

DISTRICT OF COLUMBIA TAXICAB COMMISSION DISABILITY ADVISORY COMMITTEE

February 20, 2014

*Comprehensive
Report and
Recommendations
on Accessible
Taxicab Service*

EXECUTIVE SUMMARY

On July 10, 2012, the District of Columbia City Council passed the DC Taxicab Service Improvement Amendment Act of 2012 (DC Taxi Act) to improve taxicab service in the District. Section 20f of the Act addresses accessibility for individuals with disabilities, and requires the DC Taxicab Commission (DCTC) to establish a Disability Taxicab Advisory Committee (the Committee) to advise the Commission on how to make taxicab service in the District more accessible for individuals with disabilities. Under the DC Taxi Act, the Committee was tasked with producing a comprehensive report and making recommendations to the Mayor and to the Council on 8 specific issues regarding accessible taxi service.

A. Legal Requirements

In 2012, taxis in the District of Columbia delivered an estimated 21 million tourists, business travelers, advocates, workers, and residents to their hotels, Hill visits, businesses, homes, places of worship, and other destinations. The rights of those tourists, travelers, workers and residents with disabilities to access taxi and sedan services in the District are guaranteed under the Americans with Disabilities Act (ADA) and corresponding regulations, the DC Taxi Act, and the DC Human Rights Act (DCHRA).

B. The Need for Accessible Taxi Service in the District

Taxis are an essential form of transportation for all individuals, but especially for individuals with disabilities. According to a 2002 study by the U.S. Bureau of Transportation Statistics, “Four times as many disabled people as nondisabled people lack suitable transportation options to meet their daily mobility needs.”ⁱ In DC, for non-disabled individuals, taxis are an important transportation alternative as a result of their availability and ease of use.

Unfortunately, this is not currently the case for individuals with disabilities. In the District, there are only 20 wheelchair accessible taxis out of the approximately 7,000 that operate in the District. This is equivalent to about ¼ of 1 percent of the taxis in the District, and this low number is a very significant barrier to the many individuals with disabilities that live in or visit the District. And as was recently noted in a report on a local television station, there is an additional barrier in getting taxis to even stop for, much less provide service to, individuals with disabilities.

C. Other Jurisdictions Providing Accessible Taxi Service

There are efforts being made across the country by local advocates, city agencies and regional transportation agencies to increase the number of wheelchair accessible (“accessible”) taxis. A few other jurisdictions that are working on improving their accessible taxi service include, for example, Arlington, VA; Baltimore, MD; Chicago, IL; Fairfax, VA; Montgomery County, MD; New York, NY; Prince George’s County, MD; 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 taxicabs.

D. Rapidly increasing Accessible Taxi Service in the District

Revisiting existing accessible fleet percentage requirements in the DC taxi and sedan laws would help to rapidly increase the number of accessible taxis in the District. 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. However, the Committee calculates that meeting these minimum requirements would only result in 3 percent of the D.C. taxi fleet being accessible by the end of 2018, and so the Committee recommends that the required minimum percentage of accessible taxis in the covered fleets be increased to 30 percent in 2016 and 40 percent in 2018.

Digital dispatch companies should be required to offer service to all potential customers in the District, including individuals with disabilities, and the minimum fleet requirements for accessible vehicles should apply to digital dispatch companies as well. Digital dispatch companies who do not currently provide accessible service are only required to redirect customers in need of such service to a digital dispatch company that can accommodate them.

Additional measures could include: continuing to explore use of accessible taxis for provision of paratransit service^{1,ii,iii}; optimizing the usage of accessible taxis by permitting them to be used more than 8 hours per day with different drivers; and creating a reciprocity agreement to expand inter-jurisdictional availability of accessible taxis in the District, Virginia, and Maryland.

E and F. Current and Potential Financial Assistance and Incentives to Offset Costs

Taxi companies and owner operators who want to purchase an accessible taxi currently have limited options. However, the Committee expects that these options will likely increase as a result of the requirements of the DC Taxi Act and similar demand in other jurisdictions.

The DC City Council's FY2014 Budget included an amendment that sets aside monies to increase the number of accessible taxis. For fiscal years 2014 and 2015 the first \$4.7 million deposited in the DCTC Fund (a fiduciary fund reliant upon taxi operator and passenger fees) is directed to be allocated to DCTC operations. Of the remaining funds, \$750,000 is set aside to increase the number of wheelchair accessible vehicles in the District. At this point it seems unlikely that the DCTC would reach the first threshold before next year.

In addition, the DC Taxi Act creates a Public Vehicles-for-Hire Consumer Service Fund. These funds may be used by the DCTC to provide grants, loans, incentives, or other financial assistance to taxicab owners to offset the cost of acquiring, maintaining, and operating accessible vehicles.

There are a variety of policy changes and incentives that the Committee believes would help support increasing the availability of accessible taxis in the District, such as:

- Allowing accessible taxis to remain in service as long as they pass inspection, rather than the usual age limits;
- Allowing accessible taxis to pick up passengers in Maryland, Virginia and the District;
- Allowing accessible taxis to go to a separate, faster line at Union Station or area airports;
- Allowing accessible taxis to be used by multiple drivers for more than 16 hours in a 24 hour period;
- Providing a tax credit for accessible taxi owners;
- Negotiating the purchase of accessible taxis at a set price, and then passing along the savings when the taxis are leased or sold to taxi owners;
- Waiving license fees for accessible taxi owners, or charging a fee for owners of non-accessible taxis;
- Creating a smartphone app for use of accessible taxi service as the District begins to increase the number of accessible taxis; and
- Using accessible taxis to provide rides to paratransit or service program-eligible passengers.

¹ Paratransit is defined in the ADA as a "comparable transportation service required by the ADA for individuals with disabilities who are unable to use fixed route transportation systems." Paratransit service must be origin-to-destination service and must be provided, at a minimum, within three-fourths of a mile on each side of a fixed route stop. Providers may negotiate pick-up times within one hour before or after the passengers' request. A fixed route system includes public buses and subways, and is defined in the ADA as "a system of transporting individuals (other than by aircraft), including the provision of designated public transportation service by public entities and the provision of transportation service by private entities, including, but not limited to, specified public transportation service, on which a vehicle is operated along a prescribed route according to a fixed schedule." The District provides paratransit service through MetroAccess.

In addition the District could utilize U.S. Department of Transportation Section 5310 funds; federal loans or loan guarantees; local budget grants; a tax credit; foundation funds and/or matches; and social impact bonds.

G. Transitioning to a Fleet of 100 Percent Accessible Taxis

The Committee recommends a long-term goal of a 100 percent accessible taxi fleet in the District. A 100 percent accessible taxi fleet allows for an inclusive, “universal design” of the system, allowing any taxi to be used by any individual – regardless of age, ability, or disability. Focusing on inclusive universal design also changes the paradigm of having to create and maintain two systems – one accessible, one not – in favor of one unified system that everyone can use.

A 100 percent accessible fleet can be achieved by working within the District’s current open entry taxi system. While the existing open entry taxi system allows for greater flexibility among drivers entering the market, additional regulations and incentives, enhanced training and public awareness, enforcement, and administrative improvements are needed. The District should:

- Require dispatch companies, sedan companies and owners that do not currently provide accessible service to help support accessible service in the District.
- In conjunction with the DCTC’s age restrictions for taxis, require all new taxis that replace taxis removed from service to meet an accessible taxi design standard (rather than requiring the purchase of a specific vehicle). The standard should incorporate existing ADA requirements regarding space and safety, and should also include vehicle requirements such as ramp location, as well as ramp or entrance height and slope requirements that are accessible for wheelchair and non-wheelchair using passengers who may require lower steps or slope.
- Utilize financing options identified (eg, Public Private Partnerships, a taxi company or dispatch-provider fee, federal matches) to purchase accessible taxis to lease or sell.
- Increase the age allowance for accessible taxis and/or allow them to remain in service for as long as they pass inspection.
- Allow accessible taxis to go to a separate, faster line at Union Station or area airports.
- Introduce a tax credit for accessible taxi owners.
- Waive license or training fees for accessible taxi owners.
- Allow accessible taxis to be used by multiple drivers for more than 16 hours in a 24-hour period.
- Provide an annual award to a taxi driver of an accessible taxi for providing outstanding service.
- Use Universal Access Funds to create an Accessible Vehicle Lottery.

In addition to the regular training curriculum, the training of DCTC drivers should include disability sensitivity, ADA 101, and operational and equipment training (use of restraints, seat belts etc. within the vehicle).

