WAVs
- 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)
- 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.
- 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.
- An airport short pass is now given to drivers who complete 2 wheelchair 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

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

I. Uber and Lyft Transit Partnerships

A. Existing partnerships summary

Uber and Lyft have reported an increased interest from public officials in utilizing their services for subsidized public transit options.ⁱⁱ Creating first/last mile programs that aim to provide transportation options to and from public transit sites, replacing low ridership bus routes with subsidized private FHV service, subsidized paratransit alternatives, and emergency response alternatives may seem attractive at first glance. However, with these alternatives, there must be an expectation for equitable service for people with physical disabilities. This section will explore some of the advancements and potential increased access gaps around the country regarding these partnerships and service for people with disabilities.

B. USDOT Mobility on Demand Sandbox Program

In October 2016, the Federal Transit Administration (FTA) announced \$8 million in funding through its Mobility on Demand (MOD) Sandbox Program initiative for public transportation projects. The MOD Sandbox Program is part of a larger research effort at the U.S. Department of Transportation (USDOT) that supports transit agencies and communities as they integrate new mobility tools in an effort to help make transportation systems more efficient and accessible.ⁱⁱⁱ

The initial Notice of Funding Opportunity (NOFO) outlined four guiding principles for transit agencies and other applicants, including an expectation of service for people with disabilities through equity of service delivery. The NOFO stated, “MOD Sandbox projects will demonstrate and promote equitable mobility service for all

travelers, including communities such as low income, the aging population, and persons with disabilities, including wheelchair users.”^{liii}

Uber and Lyft have participated in conversations with transit agencies across the nation that have resulted in applications for federal grants to help subsidize the use of their services, demonstrating a growing interest in federal funding.^{liv} The language in the FTA’s guiding principles sends a clear message to public and private VFH companies looking to partner with transit agencies and state departments of transportation that they will need to provide service to passengers with disabilities, including those who use wheelchairs. It is the hope of the Committee that the MOD Sandbox guiding principles will set a precedent for future funding opportunities at a local and federal level, and create an expectation for companies like Uber and Lyft to offer accessible service.

II. Case Studies

A. Chicago, IL^{lv}

According to Access Living, after years of work the City amended the Ordinance that governs the public VFH industry to require 5% of the taxi fleet to be wheelchair accessible, with an increase to 10% scheduled for January of 2018. The Ordinance also established an accessibility fund to help defray the costs of modifications to vehicles.

However, the entry of private VFH into Chicago is causing the public VFH fleet to shrink. In January 2016 alone, there were a reported 524 medallions surrendered and an additional 97 foreclosed. Over 70% of medallion owners are behind on their mortgage payments.

Even so, in 2015, that shrinking industry filled 41,290 requests for rides in WAVs. Yearly data is not available for Uber, the area private VFH company, but through August of 2015, they provided 14 trips in wheelchair accessible vehicles.

Currently, Uber will dispatch an accessible public VFH through its app when a potential passenger requests a wheelchair accessible vehicles. Uber charges the standard taxi rate, but adds two dollars and it’s mandatory 20% tip for the convenience of scheduling through their app instead of central dispatch.

In 2016, a local Alderman introduced an Ordinance touching on private VFH accessibility and driver background checks, though the provisions were removed through an amendment on the day of the vote. Ordinance proposals included: background check requirements equal to those of cab drivers; coupling a minimum 5% private VFH WAV fleet requirement with the requirement for equivalent pricing and response times for WAV services; and a requirement for private VFH to operate a disability specific complaint procedure.

B. Altamonte Springs, FL

Altamonte Springs, FL is an example of a city experimenting with private VFH as a supplement to public transit. Reported benefits to these options are offset by limitations that would only be amplified in Washington, DC and its surrounding area without adequate consideration for accessibility.

According to *The Verge*, Altamonte Springs, FL offers a 20% discount on Uber rides that begin and end within city limits, as well as a 25% discount on rides that lead to their public transportation stations.^{lvi} The subsidized program relies on the expectation of a smart phone and credit card, and has no regulations for accessibility. Furthermore, their contract does not include collaboration with local public VFH companies that are required by federal law to provide accessible service. An informal poll conducted by a reporter for *The Verge* indicated that residents were unable to utilize the service for a variety of reasons, including: lack of credit card, lack of a smartphone, or need for a WAV.^{lvii} *The Verge* concluded these riders were “effectively left behind by the city’s new transit system.”

It should be noted that while the Altamonte Springs might be similar in size to Washington, DC (about nine square miles), its population is only 43,905, compared to the more than 672,000 District residents.^{lviii,lix} Our already-full roadways and efficient public transportation systems would be negatively impacted by decreased ridership and increased traffic.

C. Boston, MA and Washington, DC Regional Transit

The Massachusetts Bay Transit Authority (MBTA) has partnered with Uber and Lyft to offer Boston residents with disabilities an alternative to their paratransit program, known as the Ride.^{lx} While many residents with disabilities are open to improved alternatives to current paratransit options, there are important considerations the District should account for before jumping into a similar agreement so that we may remain at the forefront of accessibility.