Procedures and systems, along with responsible personnel, should be put into place and tasked with monitoring compliance, providing technical assistance, and ensuring enforcement of the laws and regulations regarding the accessibility of taxicabs, and progress toward the fully accessible taxi fleet goal.

H. Plan, Feasibility, Costs, and Benefits for Requiring Aged-Out Taxis Replacement by Accessible Taxis

Between 2013 and 2017 all vehicles older than 7 years will be removed from service. The Committee recommends the city update regulations requiring that new vehicles licensed starting in 2015 meet a minimum set of accessibility standards.

Replacing aged out vehicles with accessible vehicles is a feasible model for both rapidly increasing the number of accessible taxis and achieving a 100 percent accessible fleet. The District could support the replacement process by exploring opportunities to negotiate a low price for a set number of accessible taxi vehicles and then providing the taxis for lease, or by loan guarantees, tax credits or other incentives for the purchase of new accessible taxi vehicles. Alternatively, the District could provide increased incentives for the replacement of an older taxi vehicle with an accessible model for a limited time, for example 2014-2017, and begin requiring accessible taxis in 2018.

Additional outreach to companies, associations, independent owners/drivers and the newly formed union should be undertaken as soon as possible. The DCTC or the City Council Transportation Committee should hold stakeholder meetings to generate discussion and answer questions.

Monetary costs to carry out this program are far outweighed by the foregone costs in city and local revenue and to the District's reputation. Increased taxi ridership would lead to increased taxes for those who are able to travel to work, revenue for the DCTC from the passenger surcharge, and city businesses. The city could save significant funds by allowing paratransit-certified riders to use taxis.

Achieving a 100 percent accessible taxi fleet also realizes the first and third goals of the One City Action Plan established in 2012: (1) Grow and Diversify the District Economy; and (3) Improve the Quality of Life for All. Action 3.7.4 requires the District to work towards increasing the number of accessible taxis.

Finally, the most significant benefit of establishing a 100 percent accessible taxi fleet is the acknowledgement of the worth and rights of all Americans, and that individuals with disabilities should have the same rights and privileges to live and work in, and visit our nation's capital.

This Committee looks forward to continuing to provide support to the DCTC and the DC Council's Transportation Committee to achieve the goal of a 100 percent accessible taxi fleet in the District.

ⁱⁱ National Council on Disabilities. (2005, June 13). *The Current State of Transportation for People with Disabilities in the United States*. Washington, DC: National Council on Disabilities. p. 19.

ⁱⁱ 49 CFR § 37.3 (1991)

ⁱⁱⁱ 49 CFR § 37.121-155 (1991)

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INTRODUCTION

On July 10, 2012, the District of Columbia City Council passed the DC Taxicab Service Improvement Amendment Act of 2012 (DC Taxi Act) to improve taxicab service in the District. Section 20f of the Act addresses accessibility for individuals with disabilities, and requires the DC Taxicab Commission (DCTC) to establish a Disability Taxicab Advisory Committee (the Committee) to advise the Commission on how to make taxicab service in the District more accessible for individuals with disabilities. Under the DC Taxi Act, the Committee was tasked with producing a comprehensive report and making recommendations to the Mayor and to the Council on 8 specific issues regarding accessible taxi service. Each section of the report found below can be read as a standalone chapter on the issue.

A. THE LEGAL REQUIREMENTS FOR PROVIDING ACCESSIBLE TAXICAB SERVICE

In 2012, taxis in the District of Columbia delivered an estimated 21 million² tourists, business travelers, advocates, workers, and residents to their hotels, Capitol Hill, businesses, homes, places of worship, and other destinations. People with disabilities who use motorized wheelchairs, mobility devices or service animals should be able to access this vital transportation service. In the District of Columbia, the rights of people with disabilities visiting, living, or working in the District to access taxi and sedan services are guaranteed under the landmark Americans with Disabilities Act (ADA) and subsequent regulations, the more recent D.C. Taxicab Service Improvement Amendment Act of 2012 (DC Taxi Act), and the DC Human Rights Act (DCHRA).

The ADA, passed in 1990, regulates taxis under its laws governing demand-responsive transportation, i.e., transportation that a consumer may receive on demand via a phone call, a 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.³ 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. 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. In addition to safety measures and rules regarding size, 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.

The recently-passed DC Taxi Act requires an increasing percentage of vehicles owned by larger taxi fleets to be wheelchair accessible in the coming years. In addition, the DC Taxi Act provides new regulations for taxi employee training, responding to street hails from people with disabilities, and dispatch service. It also requires the DC Taxi Commission (DCTC) to seek to partner with WMATA, the DC Office of the State Superintendent of Education, and any other governmental entity to provide accessible services using taxicabs. The DCTC is required to report to the Council within 18 months of the DC Taxi Act on the status of agreements and the estimated cost savings. The Disability Advisory Committee (the Committee) is tasked primarily with exploring and recommending: a timetable and plan to rapidly increase the number of accessible taxicabs to

² The DC Taxi Commission (DCTC) has calculated an estimated 21 million total rides in DC based on market research. However, within 3 to 6 months of installing the new Modern Taximeter System DCTC expects to obtain data that should allow more in depth knowledge of DC taxi service.

³ In this report, we frequently use the term “accessible” and “accessible taxi(s)” rather than “wheelchair accessible taxis” or a variation thereof. In doing so, we presume that all accessible taxis are wheelchair accessible, and also mean to imply that such taxis can and should be used by other members of the public.

meet the need; financing options for operators, associations or companies; and the means by which the District can achieve a fleet of 100 percent wheelchair accessible taxicabs.

The DCHRA prohibits discrimination on the basis of 19 classes, including disability. Not providing full access to every publicly-regulated transportation option to people in the District may violate the DCHRA. The District has been a leader in addressing inequality and discrimination amongst DC's diverse communities. The intent of the Council in passing the DCHRA 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 DCHRA prohibits any individual to "deny, directly or indirectly, any person the full and equal enjoyment of the goods, services, facilities privileges, advantages and accommodations of any place of public accommodations." Taxi companies are considered public accommodations under the DCHRA. *Mitchell v. DCX, Inc.*, 274 F.Supp.2d 33, 48 (D.D.C. 2003).

Following are more detailed descriptions of the legal requirements for providing accessible taxi service. Unless otherwise stated, requirements fall under the ADA. Initial work on this section began with a close reading of the Easter Seals Project ACTION and Taxicab, Limousine & Paratransit Association (TLPA) document, *The Americans with Disabilities Act and You: Frequently Asked Questions on Taxicab Service* (2007).^{iv} We acknowledge the efforts of Easter Seals and the TLPA, and credit them for providing a foundation for what follows. Full text of the relevant Code of Federal Regulations sections, the Accessibility Section of the DC Taxicab Act, and the DC Human Rights Act are provided in Appendices A.1, A.2 and A.3.

I. The ADA and Taxis

Providers of taxi service (whether an individual taxi owner or taxi company with a fleet) must comply with ADA requirements as private entities primarily engaged in the business of transporting people that provide demand-responsive transportation.^v With demand-responsive service, the customer is provided transportation along a non-prescribed route.^{vi,vii} Limousine and sedan services are also consider demand-responsive and must comply with ADA requirements. While the ADA does not require taxi companies operating sedan-style taxis to be wheelchair accessible, there is a wheelchair accessible requirement for vans. There are also a number of important accessibility and non-discrimination measures that taxi companies must adhere to; including training, providing accessible communication and service. These additional requirements are described below.

II. Federal Laws & Opinions Requiring Purchase & Operation of Wheelchair Accessible Taxis

A. The ADA

Under the ADA, a taxi company is not required to purchase wheelchair accessible vehicles when purchasing new sedan-style taxis, and is not required to have a certain number of accessible vehicles in its fleet.^{viii}

However, if a taxi company purchases or leases a van with a seating capacity of fewer than eight persons (including the driver), the vehicle must be wheelchair accessible, unless the company is providing "equivalent service".^{ix} The Americans with Disabilities Act does not define what is classified as a "van," nor do the implementing regulations.

B. Equivalent Service Requirements under the ADA

Equivalent service, according to 49 CFR § 37.105 (1991), "is provided [to individuals with disabilities] in the most integrated setting appropriate to the needs of the individual and is equivalent to the service provided other individuals with respect to the following service characteristics:

- (a) (1) Schedules/headways (if the system is fixed route);
- (2) Response time (if the system is demand responsive);
- (b) Fares;

- (c) Geographic area of service;
- (d) Hours and days of service;
- (e) Availability of information;
- (f) Reservations capability (if the system is demand responsive);
- (g) Any constraints on capacity or service availability;
- (h) Restrictions priorities based on trip purpose (if the system is demand responsive)."

An equivalent taxi service would arrive in the same amount of time, charge the same rate, and could be reserved in the same ways (over the phone, via an app, etc). The ADA allows contracting with other companies to provide equivalent service. Publicly operated accessible buses and paratransit^{4,x,xi} do not suffice as an equivalent service for taxis. If taxi operators purchase new vans that are not accessible to people with disabilities, they must provide "equivalent service."

C. New York City Taxi and Department of Justice (DOJ) Opinion on Wheelchair Accessible Service

In October 2011, the DOJ filed a statement of interest in support of a January 2011 lawsuit filed against the New York City Taxi and Limousine Commission (TLC).^{xii} The DOJ claimed that every taxi in NYC should be accessible because the TLC, a city agency, set fares, cited vehicle types, set qualifications for drivers, and sold medallions so that the city was "operating" a demand responsive system. A public entity operating a demand-responsive system would fall under ADA Title II regulations as public transportation operated by a public entity required to provide wheelchair accessible service.^{xiii} The US Southern District of NY disagreed with the DOJ's claim that the TLC was in violation of Title II subtitle B, but did find that the TLC was violating Title II, subtitle A's prohibition against discrimination. The Judge's ruling required the TLC to provide meaningful access. The TLC appealed, and the US Court of Appeals for the Second Circuit reversed the decision, sending the case back to the Southern District.⁵

III. DC Law Requiring Purchase & Operation of Wheelchair Accessible Taxis

The recent DC Taxi Act seeks to modernize DC's taxi fleet through regulations. The Americans with Disabilities Act explicitly states that it "should not be construed to invalidate or limit the remedies, rights and procedures of any ... law of any State or political subdivision of any State or jurisdiction that provides greater or equal protection for the rights of individuals with disabilities than are afforded" by the ADA. 42 U.S.C. § 12201(b). Therefore, the District of Columbia may provide additional protections for people with disabilities relating to taxicabs, and has done so through the DC Taxi Act and the DCHRA.

⁴ Paratransit is defined in the ADA as a "comparable transportation service required by the ADA for individuals with disabilities who are unable to use fixed route transportation systems." Paratransit service must be origin-to-destination service and must be provided, at a minimum, within three-fourths of a mile on each side of a fixed route stop. Providers may negotiate pick-up times within one hour before or after the passengers' request. A fixed route system includes public buses and subways, and is defined in the ADA as "a system of transporting individuals (other than by aircraft), including the provision of designated public transportation service by public entities and the provision of transportation service by private entities, including, but not limited to, specified public transportation service, on which a vehicle is operated along a prescribed route according to a fixed schedule." The District provides paratransit service through MetroAccess.

⁵ In early April, 2013, advocates successfully amended the lawsuit, adding a new claim that taxis like the TLC-designed Taxi of Tomorrow, the Nissan MV-200 are vans and have to be accessible pursuant to US DOT's ADA regulations. This case is currently on remand before the United States District Court of the Southern District of New York. In December 2013, the TLC and disability advocate plaintiffs settled the January 2011 lawsuit. The TLC announced its intention to achieve a 50 percent accessible taxi fleet by 2020. The TLC will require that at least 50 percent of all new vehicles put into service during the regular replacement schedule will be accessible until 50 percent of the entire fleet is accessible. In June 2013, the New York Court of Appeals reinstated the HAIL Act, which put in place a New York City plan to expand street-hail taxi service to the outer boroughs and auction off 2,000 medallions for wheelchair accessible yellow cabs.

A. DC Taxi Act

Under the DC Taxi Act, each taxi company with 20 or more taxicabs in its fleet as of July 1, 2012, will be required to dedicate a portion of its fleet to wheelchair accessible taxis: 6 percent by December 31, 2014; 12 percent by December 31, 2016; and 20 percent by December 31, 2018. The Commission may withhold license renewals for those companies that do not comply.^{xiv} Current DC (and federal) law does not provide a defense that would allow covered companies to avoid this requirement

A taxi company is defined as “any person, partnership, or corporation engaging in the business of owning and operating a fleet or fleets of taxicabs having a uniform logo or insignia. A company must have a minimum of 20 taxicabs having a uniform logo or insignia and having unified control by ownership or by the company.”

The DC taxi industry is comprised of a few larger companies, associations of owners, and many individual independent owner-operators. Independent owner-operators may affiliate with a company for services, such as dispatch, or the use of a company’s logo or insignia. A company may have difficulty requiring upgrades to vehicles of independent owner-operators who merely affiliate with the company. An amendment to the DC Taxi Act, introduced by Councilmember Cheh and adopted by the Council, amended certain requirements for accessibility. In the Explanation and Rationale section of the adopted amendment, the purpose of the amendment, in part, was to clarify that “the requirement for taxicab fleets to increase the number of wheelchair accessible vehicles applies only to fleets owned by companies, not taxicabs owned by individual drivers, even if they are associated with a company.”

In addition, the DC Taxi Act amended the Regulation of Taxicabs purposes to include, “provi(sion of) specific policies and programs to increase wheelchair accessible taxicab service to the disabled throughout the District.”

B. DC Human Rights Act

The DCHRA prohibits discrimination on the basis of 19 classes, including disability.^{xv} Not providing full access to every publicly-regulated transportation option to people in the District may violate the DCHRA. The District has been a leader in addressing inequality and discrimination amongst DC’s diverse communities.⁶ The intent of the Council in passing the DCHRA 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 DCHRA prohibits any individual to “deny, directly or indirectly, any person the full and equal enjoyment of the goods, services, facilities privileges, advantages and accommodations of any place of public accommodations.” Taxi companies are considered public accommodations under the DCHRA. *Mitchell v. DCX, Inc.*, 274 F.Supp.2d 33, 48 (D.D.C. 2003).

IV. Accessible Taxi Service

Accessible taxi service is a broad concept that may refer to a taxi that is: accessible to wheelchairs and mobility devices via a ramp; offers accessible payments systems; provides hearing loops for people with hearing loss; provides accessible materials; accommodations for additional equipment or service animals; as well as service without discrimination. There are a number of provisions under the ADA and the DC Taxi Act which ensure accessibility without discrimination.

A. Service without Discrimination

Under the ADA, taxi companies and drivers may not discriminate against people with disabilities.^{xvi} Examples of discriminatory service include:

⁶ See “D.C. Launches Campaign To Fight Transgender Discrimination,” by Patrick Madden, aired on WAMU 88.5, September 13, 2012, accessed at http://wamu.org/news/12/09/13/dc_launches_campaign_to_fight_transgender_discrimination

- Denying service to people with disabilities
- Charging higher fees or fares to people with disabilities
- Denying a ride to a potential passenger with a service animal
- Refusing to help with stowing wheelchairs or other mobility devices

The DCHRA, found in the DC Code Title 4, Chapter 7, and the DCTC anti-discrimination policy, DC Code Title 31, Chapter 5, prohibit discrimination based on disability (among 18 other classes). Taxi service is considered a public accommodation under the DC Human Rights Act. Discrimination under the DC Taxi code includes, but is not limited to: not picking up a passenger based on a trait; requesting that a passenger get out of the cab based on a trait; using derogatory or harassing language; refusing to pick up a passenger who uses a service or comfort animal; and charging higher fees or fares. Passengers who are discriminated against may file a complaint with the U.S. Department of Justice, Civil Rights Division, Disability Rights Section; the DC Office of Human Rights (OHR), and the DCTC.

B. Passenger Use of Wheelchair Accessible Taxis

If a taxi company or driver is using a wheelchair accessible cab, the taxi company or driver must allow “individuals with disabilities who do not use wheelchairs, including standees, to use a vehicle’s lift or ramp to enter the vehicle,” unless the lift is a Model 141 manufactured by EEC, Inc. If the taxi company chooses not to allow such individuals to use a lift Model 141 manufactured by EEC, Inc., they must notify customers with a sign on the outside of the taxi.^{xvii} A taxi operator or driver may recommend, but may *not* require, that a wheelchair user transfer to a seat.^{xviii}

C. Accessible Communication

Under the ADA, taxi companies must make communication concerning transportation services “available, through accessible formats and technology, to enable users to obtain information and schedule service.”^{xix} Accessible communication would include dispatching that is accessible to deaf callers and accessible to blind web-users if reservations are made online or via a smart phone app.