The MBTA subsidized private VFH program allows for customer cost uncertainty due to a flexible fee for service. Customers with disabilities pay an initial \$2, the city subsidizes \$13, and the customer pays any remaining balance.^{lxi} This approach makes it difficult for customers to anticipate the exact cost of their ride. Customers with strict and/or fixed incomes will not know the true fee of their ride until the ride is requested. This could suppress trips and create problems for the return trip.

Both Uber and Lyft are required to provide WAVs when requested, and while Lyft is offering dial-in service as an alternative for riders without smartphones, Uber is distributing smart phones to customers in need.^{lxii} Little is known about the conditions the customer assumes when accepting a smart phone from Uber.

Finally, with Uber and Lyft accepting public funds for paratransit alternatives, there should be expectations for providing accessible service beyond subsidized rides. For example, people with physical disabilities would like to use Uber and Lyft for rides outside of the paratransit system. These customers should expect that when using the services from companies who accept public funds, they will be offered services that are suitable to their needs, including WAVs.

WMATA issued an open solicitation that closes December 9, 2016 for Abilities Ride, a subsidized on demand alternative to paratransit with private VFH or other service providers.^{lxiii} The vendor, or vendors, would provide service to paratransit eligible individuals in Montgomery and Prince George's counties starting in March 2017. WMATA staff suggested during a pre-proposal conference that the program could be extended into Virginia and the District. The program requirements are similar to the MBTA program, though there are no requirements for vendors to ensure those without smartphones will have access. While WAV provision is required, there are currently no requirements for equivalent service provision that would ensure equal wait times and costs, and limited comprehensive training requirements.⁶

⁶ In January 2016 a coalition formed in response to rumors that WMATA would be partnering with Uber or Lyft to provide subsidized service for paratransit eligible individuals. The Transportation Equity and Accessibility Movement (TEAM) was comprised of advocates, workers and riders with and without disabilities from Maryland, Virginia and the District of Columbia, as well as representatives from the AFL-CIO, and the Amalgamated Transit Union. TEAM expressed concerns to WMATA Board Members, generated discussion at WMATA Accessibility Advisory Committee meetings, and submitted comments in response to a WMATA request for information. In a January 28, 2016 letter to the WMATA General Manager TEAM members, along with individuals and local and national organizations, shared initial concerns regarding subsidized service. Signatories advocated for any subsidized service to prioritize: access for all, ensuring adequate WAVs; quality working conditions of drivers and workers, and hiring of MetroAccess workers; compliance with the ADA; safety of the passengers and workers; and accessibility across all business lines. TEAM, along with the WMATA Accessibility Advisory Committee, also advocated for access to any subsidized service via telephone line to ensure those without smartphones would be guaranteed equivalent access. Refer to <http://mswheelchairmaryland.org/main-transportation-equity/team/> for additional background and documents.

If the Abilities Ride program extends to the District, residents with disabilities should expect robust anti-discrimination and training requirements, as well as changes to private VFH services that extend beyond the parameters of the partnership.

Conclusion

Private VFH companies such as Uber, and Lyft provide convenient, demand responsive service to millions. Currently, private VFH provide extremely limited service to passengers who require WAV service. It is notable that these services are offered on an extremely limited basis in the District of Columbia. Uber and Lyft continue to 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. The District could take additional steps to ensure private VFH equity of service delivery. Please refer to this Committee's 2015 annual report for a summary of private VFH services and jurisdictional policies nationwide.

E. DC ACCESSIBLE VEHICLE-FOR-HIRE UPDATE

Current Status

Currently, DC public VFH companies own 221 WAVs out of the approximately 8,234 licensed public VFH owned by companies and individuals.^{lxiv, lxv} It is unknown how many public VFH WAVs are running on a regular basis. Of the 115,107 private VFH operating Lyft provides no WAV service and Uber provides an unknown number of WAVs.^{lxvi} The Committee acknowledges that the DFHV, 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 working towards increased access for all.

DFHV/WMATA Transport DC Program – DFHV 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 provided service 24 hours a day/ days a week, initially 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 – July 21, 2016).

On July 22, 2016 the program was scaled back due to budgetary constraints, providing service to medical and employment locations from 5 am to 7 pm on weekdays and 7 am to 7 pm on weekends. As of October 1, 2016 Transport DC offers customers 24/7 transportation to and from any location in the District with no restrictions ending on the 15th of the month. For the second half of the month, booking requests are granted solely based on availability and rides are limited to medical and employment destinations.

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, continue to run the digital dispatch service. 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 via dispatch, app or street hail.