D. Training Requirements

Taxi companies must ensure that personnel are trained to proficiency. All personnel, including both drivers and dispatchers, must be trained as appropriate to their duties. Personnel must be able to operate the vehicle and equipment safely, and must treat people “in a respectful and courteous way, with appropriate attention to the difference among individuals with disabilities.”^{xx}

The DC Taxi Act requires that all DC drivers who operate wheelchair accessible taxicabs receive training in how to properly use the equipment and work with disabled passengers. The training will be coordinated through the Commission or taxicab companies.^{xxi}

E. Street Hails and Priority for Wheelchair Users

Under the DC Taxi Act, every taxi driver (including those driving a taxi that is not accessible to wheelchair users) not transporting a fare or responding to a call is required to: stop and ask a passenger in a wheelchair or mobility device who is attempting to street hail if they would like to ride in their taxi, or, contact their dispatch service and request a wheelchair accessible taxi if they are affiliated with a company that provides that service. Every licensed taxicab operator accepting fares and once dispatched to a call from a passenger using a wheelchair may not accept any other fare while traveling to the fare.^{xxii}

If a person with a disability believes a taxi driver has violated these requirements under the DC Taxi Act, they may file a complaint with the DC OHR or the DCTC.

F. Dispatch Service for Wheelchair Accessible Taxis

Under the DC Taxi Act, Section 20f(h), any individual or company that owns, leases, rents, or operates wheelchair accessible taxicabs subsidized by the District must:

- Operate wheelchair-accessible taxicabs equipped with dispatch technology and maintain the capacity to communicate with every wheelchair-accessible taxi operating under its service;
- Grant priority to requests from passengers who use wheelchairs, and once dispatched to a call from a passenger using a wheelchair, shall not accept any other fare while travelling to the fare; provided, that in the absence of a request for service to a passenger who uses a wheelchair, a wheelchair-accessible taxicab operator may transport any person;
- Promptly dispatch a wheelchair-accessible taxicab in response to a wheelchair-accessible taxicab service request. If a wheelchair-accessible vehicle cannot be dispatched within 20 minutes, dispatch must call another company with wheelchair-accessible vehicles to handle the request, and contact the customer with the name and telephone number of the dispatch service for the available wheelchair-accessible taxicab. If no wheelchair-accessible taxicabs are currently available to respond to a customer's request, dispatch shall notify the customer and record the customer's name and phone number and the names of the other dispatch services contacted; and
- Record all requests for wheelchair-accessible taxi service, noting the date and time of the request for service, the service address, the vehicle number dispatched, and the time that the wheelchair-accessible taxicab was dispatched to respond to the call.

V. Financing & Partnering Requirements

A. Financing Wheelchair Accessible Taxis

The DC Taxi Act requires the DCTC, along with the Committee (which includes the District's Office of the Chief Financial Officer), to develop a program to provide grants, loans, and other types of financial assistance and incentives to applicants and owners of licensed taxicabs to offset the cost of buying, retrofitting, maintaining, and operating a vehicle for use as a wheelchair accessible taxicab.^{xxiii}

The DC Taxi Act creates a Public Vehicles-for-Hire Consumer Service Fund. The fund consists of a passenger surcharge, a Commission license fee, and funds from the Department of Motor Vehicles' Out-Of-State Vehicle Registration Special Fund. The funds may be used by the Commission to provide grants, loans, incentives, or other financial assistance to taxicab owners to offset the cost of acquiring, maintaining, and operating wheelchair accessible vehicles. The funds may also be used to provide a taxicab fare discount for low-income senior citizens aged 65 years and older and persons with disabilities.

B. Wheelchair Accessible Taxis for Paratransit & Education-Related Transportation

The DC Taxi Act requires the Commission to seek to partner with the Washington Metropolitan Area Transit Authority, the Office of the State Superintendent of Education, and any other governmental entity to provide accessible transportation services using taxicabs. The Commission is required to report to the Council within 18 months of the Amendment Act on the status of agreements and the estimated cost savings of utilizing taxis in addition to traditional paratransit modes of transportation.^{xxiv}

VI. Wheelchair Accessible Vehicle Requirements

A. Wheelchair Accessible Taxis Defined

Under the DC Taxi Act, wheelchair accessible taxis must (1) accommodate wheelchair and personal mobility devices up to 30 inches in width; (2) Have rear-entry or side-entry ramps or lifts; (3) Have safety devices to secure the wheelchair or personal mobility device to the vehicle and protect the passenger; and (4) Display the

international wheelchair insignia (ie, the International Symbol of Access) or other insignia approved by the Commission in at least 2 prominent locations on the outside of the vehicle.^{xxv}

B. Space, Size, Securement & Lift Requirements for Accessible Vehicles

The Department of Transportation's ADA regulations provide detailed specifications for transportation vehicles required to be accessible by the ADA under part 37, including vans used by taxi companies. Select specifications are below.

For vehicles (such as vans used as taxis) of 22 feet in length or less, the overhead clearance between the top of the door opening and the raised lift platform, or highest point of a ramp, shall be a minimum of 56 inches.^{xxvi} For reference, common taxicabs including the Ford Crown Victoria, Dodge Caravan and MV1 are roughly 17-18 feet.^{xxvii,xxviii,xxix}

Vans 22 feet in length or less are required to have at least one securement location and device, complying with paragraph (d) of the section.^{xxx} A seatbelt and shoulder harness are also required and may "not be used in lieu of a device which secures the wheelchair or mobility aid itself."^{xxxi}

A company's policy must require drivers to assist people with disabilities with the use of securement systems, ramps and lifts, when necessary or upon request. If it is necessary for the driver to leave her seat to provide the required assistance, she should do so.^{xxxii}

Wheelchair and mobility aid users may board facing either inboard or outboard.^{xxxiii} Taxi drivers must allow persons using walkers, crutches, canes or braces or who otherwise have difficulty using steps to board via the lift.^{xxxiv}

B. THE NEED FOR ACCESSIBLE TAXICAB SERVICE IN THE DISTRICT

According to a National Council on Disability (NCD) report,⁷ "Taxicabs are a significant form of transportation used by people with disabilities. Many disabled individuals who cannot drive, or who cannot afford their own cars, make extensive use of taxis. Some advantages of taxi travel, as seen by many people with disabilities, are that taxis are generally available 24 hours a day, they generally do not need to be scheduled far in advance, and they closely resemble travel in a private vehicle. Service is direct, without detours to serve other passengers, as is often the case with paratransit service."^{xxxv}

Taxi service can be crucial when the Metro is not functioning or when an elevator is broken. Taxis are a convenient service when travelling with luggage or bulky items, and are vital when there is an emergency. Taxis can be called on during local emergencies due to weather or other crisis, but are also frequently used for personal emergencies.

I. People with Disabilities Need Increased Accessible Taxi Service

According to the NCD, "A national study conducted by the U.S. Bureau of Transportation Statistics in 2002 found that 6 million people with disabilities have difficulties obtaining the transportation they need. Four

⁷ According to the NCD website, "NCD is an independent federal agency charged with advising the President, Congress, and other federal agencies regarding policies, programs, practices, and procedures that affect people with disabilities. NCD is comprised of a team of fifteen Presidential appointees, an Executive Director appointed by the Chairman, and eleven, full-time professional staff." (see <http://www.ncd.gov/about>)

times as many disabled people as nondisabled people lack suitable transportation options to meet their daily mobility needs.”^{xxxvi}

A. The Need for Increased Wheelchair Accessible Taxi Service

There are efforts across the country by local advocates, city agencies and regional transportation agencies to increase the number of accessible taxis (See Section C of this report: *Accessible Taxi Service in Other Jurisdictions*). rollDC, a pilot program kick-started by the National Capital Region Transportation Planning Board (TPB), and administered by the Metropolitan Washington Council of Governments (MWCOC), has provided limited, though high-quality wheelchair accessible taxi service in DC since 2010. Data from the pilot program will be reviewed on pages 9-11 of this report.

Accessible taxis are essential for people who use motorized wheelchairs or mobility devices, but can be essential for others as well. For many manual wheelchair users, or individuals using other mobility devices, standard taxis may be an option, but transferring to a taxi seat can be cumbersome or even dangerous, leading to greater strain on the body and increased health concerns. Assisting passengers with stowage of wheelchairs and other mobility devices in taxis can also be potentially dangerous to taxi drivers who are older or who have health concerns. As the nation’s elderly population continues to grow, the need for safe taxi options will continue to increase.