According to Committee public VFH industry representatives each Transport DC trip costs a combined \$28 for the District and passengers. \$23 is paid by DFHV and \$5 is paid by the Transport DC customer. Each driver earns \$20 per trip and the remaining \$8 is maintained by the company. Companies initially received \$13 per

trip, but agreed to receive less this year. In the past each company was required to purchase a new WAV every 3,000 trips, but that requirement was struck this year as well. In an effort to put additional wheelchair accessible taxicab vehicles in service in 2015 DFHV (then the DCTC) collaborated with WMATA to auction 33 vehicles that were purchased by Yellow Cab of DC and Transco, Inc. DFHV 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 DFHV uniform colors).^{lxvii}

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.^{lxviii} The District Department of Transportation (DDOT) committed funding for \$2.8M in FY 2016, and an additional \$1.2M was added during the year which still proved to be inadequate. As was previously mentioned, local and national organizations and advocate stakeholders submitted a letter to the Mayor Bowser and the Deputy Mayor for Planning and Economic Development urging additional funding for the Transport DC program to allow for return of full Transport DC service. [*Refer to Appendix A for a copy of the letter.*]

DFHV holds a user group meeting each month to generate feedback. Independent owner/operators who reside in the District can participate through the Transport DC grant program.

Ridership increased steadily over the years 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 June 2015, when Transport DC rides became open to all MetroAccess customers, there were 7,456 trips.^{lxix} During the month of June 2016 there were more than 22,000 trips.^{lxx} In October 2016 there were 11,407 trips taken.^{lxxi}

The Committee feels the program has been a success and recommends further funding. 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 WAV, as well as call dispatch.

DCTC Anonymous Riders Program – It is unknown whether the DFHV has continued to run the Anonymous Rider Program. The program deployed 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.

DFHV/OHR Anti-Discrimination Initiative – OHR and the then DCTC launched a 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 DFHV. 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 DFHV 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.

Age Requirements – In August 2016, DFHV adopted new taxicab vehicle retirement regulations for all gasoline powered vehicles. Maximum vehicle ages for WAVs were set for 8-10 years depending on the fuel type used.^{lxxii} Non-WA gasoline powered vehicle retirement was 4 years. The age requirement for WA and non-WA

vehicles is now 8 years or 315,000 miles. It is unclear whether WAV conversion could lead to an extension of the vehicle life.^{lxxiii}

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.^{lxxiv}

In February 2015, DCTC implemented the requirements providing companies an additional 180 days to comply with the DC Taxi Act requirements. On July 1, 2015, DCTC announced that 86 wheelchair accessible vehicles had been added to the District taxicab fleet, as a result of the DC Taxi Act percentage requirement. Of the 91 companies authorized to operate in the District, 19 had not met the required mandate and filed appeals. 5 companies did not meet the mandate and were ordered to cease operations. The Committee recommends strong enforcement of the upcoming requirements to ensure 12% of taxis fleets are comprised of WAVs.

The Vehicle-for-Hire Innovation Amendment Act of 2014 (VFH Amendment Act) - The VFH Amendment Act became effective March 10, 2015. The Act requires zero tolerance anti-discrimination policies be adopted by all private VFH companies. By January 1, 2016, the Act also required 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 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.

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

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 of obtaining a 100% universally accessible fleet that meets all residents' needs. The Committee recommends:

Regulatory System Changes

- Require **all private and public VHF** operators to provide meaningful **Wheelchair Accessible Vehicles (WAVs)** service in the District. There should be an equal percentage requirement of WAVs provided and made available by private and public VFH companies.
- **Retain the Transport DC** program as a service to District residents. Provide trips to **any destination within the District 24/7**. **Work with Transport DC Users and this committee** to ensure sustainability of the program and address any funding or program challenges. Transport DC is a key recruiting tool to attract drivers for WAVs who rely on the guaranteed trip requests and income.
- **Ensure the innovative DFHV Neighborhood Shuttle service is available to all District residents**, including those who require a wheelchair accessible vehicle, at the same rates and with equivalent wait times.

- **Enforce** the requirement that **12%** of public VFH fleets are comprised of WAVs by December 31, 2016. Introduce appropriate penalties including fines up to revocation of a company's operating authority to send a clear message that accessible transportation is a priority in the District.
- Provide a **best practice WAV service manual or training** for company owners to highlight lessons learned and ensure WAVs are in use, and VFH companies are providing best possible service.
- **Collect data from public and private VFH companies** to ensure equitable, integrated WAV service is being provided to District residents, workers, and visitors. Review data annually and institute policy changes if needed.
 - **Identify requests for WAV service** made on the same day or in advance as well as street hails, requests denied due to lack of providers, trips cancelled by passenger due to long wait time or driver unavailability, wait time, any additional fees, and percentage of WAV trips provided to wheelchair users. Require DFHV to compile data and analyze and report to the DC Council on whether demand is being met, and wait times.
- Ensure **riders are aware of the complaint procedures if service is denied**. Include refusal to haul data in any reports compiled to review demand and adequate provision of accessible service.
- Require all public and private VFH digital dispatch applications with capabilities **allowing passengers to request WAVs on the same platform, and in the same manner** as all other passengers.
- **Require equal access to passenger services within the vehicle**, including videos and payment systems.
 - Ensure all videos displayed on the payment systems are captioned, and explore the installation of credit card payment systems in the rear of WAVs within reach of passengers. Utilize District accessibility funds to pay for installation of equipment.
- 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**.
- Require District **government response to the DFHV AAC Annual Report Recommendations**, similar to response required from the DDOT Director to the Pedestrian, Bicycle and now Multi-Modal Advisory Councils. Require reporting of recommendations and the DFHV response to the Council during the annual agency performance review.
- **Mandate a centralized dispatch program for all drivers of WAVs. Subsidize drivers' cost** of any accessible vehicle dispatch program through the Accessible Service Fund.
- Note: In the 2015 Committee annual report Yellow Cab proposed 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 & Funding