Currently, only 20 out of the approximately 7,000 taxicabs⁸ that are currently running on a regular basis are fully accessible to wheelchair users and other individuals with mobility disabilities who live, work, and travel in and around Washington, DC. Based on the estimated number of cabs running regularly, 0.3 percent are accessible. The District’s residents, workers, and visitors who require or would benefit from wheelchair accessible taxis have very limited access to taxi service available to all other residents and visitors across DC.

DC’s MetroAccess is a government subsidized program which, according to its website, is “a shared-ride, door-to-door, paratransit service for people whose disability prevents them from using bus or rail.”^{xxxvii} As such, it is not an equivalent service to taxis as MetroAccess utilizes a shared-ride model and requires a minimum of 24 hour advanced booking.

In addition, while paratransit can be used by District residents, it generally is not available for use by visitors unless they already receive qualified paratransit services in a reciprocal city. Moreover, MetroAccess is not a practical service for individuals who come to the District to conduct business, since paratransit rides need to be scheduled far in advance, are not easy to change, and are very limited in availability. The lack of wheelchair accessible taxis can lead people with disabilities to rely on less convenient paratransit systems such as MetroAccess.

Finally, we note that the DCTC Chairman has expressed his support for increased taxi accessibility. In a September 24, 2012 DC Council Committee on the Environment, Public Works and Transportation hearing, Chairman Linton stated, “I personally believe that all taxicabs licensed by the commission for the purpose of street hails should be wheelchair accessible, but it is critical for the commission to develop as rapidly as feasible a rational means of meeting this objective.”^{xxxviii} A video of the hearing is available on the DC Council’s website in the DC Council Hearings Archive.

B. The Need for Increased Access to Taxi service for All People with Disabilities

The limited numbers of wheelchair accessible taxis remain a concrete barrier to taxi service for many people with disabilities who use motorized mobility devices or have difficulty transferring. Getting existing taxis, wheelchair accessible and sedan, to stop for people with disabilities who are hailing is an additional barrier to service.

⁸ Total taxicab figures provided by DCTC, November 27, 2013.

In a recent May 2013 W*USA 9 story, investigative reporter Russ Ptacek tested taxi drivers' reactions to people who use service dogs and manual wheelchairs.^{xxxix} Ptacek found that many drivers did not stop and offer service to these individuals attempting to hail a cab on the street. Though Ptacek's survey was not scientific, Ptacek does refer to a 2010 Equal Rights Center (ERC) report on discrimination by DC taxi drivers against people who use service dogs. According to the report, a blind tester was discriminated against in 60 percent of tests conducted by the ERC.^{xi}

As noted in Section A of this report (*Legal Requirements for Accessible Taxi Service*), the recently passed DC Taxi Act requires all DC taxi drivers who are not already providing service, or on their way to a fare, to stop for a person with a disability who is hailing. The driver is required to ask if the potential passenger would like a ride. If the passenger needs a wheelchair accessible taxi and the driver's company participates in rollDC, the driver must call the dispatch service. The ADA and the DCHRA also require drivers to stop for all passengers with disabilities.

According to some members of the Committee representing the taxi industry, there is a lack of knowledge amongst DC cab drivers regarding the legal obligation to pick up passengers. ADA compliance is not thoroughly covered in the DC taxi driver training curriculum. Additional training on ADA compliance and passenger sensitivity is ongoing for new drivers and could create greater access to taxis.

DC is not alone. The NCD reports, "problems of discrimination in taxi service [across the country] continue to be reported. People with disabilities who use service animals, particularly people with visual impairments, face a variety of problems using taxis. And in some cities, individuals with a variety of disabilities—wheelchair users, users of crutches, and blind people, among others—are often passed up by taxicabs."^{xli}

Access to transportation is a civil and human right that is unattainable to many. What follows is a quantitative review of wheelchair accessible taxi service provided in DC to date, as well as benefits of increased accessible taxi service.

II. Accessible Taxi Service in the District

The District of Columbia remains a fast-growing metropolitan area with a large influx of domestic and international tourists, all in need of transportation services. While most of the fixed rail and route transportation system is wheelchair accessible, some areas of the District remain difficult to access with public transportation.^{9,xlii} Direct transportation service without multiple stops or advanced reservations is a necessity for personal and business use, both for people with disabilities and those without, making the District's taxis an essential piece of the transportation network.

Millions of residents and visitors with disabilities use transportation in the District each year. Many of the District's residents and workers use accessible transportation for crucial purposes such as work, school or healthcare. Of the District's estimated 608,165 non-institutionalized residents, 67,435 (11.1 percent) have a disability, according to the 2011 American Community Survey (ACS).^{10,xliii,xliv} Other estimates are significantly higher. The DC Office of Disability Rights estimates that 20 percent of the District's population has a

⁹ A 2009 Washington Metropolitan Area Transit Authority (WMATA) and the District Department of Transportation report identified isolated neighborhoods and current and predicted gaps in service. Population and employment growth, accessibility (ie, proximity of business and residents to transit stops or stations), average travel speeds (ie, time for a transit trip), and number of transfers contribute to isolation and gaps. The report identified 16 areas with transit accessibility issues because they are farther than one-eighth of a mile (the standard for persons with disabilities) from businesses or residences.

¹⁰ The ACS defines the institutionalized population as "persons residing in institutional group quarters such as adult correctional facilities, juvenile facilities, skilled-nursing facilities, and other institutional facilities such as mental (psychiatric) hospitals and in-patient hospice facilities."

disability,¹¹ or approximately 129,654 individuals.^{xlv} An estimated 2.1 million of the District's 17.9 million tourists are visitors with disabilities,¹² making the influx of visitors for conferences and sightseeing an important consideration.^{xlvi} Being an international city, it's important to consider the needs and perceptions of international visitors who assist the economy with trips for business, tourism and government affairs.

Significantly, 21 percent of trips made by wheelchair users in wheelchair accessible cabs are work or school related, and 35 percent health related.^{xlvii} Yet this likely understates the degree to which District residents with wheelchairs rely on taxis for crucial purposes such as work, school or healthcare, given 35 percent of all wheelchair users in accessible taxis are visitors not from the DC metropolitan area. Because such visitors are less likely to be using taxis for these crucial purposes, the percentage of trips by District residents in wheelchairs for crucial purposes is likely much higher than the aforementioned 56 percent.^{xlviii}

While taxi service is an important mode of transit for people with disabilities in the District, an analysis of five municipalities¹³ for which accessible taxi and ACS data is available shows the District has an extremely small percentage of accessible taxis compared to other jurisdictions.^{14,xlix,l} One-third of one percent of District taxis (20 total) are accessible, compared to nine-tenths of one percent in Baltimore, 1.8 percent in New York City, 2.6 percent in Chicago, 4.9 percent in Arlington, and 6.8 percent in San Francisco.^{lii} The District's disproportionately small number of wheelchair accessible taxis is unrelated to its population, as the percentage of people with disabilities in the District is the same or larger than any of the five municipalities, with the exception of Baltimore (Table B.1).

Table B.1: Accessible Taxis and Population with Disability by Municipality^{liii}

	Population	Total Taxis	# of Accessible Taxis	% of Accessible Taxis	% of Population w/ Disability ^{15,liiv}	% with Ambulatory Disability*	% with Vision Difficulty**
District of Columbia	608,165	6,500	20	0.3%	11.1%	6.1%	2.4%
Arlington CDP, VA	212,598	757	37	4.9%	5.2%	2.8%	1.2%
Baltimore	610,804	1,074	10	0.9%	15.6%	9.0%	3.4%
Chicago	2,684,882	6,722	172	2.6%	11.1%	6.4%	0.6%
New York City	8,180,575	13,237	233	1.8%	10.3%	6.2%	2.0%
San Francisco	807,662	1,477	100	6.8%	10.4%	5.8%	2.1%

¹¹ Estimation includes people with HIV/AIDS, diabetes and cancer.

¹² Estimation assumes the number of visitors with disabilities reflects the overall US population with disabilities, using American Community Survey data from 2011.

¹³ The five municipalities are Arlington, VA; Baltimore, MD; Chicago, IL; New York, NY; and San Francisco, CA

¹⁴ Note that there are considerable differences between DC's taxi industry and industries in other cities. According to a 2007 report, *Entry Controls in Taxi Regulation*, the District's taxi industry is unique among larger cities in the U.S. DC has no limits on the numbers of taxis that can run, and open entry for new companies or drivers. Other major cities which are listed in Table A, like New York City and Chicago, are closed entry, require the purchase of a medallion or permit which can be expensive and difficult to obtain.

In addition, in larger cities like New York, a single taxi may be on the road continuously. According to a 2006 report, *The New York City Taxicab Fact Book*, "Four in ten owner-drivers lease their cabs to other driver(s) for a second shift." In the case of companies who lease long-term "Typically, the cab [leased from a company to a driver long-term] is leased to two drivers who arrange to pass the vehicle back and forth at the end of each 12-hour shift." (p. 31). However, under DC Regulations (Title 31, 822-12), a taxicab may not be operated for more than 16 hours in a 24 hour period. In addition, a taxi driver may not drive more than 12 hours at a time in a 24 hour period, unless the driving time is broken by a period of eight hours of continuous rest. According to taxi industry representatives on the Committee, including representatives from the two largest companies in the District: companies rent to one driver on a weekly basis, the driver sets their own work schedule, and are not allowed to sub-rent the vehicle; and independent owner/operators, who comprise a majority of the taxi industry in the District, drive their own vehicles, set their own work schedule, and do not sub-rent their vehicles. DC taxi regulation and industry practices make it extremely likely that less than 20 accessible cabs are operating at any given time.

¹⁵ The ACS defines disability as "A long-lasting physical, mental, or emotional condition. This condition can make it difficult for a person to do activities such as walking, climbing stairs, dressing, bathing, learning, or remembering. This condition can also impede a person from being able to go outside the home alone or to work at a job or business."

**Ambulatory Disability is based on the ACS survey question: “Does this person have serious difficulty walking or climbing stairs?”*

***Vision Difficulty is described as “blind or having serious difficulty seeing, even when wearing glasses.”*

The relatively small number of accessible taxis on District streets is reflected in the difficulty of hailing an accessible taxi for on-demand transportation. An average 3.6 percent of wheelchair user trips originated from a street hail between February 2010 and October 2012, according to rollDC data (Appendix B.1).^{lv} This number is a likely indicator of the confidence wheelchair users have in successfully hailing an accessible taxi in a reasonable amount of time. An average 86.8 percent of wheelchair user trips originated from dispatch during that same time period.^{lvi} Although average wait times for trips requested as soon as possible (ASAP) dispatch trips fluctuated tremendously – from as short a wait as one minute to as long as 1.5 hours or more – the average wait time per month¹⁶ for an accessible cab from dispatch was 27 minutes (Appendix B.2).^{lvii} Nearly all pre-booked trips arrived to pick up the passenger with wheelchair either on-time or early.^{lviii}

Yet the ASAP wait time persists even though the number of accessible taxis nearly doubling – from 11 to 20 – between February 2010 and October 2012. During this period, wheelchair accessible taxis have been increasingly utilized by passengers with wheelchairs (Appendix C.3). About 3.9 percent of wheelchair accessible taxi trips were for passengers with wheelchairs in 2010 (approximately 354 average trips per month), growing to 6.2 percent in 2011 and 7.8 percent in 2012 (approximately 452 average trips per month).^{lix} Advocates believe the increased use of accessible taxis by passengers with wheelchairs is a reflection of growing awareness about their availability, and that additional awareness efforts and opportunities for on-demand service such as hailing will increase these numbers further.

III. Benefits of Increased Access to Taxi Service

Increased access to taxis could allow Washington, DC residents and visitors with disabilities to travel to medical appointments and spend time with friends, as well as engage more fully in: work; recreation; religious communities; education; and other components of a full life that many take for granted. For example, the wheelchair accessible taxi used in rollDC allows passengers who use mobility equipment to travel with coworkers, family members, and friends who do not require a ramped vehicle.

Future universally designed (that is, taxis designed for use by any passenger) wheelchair accessible taxis that are low to the ground could offer increased space in the main passenger compartment that would allow many benefits. These benefits could include: allowing more than one person who uses a wheelchair and does not transfer to travel at a time; greater leg space for all passengers; and the ability for parents with strollers or passengers with other mobility devices such as canes, or walkers, to travel with their equipment without having to store it in the trunk.¹⁷ Future taxi manufacturers may also find a way to provide the necessary space to accommodate any passenger while conserving energy, lessening the impact on the environment.

Increased numbers of accessible taxis could also benefit the taxi industry. There is potential for increased profit and ridership, the ability to service more riders, and create more jobs. Please note; however, that while industry representatives on the Committee support increased numbers of wheelchair accessible taxis and access to services, there are Committee concerns. Funding will be required for wheelchair accessible vehicle costs, start-up costs, and potential needs for ongoing operating costs. In addition, training will be required,

¹⁶ Royal Cab’s average wait time per month is 31 minutes, while Yellow Cab’s is 22 minutes.

¹⁷ According to the Ron Mace, founder of the North Carolina State University Center for Universal Design “Universal design is the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design.” (Retrieved from http://www.ncsu.edu/www/ncsu/design/sod5/cud/about_us/usronmace.htm) Dropped sidewalk curbs, a standard used around the world to make sidewalks accessible for all, and closed captioning initially provided for persons who are deaf or hard of hearing and now used in bars and airports, are two examples of accommodations created for people with disabilities, now used by all.

and enforcement will be necessary. The Committee will address funding, training and enforcement needs in later sections of this report.

The Committee also believes that a significant increase in accessible taxi service could have a measurable, beneficial impact on the city as a whole. A larger fleet of accessible taxis would increase transportation options for individuals with disabilities, particularly those with mobility impairments, and would be an incentive to encourage people with disabilities (and their families) to visit, hold conventions and conferences in Washington, DC, increasing revenue for the hospitality, restaurants, other businesses and the city.

C. HOW OTHER JURISDICTIONS ARE PROVIDING ACCESSIBLE TAXI 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 taxis. Cities are also supplementing rides for people with disabilities through the use of paratransit and contract transportation service providers. Following are brief descriptions and highlights of accessible taxi programs in other jurisdictions.

Table C: City and States Assessed

City & State	Population	Accessible Taxi Service Began	Number of Taxis	Number of Accessible Taxis
Arlington, VA	221,045	1996	757	37
Baltimore, MD	621,342	Unavailable	1074	10
Chicago, IL	2,707,120	2000	6,722	141
Fairfax Co, VA	1,118,602	Unavailable	Unavailable	Unavailable
Montgomery Co., MD	989,794	Unavailable	770	48
New York, NY	8,244,910	2012	13,237	233
P. G. County, MD	881,138	2012	1,075	7
San Francisco, CA	825,863	1994	1,477	100
Washington D.C.	632,323	2010	6,500	20

Source: Population Count U.S. Census Bureau 2011/2012 and city and county taxicab regulations' departments

Accessible Taxicab Service Program Structures

Washington, D.C.: In February 2010 Washington launched its first wheelchair accessible taxi service—*roIIDC* as a pilot program. The program is funded through the TPB and participating taxicab companies. *roIIDC*'s full service includes a fleet of 20 accessible taxicabs, provided by Royal Cab and the Yellow Cab Company of D.C.