- Allow accessible public VFH to go to a **separate line at Union Station** and area airports if a centralized dispatch program is mandated.
- Establish and **fund a tax credit** for accessible VFH owners.
- **Waive license fees** for accessible VFH owners providing service to wheelchair users. Continue to waive training fees.
- Give a **monthly award to a taxi driver of a WAV** who provides outstanding service.
- Use District Accessible Service Funds to **continue vehicle acquisition, training, and rental** assistance grants.
- 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.

- Explore the **USDOT Rides to Wellness program, job access grant opportunities, and public-private partnerships** with health insurance, healthcare providers, and local and national business community members to support and fund accessible VFH rides to healthcare appointments, recreation, and employment.

The Committee recommends that procedures and systems, along with responsible personnel, continue to enforce, monitor, support, and report on accessible VFH service, and efforts to alleviate discrimination 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 to highlight the District's WAV offerings to the general public.

Conclusion

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

Setting a long-term goal of a 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.

ⁱ District of Columbia Disability Advisory Committee (2014, February 20). Comprehensive Report and Recommendations on Accessible Taxicab Service. Washington, DC: District of Columbia Taxicab Commission. Retrieved from http://dctaxi.dc.gov/sites/default/files/dc/sites/dc%20taxi/page_content/attachments/DC%20Taxicab%20Comission%20Disability%20Advisory%20Committee%20Comprehensive%20Report%20022014%20FINAL%20w%20Addendum.pdf

ⁱⁱ Institute on Disability, University of New Hampshire (2015). Table 2.1: Employment—Civilians with Disabilities Ages 18 to 64 Years Living in the Community for the United States and States: 2014. Annual Disability Statistics Compendium. Retrieved from <http://disabilitycompendium.org/compendium-statistics/employment/2-1-civilians-with-disabilities-ages-18-64-years-living-in-the-community-for-the-u-s->

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APPENDIX – A

Stakeholder Letter to the DC Mayor Urging Adequate Funding

September 26, 2016

Via Electronic Mail

Mayor Muriel Bowser
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Mayor Bowser,

The undersigned civil rights, disability, and senior advocacy organizations and individuals write to thank you for the tremendously successful Transport DC program that has changed residents' lives for the better. In addition, we ask that you consider our strong support for robust FY17 funding and reestablishment of Transport DC service to any location in the District. We also urge the DC Government to establish a formal advisory process and best practice communication strategies. Concerned stakeholders must be ensured a seat at the table to address program challenges, and identify solutions in the future.

The District of Columbia Department of For-Hire Vehicles (DFHV) Transport DC program provided more than 20,000 trips per month as of June 2016. MetroAccess eligible individuals used the service to travel anywhere within the District via sedan or wheelchair accessible taxi for a flat fee. District residents came to rely on the innovative service to: travel to work and volunteer during the day and evenings; run errands; attend religious services; visit with friends and family; contribute to the community; for healthcare appointments; and in cases of emergency.

As you know, on July 13, 2016 the DFHV published a letter to Transport DC users announcing sudden and severe restrictions to the program. The drastic restrictions were ill-timed as WMATA rolled out its SafeTrack program, and encouraged riders to find alternative transportation. In addition, this summer's heat wave left many seniors and people with disabilities choosing to stay home rather than wait for a bus or travel to a Metro station in the heat, or risk an hours' long MetroAccess ride with no air conditioning.

On August 3rd and August 17th Deputy Mayor Donald, Acting Director Chrappah, and Director Newland hosted a meeting with Transport DC riders and advocates to listen to concerns and suggestions.

Community Concerns and Requests

While we are grateful for the time taken by your administration to meet with the community, and for the small changes have been made to the program for the remainder of FY16, the most significant concerns remain unaddressed.

- **Robust and Sustained Funding:** We request robust funding for this successful program. Transport DC generates savings for the District. The District provides \$23 for each Transport DC trip compared to an estimated \$50 for each MetroAccess trip. In addition, WMATA has provided credits, and now a percentage savings to the District for Transport DC trips. While more than 4M has been budgeted for the Transport DC program in FY17, 6.7M needs to be allotted to fund the program at needed rates.

The savings generated can and should be directed towards the FY17 budget, and should be used to sustain the program going forward.

- **Transport DC Registration:** Please consider requiring Transport DC users to register for the service. The number of people registered could be utilized for budget formulas rather than budgeting for all 14,000 DC MetroAccess passengers.
- **Review Data, Ensure Full Funding Utilization:** The restrictions do not include a decrease in funding. However, the remaining funding for FY16, and allotted funds for FY17, will likely exceed the number of trips taken based on the restrictions. Reports suggest that the cuts have been so drastic that all available funding will not be utilized. We request that new data and program parameters be reviewed on a regular basis to ensure full utilization of funding.
- **Ensure a Pathway for DC Accessible Taxi Drivers:** There are legal requirements requiring taxi company fleets to include a percentage of accessible taxis. The guaranteed revenue from Transport DC provided a crucial incentive to drivers. Cutting the number of Transport DC trips has significantly affected the industry's ability to ensure wheelchair accessible taxis are available, and has removed a significant source of income for hard working drivers.
We request reestablishment of the full program, and a plan to highlight and market the wheelchair accessible taxis to DC residents, workers, and visitors that are not MetroAccess eligible to ensure continued income generated for DC accessible taxi drivers.
- **Effective Communication, Stakeholder Involvement:** Finally, we ask also for your continued commitment regarding oversight, stakeholder involvement, and best practice effective, accessible communication strategies. Please ensure riders continue to have a seat at the table going forward.

Conclusion

Given the extraordinary success of this innovative program, it is in the District's best interest to continue to provide this truly equitable mode of transportation. Please ensure the District's residents with disabilities and seniors remain a priority, and services provide a true reflection of the District's motto: We are (all) DC.

We look forward to your response to our concerns and requests, and to working with you and your staff to ensure the program remains a success. Please contact Heidi Case at hacase60@yahoo.com, (202) 531-9808, or Dennis Butler at naive.locality@verizon.net or (202) 244-9431 with any questions.

Sincerely,

Advocates for Justice and Education – The DC Parent Training and Information Center
American Association of People with Disabilities (AAPD)
Buddy Moore, Ward One Commissioner, DC Commission on Aging
Capitol Hill Village
Cleveland & Woodley Park Village
DC Advocacy Partners
DC Center for Independent Living (DCCIL)
DC Sibbs
Direct Action (DC ADAPT)
Disability Concepts in Action (DCIA)
Disability Rights DC – University Legal Services
The Equal Rights Center
Georgetown University Center for Excellence on Developmental Disabilities
Heather Foote Consultant, DC Senior Advisory Coalition
Kathleen Brisbane, Seniors Speaking Up and Out.
Medical Whistleblower Advocacy Network
Mount Pleasant Village
National Federation of the Blind DC Chapter (NFB)

National MS Society, Greater DC-Maryland Chapter
Northwest Neighbors Village
Paralyzed Veterans of America (PVA)
Project ACTION!
Quality Trust for Individuals with Disabilities
SAGE Metro DC
TASH
United Spinal Association
Washington DC Taxi Operators Association
Washington Lawyers Committee for Civil Rights
We Are Family Senior Outreach Network

Enclosures

DFHV Letter to Transport DC Users Announcing Restrictions
Transport DC Benefits

CC: City Administrator Young, Acting Director Chrappah, DFHV; Director Dormsjo, DDOT; Acting Director Reese, DDS; Director Palacio, OHR; Director Newland, DCOA; Director Taylor, ODR; Council of the District of Columbia

APPENDIX – B

Lyft Accessibility Report Submitted to the Council of the District of Columbia as Required

December 31, 2015

DC Council Committee on Transportation and the Environment
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

VIA EMAIL

Re: Lyft, Inc. Accessibility Report

Dear Chairman Cheh,

Lyft, Inc. submits the following report regarding the accessibility of its application and digital dispatch-related services, as required under Section 20F-1 of D.C. Act 20-489. This report will first address the accessibility of Lyft's website and application for the visually impaired and the deaf and hard of hearing. Second, this report will explain how Lyft intends to increase access to wheelchair accessible vehicles for individuals with disabilities. Providing access to as many individuals as possible is part of Lyft's mission, and Lyft looks forward to working with the Commission to further that goal.

1. Lyft's Website and Application Are Accessible to the Deaf, Hard of Hearing, and Visually Impaired.

Lyft, a peer-to-peer mobile based transportation network company, is an accessible, affordable, and reliable transportation option for those who are blind or visually impaired, that brings employment, healthcare, education, housing, and community life within reach. Lyft strives to provide a seamless product experience to blind and visually impaired passengers. The Lyft iOS application features VoiceOver accessibility, allowing visually impaired passengers to request rides using the Lyft application.