The curb-to-curb service is provided to people with disabilities using wheelchairs and other mobility devices. Program highlights include:

- An open (non-medallion) system
- Dispatch service
- Pay normal metered fare
- ADA-compliant and disability sensitivity training required
- Trips may be reserved up to a week in advance
- Vehicle accommodates up to 4 other passengers
- Street hail
- Rear entry
- **Frequency of use:** Since the program was launched, the demand for wheelchair accessible taxi service has grown steadily since 2010; the number of monthly wheelchair trips more than tripled between August 2010 and August 2012. While there has been a dramatic growth in usage, the percentage of wheelchair trips compared to total trips remain relatively low at an average of 5.4 percent of trips being taken by passengers using wheelchairs from February 2010-October 2012.^{lx}
- **Driver incentives:** Drivers who opt to participate in the program drive a Toyota Sienna at a subsidized rate.
- **Additional information:** According to survey findings, customer satisfaction of the service has been very high with 85 percent of customers rating the service as excellent and only one percent rating the service as poor. Washington D.C. was the only major city researched that operates on an open system.^{lxi}

Arlington, VA: Accessible taxicabs are available for on-demand point-to-point service in Arlington for people who use wheelchairs, scooters and other mobility devices. Passengers are encouraged to call ahead whenever possible to request a wheelchair accessible taxi. Program highlights include:

- Twenty-four hours/seven-day per week service
- Request may be made up to two weeks in advance
- Normal metered fare
- Discount up to 10 percent for seniors and persons with disabilities

Baltimore, MD: On December 18, 2012, the Public Service Commission in Baltimore that regulates taxi service, proposed that "...permit holders in Baltimore City and Baltimore County that if within six months of its order there are not 25 wheelchair accessible cab (WACs) in the City and five (5) in the County, the Commission will conduct a lottery for permit to bridge the remaining deficiency. The recommended levels include those already in service, which are around nine (9) WACs in the City and none in the County. These additional permits will be restricted to wheelchair [WAVs], while providing service to all customers."^{lxii} It is also noted in the testimony that "Taxis are not required to provide wheelchair accessible service under the Americans with Disabilities Act (ADA)."^{lxiii} Based on the testimony, the Public Service Commission is putting WAVs in place because other cities around the country are offering wheelchair accessible taxi service. We found that only three (3) taxi companies are providing wheelchair accessible service. Program highlights include:

- Not government mandated
- A permit system (not considered a medallion system though permits are bought and sold)
- Dispatch service
- 24-hour advanced booking
- No street hail
- Only customers who cannot transfer are provided accessible taxi service
- Taxis available to Paratransit riders^{lxiv}

- MTA Taxi Access II Service is available to MTA-certified Mobility (paratransit) customers
- Customers are given a Taxi Access card that is used to verify eligibility with the driver
- Customers pay a \$3 fare and any amount over \$20

Chicago, IL: The Department of Business Affairs is the government entity responsible for oversight. Over the past year the city of Chicago has doubled the number of wheelchair accessible vehicles in their fleet to 175 of their 6,722 vehicles (2.6 percent). Chicago recently passed legislation with the following requirement: “Any single licensee that owns or controls 20 or more licenses must place into service wheelchair accessible vehicles as taxicabs on five percent of its taxicab vehicle fleet.”^{lxv} An incentive for wheelchair accessible vehicles of \$100 off of the \$600 annual medallion fee is offered to encourage companies to make more of their cabs wheelchair accessible. Additionally, any cab company with more than 20 cabs must maintain at least five percent as accessible vehicles taxis.^{lxvi} Chicago’s accessible taxi service includes:

- Medallion system
- Incentives
 - Five-seven year use limit on all accessible vehicles or environmentally friendly vehicles versus four-year use limit for non-accessible vehicles
 - Monetary incentive program where a driver can receive a free taxi medallion for providing exemplary service
 - An industry fund subsidizing the purchase of wheelchair accessible cabs by raising the taxicab licensing fee from \$500 to \$600. The \$600,000 generated by that increase will be returned to those who purchase wheelchair accessible cabs.^{lxvii}
- The program is carried out by individual taxi cab companies which are required by law to include wheelchair accessible cabs
- MV-1 Vehicle
 - Accommodates two wheelchairs and three non-wheelchair passengers
- Paratransit
 - The Taxi Access Program allows RTA certified paratransit customers to travel in taxis at reduced rates for trips within the City of Chicago.
- TAP Swipe Card trips, good for a one-way taxi ride valued up to \$13.50, may be purchased for \$5.00 each. Riders must pay the difference if the taxi meter exceeds \$13.50.

Fairfax, VA: Accessible taxi service is available in Fairfax. Program highlights include:

- No government mandate
- Several independent companies offer wheelchair accessible taxi service
- Fairfax Red Top offers a 10 percent discounted rate for senior citizens and persons with disabilities
- Advance booking is required
- Toyota Sienna vehicle
- Paratransit
 - TaxiAccess is a program that provides subsidized taxicab service to Fairfax County residents who are MetroAccess users.
 - TaxiAccess users have the opportunity to purchase coupon books good toward taxicab rides at one-third of the face value.
 - Participants can purchase up to eight coupon books per year and the coupons can be used with any of the four taxicab providers licensed to do business in Fairfax County.^{lxviii}

Montgomery County, MD: Montgomery County requires that 8 percent of vehicles in a fleet of 20 or more taxis be wheelchair accessible. Currently, 48 of the 770 licensed taxis are wheelchair accessible. The

Montgomery County Department of Transportation is the government entity responsible for oversight. Montgomery County accessible taxi service includes:

- Medallion system
- Advance booking required
- The drivers are required to undergo training that is consistent with ADA standards.
- Subsidized Taxi Service: Call n Ride
 - Eligibility - low income and at least 67 years of age or low income and at least 16 years of age with a disability.
 - Clients may add up to \$120.00 monthly to swipe cards at discounts according to income.

New York City, NY: The Accessible Dispatch program was launched on September 14, 2012, and is overseen by The New York City Taxi and Limousine Commission (TLC). The TLC accessible dispatch program specifically services passengers using wheelchairs. It operates in Manhattan but takes passengers to any destination in the five NYC boroughs, Nassau and Westchester counties, as well as to the three regional airports, JFK, La Guardia and Newark, NJ. Since the program was launched, there have been 5,664 completed trips as of March 2013. The TLC plans to add an additional 2,000 accessible taxis to its yellow taxi fleet later this year as well as 3,600 accessible livery cabs which service boroughs other than Manhattan. After more than two decades of advocating for accessible taxi service, an April 18th NYC City Council hearing addressed Proposed Int. No. 443-A, a bill with 36 sponsors requiring that all newly manufactured taxicabs be accessible to people with disabilities. In December 2013, the TLC announced its intention to achieve a 50 percent accessible taxi fleet by 2020. The TLC will require that at least 50 percent of all new vehicles put into service during the regular replacement schedule will be accessible until 50 percent of the entire fleet is accessible. Their current wheelchair accessible service includes:

- Medallion system
- Dispatch service only available in the borough of Manhattan
- Street hail
- Pay normal metered fare
- ADA-compliant training required for drivers
- Rear-entry, lowered-floor minivan or a side-entry MV-1 vehicles
- Five ways to book a taxi:
 - Call 311
 - Call dispatch center directly
 - Text a request
 - Mobile app WOW Taxi (Wheels on Wheels)
 - Book online
- **Driver incentives:** New York has a state tax credit for taxi companies that upgrade to wheelchair accessible vehicles; the tax credit is up to \$10,000 per vehicle. Additionally drivers in New York City receive an additional fee for completing a trip dispatched by the Accessible Taxi Dispatcher. The Dispatch Fee will be \$6 for trips under .5 miles; \$10 for trips between .5 miles and 1 mile; and \$15 for all trips over 1 mile. The Dispatch Fee will include tolls to the pickup location and will also include an additional \$5 fee for wait time if the Driver waits for the passenger for more than 10 minutes after the later of either the appointed pickup time or the Driver's arrival at the pickup location (the \$5 is also payable if no passenger appears).^{lxix} 'Deadhead' miles paid for by \$98 fee paid by every medallion owner in the city – Added Incentive

Prince George's Count, MD: Prince George's County (PG) regulates the taxicab service industry through its Department of Environmental Resources and a five-member board, two members from the industry and three

members from the public. Wheelchair accessible taxi service began last year in PG County. Accessible Taxi, Inc., is the taxi company providing the service which includes:

- License System – receives a Certificate of Taxicab Regulation License
- Dispatch
- Pay normal metered fare
- ADA, safety and sensitivity training
- MV-1 vehicle model
- Pick-up guaranteed within 30 minutes of a call

San Francisco, CA: The San Francisco Municipal Transportation Agency is the government entity responsible for oversight of taxi regulation. San Francisco is the leading major city in the United States with the highest percentage of accessible taxis (16.5 percent). It is also one of the oldest with requirements dating back to 1994. Program highlights include:

- Medallion system
- Dispatch service
- Street hail but can reserve trip
- Minivan with side entry
- Pay normal fare
- City limit service only
- Paratransit Service^{lxx}
 - 14,000 registered riders, 4,000 registered wheelchair customers
 - 26,000 ramped taxi trips annually
 - Paratransit Debit Card issued to riders allows for better monitoring and reporting, enforcement, reduction in administration costs for taxi companies, faster invoicing process
 - Amendment to transportation code now requires monthly minimum wheelchair pickups
 - Monetary award for ramp taxi drivers who complete more than the average wheelchair pickups
 - 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
 - Ramped Taxi Driver Training Certification Required

London: London, England is the international leader in accessible taxi transportation with a 100 percent accessible fleet of 22,500 taxis. London's taxi service as a whole is regularly voted the best taxi trade in the world. The 100 percent figure was mandated by the Disability Discrimination Act of 1995 and reached by January 1, 2000.^{lxxi} London's Underground (Subway) and bus systems are not 100 percent accessible.^{lxxii} London was used by New York City as a model when designing the Accessible Dispatch Program.