Blind passengers have embraced ridesharing and the Lyft platform. Indeed, Lyft has formally partnered with the National Federation for the Blind as part of its continued commitment to improving accessibility for blind users. Features of the Lyft application including voiceover technology, the ability to digitally hail a ride, cash-free payment and email receipts which include routes (discouraging circuitous routes) have revolutionized on-demand transportation for this community. Additionally, Lyft conducts regular QA testing to ensure that we are providing the best possible experience for visually-impaired users. We regularly solicit feedback, both by testing internally as well as by inviting outside parties such as The Accessibility Project to provide feedback from the community. We also work with third parties, including Apple, to improve on accessible focused design. This collaborative effort allows us to continually improve the accessibility features within the Lyft application, so that we can best serve all members of our ridesharing community.

The Lyft application is also accessible to deaf and hearing-impaired passengers, with easy communication tools to facilitate connections between driver and passenger. Furthermore, we welcome deaf and hearing-impaired individuals as drivers on the Lyft platform. The communication technology built into the Lyft application makes driving on the Lyft platform a flexible option for deaf drivers looking for a meaningful source of income.

2. Lyft is Working to Increase Access to Wheelchair-Accessible-Vehicles for Individuals with Disabilities.

It is Lyft's policy that passengers who use wheelchairs that can safely and securely fit in the car's trunk or backseat without obstructing the driver's view should be reasonably accommodated by drivers on the Lyft platform. Drivers must make every reasonable effort to transport the passenger and their wheelchair. We are working to create new ways to provide transportation options for individuals with wheelchair requiring a ramp or a lift. Currently, if a passenger requests a ride and they cannot be reasonably accommodated, they receive a text message with a referral to local services that provide WAV vehicles.

Lyft's wheelchair policy can be found here: <https://help.lyft.com/hc/enus/articles/214218527-Wheelchair-Policy>

Lyft's Efforts to Increase Accessibility

Lyft has been engaging with the DC Taxicab Commission on two initiatives to increase access to wheelchair accessible vehicles: (1) an open API integration between the DCTA's own dispatch application and the Lyft application; and (2) an SMS-based referral from the Lyft application to the DCTA's dispatch application. These solutions would help provide access to wheelchair-accessible-vehicles for Lyft users.

3. Conclusion.

To conclude, Lyft looks forward to continuing to work with the Commission to ensure that all individuals have access to reliable and dependable transportation options. Please contact us directly with any questions.

Sincerely,

Ian Poirier
Regulatory Compliance Manager

APPENDIX – C

Uber Accessibility Report Submitted to the Council of the District of Columbia as Required



December 31, 2015

The Honorable Mary Cheh
Chair
Committee on Transportation and the Environment
Council of the District of Columbia
1350 Pennsylvania Ave., NW, Ste. 108
Washington, D.C. 20004

Dear Madam Chair:

In accordance with Section 20-f of the Vehicle-for-hire Innovation Act of 2014, Uber Technologies, Inc. (“Uber”) submits this report describing its efforts to increase access to wheelchair-accessible vehicle (“WAV”) for-hire service in the District.⁷

I. Summary

We are proud to report on the efforts that the Uber DC team has undertaken since passage of the 2014 Innovation Act to expand access to WAV service and improve service for individuals with disabilities in the District. These efforts have included launching a “WHEELCHAIR” option on the Uber platform, a dedicated feature on the Uber platform for requesting WAV service in the District; pursuing numerous partnership opportunities with WAV providers; providing guidance and support to drivers on how to properly accommodate individuals with disabilities; and developing solutions to enable riders and drivers with visual and hearing impairments to more easily access transportation. Despite our work to date, it is clear that more work remains to improve transportation options for individuals with disabilities and, as further described below, we are committed to working with District leaders and other stakeholders to find solutions.

II. WAV Option and Partnerships with WAV Providers

On December 10, 2015, Uber DC launched a WHEELCHAIR option on the Uber app. With this option, individuals can request a ride from a taxi driver with a WAV at the tap of the button. (See Appendix (“App.”) at

⁷ Uber submits this report on behalf of its two affiliates that operate in the District: Rasier, LLC, which maintains a DC Taxicab Commission permit to operate as a private vehicle for hire company, and Drinnen, LLC, which maintains a Commission permit to operate as a digital dispatch company.

1-4.) We are excited that we are now able to leverage the Uber platform to help improve the reliability and accessibility of WAV service for District residents and visitors -- just as the Uber platform has improved the reliability and accessibility of transportation options for all other District residents and visitors.

The WHEELCHAIR option works as follows:

- (1) The rider opens up the Uber app and applies the promotion code 'DCWHEELCHAIR.'
- (2) Toggle to the uberTAXI option and select 'WHEELCHAIR'
- (3) The rider requests and the request is transmitted to the closest taxi driver operating on the Uber platform with a WAV. After the driver accepts the request, the rider is provided with an estimated time of arrival. In addition, the rider is provided with key information about the driver and the vehicle, including a photo of the driver and the make and model of the vehicle.
- (4) As the vehicle approaches the rider, the rider is able to track the vehicle on his or her phone. In addition, with the push of a button, a rider can call the driver as the driver approaches by pushing a button to communicate any requests, questions, or special instructions.
- (5) The rider pays for the trip via the app. The cost of ride is the standard taxi meter rate, plus a standard uberTAXI \$2 booking fee, which Uber is currently reimbursing to riders.⁸
- (6) During or after the ride, a rider can provide real-time feedback on the driver via the app. This feature enables riders to easily report any instances of poor service to customer service teams, which are available 24/7. Uber's platform also utilizes a driver rating system, which encourages drivers to provide consistent high-quality service.

The seamlessness of the Uber platform is particularly beneficial for individuals with disabilities who, until recently, generally needed to reserve a WAV in advance by phone. Now, a rider can request a WAV - and monitor the WAV as it approaches - on their phone. This enables individuals with disabilities to request service on a more convenient and spontaneous basis, providing them with more flexibility and freedom to get to work, visit with friends, or enjoy an evening out. And it means that a rider can wait for their ride in their home or office, rather than attempting to hail a WAV taxi from the street.

The launch of our WHEELCHAIR option was the culmination of over a year of hard work by Uber's DC team to help improve access to wheelchair accessible service in the District. These efforts have included:

- **HASCO Medical Partnership:** In December 2014, Uber DC announced a partnership with HASCO Medical, one of the largest and most trusted dealers of wheelchair accessible vehicles in the Washington, D.C. metropolitan area to offer significant discounts and preferred financing rates to those interested in partnering with Uber. (See App. at 5-6).⁹
- **Exploration of Partnerships with Taxicab Companies:** Over the last year, we have expended significant time and effort reaching out to District taxi companies to explore partnership opportunities whereby they would make their WAV fleets accessible on the Uber platform. These types of

⁸ Dynamic pricing, or surge pricing, is not applied to trips arranged via the WHEELCHAIR option.

⁹ To date, we have not been able to leverage this partnership to bring more WAV vehicles onto the platform. However, we are continuing to promote this opportunity and we are hopeful that the recent launch of the WHEELCHAIR option will further incentivize individuals to take advantage of this opportunity.

partnerships are important because Uber does not own vehicles and, as such, can only offer a WAV product by partnering with individuals or companies that own vehicles. To date, despite our efforts, we have not been able to identify a taxicab company that is willing to partner with us directly. As a result, we are completely reliant on individual operators who choose to partner with Uber.

While we are proud of the efforts we have undertaken to date, we recognize that there is more work to do to improve WAV service in the District. Over the next year, to help increase access to accessible transportation in the District, we plan to focus our efforts on further improving the reliability of the WHEELCHAIR option in the District. The key to this effort is to increase the supply of WAVs on the Uber platform. To this end, we plan to redouble our efforts to enter into partnerships with entities and companies with access to fleets of WAVs. We also plan to continue our efforts to identify operators who own WAVs and may wish to partner with Uber.

We also anticipate that, due to two recent actions by the DC Council, there will be a significant increase in the number of WAV taxicabs operating in the District in the next year, which will put us in a better position to increase the number of WAVs on the Uber platform. First, under a law enacted by the Council in 2012, taxi companies with over twenty vehicles in their fleet must ensure that at least 12% of their fleet is wheelchair accessible by December 31, 2016, or face a penalty. Second, the 2014 Innovation Act imposed a 1% surcharge on all private or public vehicle-for-hire trips arranged using digital dispatch, *e.g.*, trips arranged via uberX. The proceeds of this surcharge are directed to a fund maintained by the DC Taxicab Commission that can be used for a number of purposes, including providing grants to taxi drivers or taxi companies to offset the cost of acquiring, maintaining, and operating WAVs. Given the immense popularity of uberX in the District, the Commission should be able to direct a substantial amount of funds to this grant program and we are hopeful that the Commission will do so.

We are confident that, as for-hire WAVs become more prevalent in the District, the number of individuals with WAVs who wish to partner with Uber will increase, especially considering that the Uber platform significantly expands drivers' earnings potential. We also hope to work with the Committee and District leaders in the coming months to develop additional solutions for how the District can leverage digital platforms operating in the District to improve WAV service for District residents and visitors, including by encouraging and/or incentivizing taxicab companies that own WAVs to make them available for trip requests on digital platforms.

III. Guidance for Drivers, Policies, and App Features

In addition to our launch of the WHEELCHAIR feature and our efforts to partner with WAV providers, we have undertaken significant efforts to improve transportation options for all individuals with disabilities in the District. These efforts have included:

- **Accessibility Guidance and Support:** All drivers who sign up to partner with Uber receive an accessibility compliance notification and a video with guidance on how to accommodate individuals with disabilities. Among other things, drivers are provided with guidance on how to stow wheelchairs and other assistive devices and reminded that they are required by law to accept service animals. In

addition, we have a special team dedicated to handling accessibility-related inquiries from riders and drivers.

- **Zero Tolerance Policy:** Uber maintains a strict non-discrimination policy and subjects drivers to suspension or permanent deactivation from the platform for instances of discrimination against individuals with disabilities.
- **Foldable Wheelchairs:** All current vehicles operating on the Uber platform must be large enough to stow a foldable wheelchair.

_____ Moreover, in consultation with leaders in the accessibility community including the National Federation of the Blind, we have developed solutions that enable the blind and visually impaired and deaf and hard-of-hearing to more easily move around their communities and that facilitate greater economic opportunities for deaf and hard-of-hearing drivers. Our work has included:

- **For Blind and Vision-Impaired Users:** Uber's app has Voiceover IOS and wireless braille display compatibility, which enable the blind and visually impaired to more easily utilize the app to request transportation.
- **For Deaf and Hard-of-Hearing Riders:** The Uber app can be configured to provide visible and vibrating alerts. And in-app features such as the ability to enter a destination and ensure effective communication between a rider and a driver.
- **For Deaf and Hard-of-Hearing Drivers:** Based on extensive consultation with our deaf and hard-of-hearing driver-partners, we incorporated a number of features into the app that make it easier for drivers to operate. Specifically, a driver can receive a new trip request with a flashing light in addition to the existing audio notification; the app provides a prompt for drivers to enter their destination so that the driver will automatically receive turn-by-turn directions via the app once they pick up the rider; and the option for a rider to call a deaf or hard-of-hearing driver is disabled so that riders are only given the ability to text if they need to provide specific pickup instructions.

(See App. at 7-12.)

Thank you for the opportunity to submit this report and for your continued leadership on this critical issue. We look forward to continuing to work with you and other District leaders as the District continues to develop solutions to improve transportation options for individuals with disabilities.

Sincerely,

Zuhairah Washington
General Manager
Uber DC

APPENDIX – D

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.

APPENDIX – E

Other Jurisdictions 2016 Survey Questions

1. How many taxis are there in your fleet total?
2. Is accessible taxi service available in your city/county?
3. If so, how many wheelchair accessible taxis are there and when did the accessible service begin?
4. How many Transportation Network Company (TNC) vehicles are operating in your jurisdiction (if you know)?
5. How many accessible TNCs, if any?
6. Does your city or county have medallions or licenses? Is there a restriction on the number of taxis or TNCs?
7. Have you seen an increase or decrease in taxis or TNCs in the past year for traditional or wheelchair accessible vehicles?
8. If so, what do you think accounts for the increase or decrease?
9. Has your city or county passed any laws, ordinances or regulations requiring accessible taxi or TNC service, any data collection to ensure accessible service? If so, what are the requirements, and what data is collected?
10. What, if any, programs, or partnerships is your city or county involved in that increases access to taxi or TNC service for residents and people with disabilities? (eg, partnering with a central dispatcher, taxis or TNCs for paratransit eligible individuals, city-owned accessible vehicles leased to drivers)
11. What, if any, funding does your city or county provide to ensure accessible taxi or TNC service? (eg, tax credits, loans, grants, an accessibility fund from fees charged to taxis and/or TNCs)
12. What, if any, incentives does your city or county offer to ensure accessible taxi or TNC service? (eg, lesser fees, front of line at taxi stands)
13. Does your city or county regulatory agency provide or require training to ensure ADA compliance and service without discrimination? For taxis? For TNCs?
14. Do you know if taxi companies or TNCs are providing this training?

ABOUT THE DISTRICT OF COLUMBIA DEPARTMENT OF FOR-HIRE VEHICLES ACCESSIBILITY ADVISORY COMMITTEE

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 42 times between January 2013 and November 30, 2016 – 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 (when necessary); disability advocates; and the DFHV. 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 annual reports on September 30, 2014, and October 1, 2015. 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.

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 operated with a Chair and Deputy Chair, met with the Acting Director of the DFHV, and staff from Councilmember Cheh's office to discuss the Committee and its work and discuss issues of concern.

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 DFHV for acknowledging the need for accessible VFH service in the District.

MEMBERS OF THE DISTRICT OF COLUMBIA DEPARTMENT OF FOR-HIRE VEHICLES ACCESSIBILITY ADVISORY COMMITTEE

District of Columbia Offices and Agency Representatives

Christiaan Blake, Director, Office of ADA Policy and Planning, Washington Metropolitan Area Transit Authority

Stephanie Franklin, 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

District of Columbia Taxicab Industry Representatives

Saleem Abdul-Mateen, Royal Cab

Anthony Dash, Bay Cab Co.

Christopher Grayton, DC Yellow Cab

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, Advocate

Mat McCollough, DC Developmental Disabilities Council

Thomas Mangrum, Advocate

Victor Robinson, Advocate

Richard Simms, DC Center for Independent Living, Inc.

Carol Tyson, Advocate, Committee Chair

Kali Wasenko, Advocate

Committee Observers

Kelly Buckland, Executive Director, National Council on Independent Living