D. TIMETABLE AND PLAN TO RAPIDLY INCREASE ACCESSIBLE TAXI AVAILABILITY

Following are Committee recommendations for a timetable and plan that would rapidly increase the numbers of accessible taxis in the District.

I. Revisit Existing Accessible Fleet Percentage Requirements in the DC Taxi and Sedan Laws

Under the DC Taxi Act, and sedan regulations, each taxi and sedan company with 20 or more taxis in its fleet as of July 1, 2012, will be required to dedicate a portion of its fleet to wheelchair accessible taxis: 6 percent by December 31, 2014; 12 percent by December 31, 2016; and 20 percent by December 31, 2018. The Commission may withhold license renewals for those companies that do not comply.^{lxxiii} Current District (and federal) law does not provide an exemption that would allow covered companies to avoid this requirement.

Since these requirements would only result in 3 percent of the D.C. taxi fleet being accessible by the end of 2018,¹⁸ the Committee recommends that the required percentage of accessible taxis in the covered fleets be increased to 30 percent in 2016 and 40 percent in 2018. In addition, with respect to the 20 or more fleet requirement above, the Committee believes that smaller taxi companies under the same ownership should be considered as one company. To do otherwise would be to encourage evasion of the requirements of the DC Taxi Act. For example, under such a revised model, three companies that each own seven taxis and have the same ownership would meet the 20 taxi threshold necessary to trigger the accessibility percentage requirements. The Committee also recommends requirements be made that accessible taxis provide service for a minimum number of hours per month.

Additionally, the Committee recommends revisiting regulations for digital dispatch companies. Digital dispatch companies should be required to offer service to all potential customers in the District, including individuals with disabilities, and the minimum fleet requirements for accessible vehicles should apply to digital dispatch companies as well. Digital dispatch companies who do not currently provide accessible service are only required to redirect customers in need of such service to a digital dispatch company that can accommodate them (if one is available).^{lxxiv}

II. Continue to Explore Use of Accessible Taxis for Provision of Paratransit Service

To further increase the number and usage of accessible taxis beyond the fleet percentage requirements for companies, the District should continue exploring the use of accessible taxis to supplement paratransit service. One option, which is still in the developmental stage¹⁹, is to create a program whereby independent taxi companies would provide accessible transportation services for qualified MetroAccess paratransit customers with particular medical needs. In such a model, the service would be provided either in existing MetroAccess vans or other accessible vehicles, and the taxi company would be reimbursed accordingly. In exchange for a certain number of rides²⁰ referred to and provided by the taxi company, the company would also be required to purchase one additional accessible taxi for their fleet. Proponents of such a program argue that it could save the District government a significant amount of money²¹, while increasing the number of accessible vehicles and providing companies with a new revenue stream.²²

Another alternative, adopted in jurisdictions such as San Francisco, is to provide taxi/digital dispatch ride vouchers to those certified for paratransit service.^{lxxv} However, the vouchers are not restricted to those who need an accessible vehicle; all taxis are permitted to accept the vouchers, and therefore the incentive to

¹⁸ Because the requirement applies exclusively to companies owning 20 or more vehicles, the regulation requires only 27 companies to make 20 percent of its vehicles accessible. Using 2013 vehicle registrations, of the 1,170 taxis owned by companies bound by the requirement, this would result in only 234 vehicles that would be required to be accessible. The 234 vehicles would represent only 3 percent of the overall District taxi fleet of 7,028 vehicles (see table G.1 in Appendix G).

¹⁹ A pilot of this program is expected to begin with patients who need dialysis.

²⁰ This number has not been determined, but is likely somewhere between 1,000 and 10,000 rides.

²¹ It's estimated the District could save 2 million dollars with a taxi-driven paratransit program, given the District currently pays contractors 50 dollars for each MetroAccess trip.

²² It should be noted that some disability advocates are concerned that dedicating too many accessible taxis to the paratransit program could result in a shortage of taxis for those who need an accessible one but do not qualify for the paratransit program.

purchase an accessible taxi is less than it would be otherwise. While this may be good in theory, it has not been as effective as anticipated – drivers have been reluctant to pick up passengers with disabilities who need accessible vehicles and jurisdictions have had to offer additional incentives. Moreover, this diffuse usage has not resulted in additional purchase of such vehicles since the program is essentially a voluntary one for taxi companies, rather than one which requires additional accessible vehicles be purchased.^{lxxvi}

The Committee recommends a combination of the first and second alternatives be adopted in the District with some modifications. With respect to the first alternative, there needs to be a way to include independent drivers or smaller companies, as appropriate, while retaining the requirement to increase the number of accessible taxis. The second alternative should prioritize individuals that need accessible taxis for voucher rides during the first year of the program; in the second year and afterwards, vouchers should only be valid for rides in accessible taxis.

III. Other alternatives

There are a number of other ways in which to increase the availability of accessible taxis in the District including:

- Optimizing the usage of accessible taxis by permitting them to be used more than eight hours per day, with different drivers²³; and
- Creating a reciprocity agreement to expand inter-jurisdictional availability of accessible taxis in the District, Virginia, and Maryland.

E. GRANTS, LOANS, INCENTIVES & REGULATORY MEASURES TO OFFSET THE COSTS OF PURCHASING, RETROFITTING, MAINTAINING AND OPERATING ACCESSIBLE TAXIS

Many cities and counties around the country are grappling with how to design and develop a taxi service that incorporates accessible vehicles. In this section we revisit DC's unique taxi industry and examine accessible vehicle and operating costs; the funding and incentives provided in eight of the jurisdictions that were discussed in Section C; federal and local incentive options; taxi industry incentives; and foundation loans and grants.

I. DC's Unique Taxi Industry

According to a 2007 report, *Entry Controls in Taxi Regulation*, the District's taxi industry is unique among larger cities in the U.S. DC has open entry for new companies or drivers, though a suspension on the provision of new licenses was recently lifted.^{24, lxxvii, lxxviii, lxxix} As a result, DC has the highest number of taxis per capita of any

²³ As discussed in Sections E and F of this report, taxis in the District can only be driven for 16 hours in a 24 hour period. But more restrictive is the current policy which often limits accessible taxis to one (trained) driver, for a total of 8 hours per day. Allowing accessible taxis to be driven more hours in a 24 hour period would increase the number of accessible taxis on the streets, and could help offset the high upfront investment of purchasing an accessible taxi.

²⁴ In November 2010, the DCTC continued a suspension of new Independent Taxicab Vehicle Numbers, and began a suspension of new limousine companies and operators and taxi companies. The DCTC cited "pending regulatory updates and on-going industry inspections and restructuring" as cause for the suspensions. In October 2011, DC Mayor Grey announced that the moratorium on applications for new taxi companies as long as the company provided "green" taxis and at least 10% of the fleet was wheelchair-accessible. In September 2012, DCTC announced that existing taxi and limousine companies would be able to register new vehicles starting October 15, 2012. The companies were defined as having not less than 20 vehicles under common management.

city. Other major cities operate on closed entry systems and require the purchase of a medallion²⁵ or permit, which can be expensive and difficult to obtain.

In addition, in larger cities like New York, a single taxi may be on the road continuously. According to a 2006 report, *The New York City Taxicab Fact Book*, “Four in ten owner-drivers lease their cabs to other driver(s) for a second shift.” In the case of companies who lease long-term, “typically, the cab [leased from a company to a driver long-term] is leased to two drivers who arrange to pass the vehicle back and forth at the end of each 12-hour shift.”

Under DC Regulations (Title 31, 822-12), a taxi may not be operated for more than 16 hours in a 24 hour period. In addition, a taxi driver may not drive more than 12 hours at a time in a 24-hour period, unless the driving time is broken by a period of eight hours of continuous rest. According to taxi industry representatives on the Committee including representatives from the two largest companies in the District, companies rent to only one driver on a weekly basis, the driver sets his/her own work schedule, and drivers are not allowed to sub-rent the vehicle. In addition, independent owner-operators, who comprise a majority of the taxi industry in the District, drive their own vehicles, set their own work schedule, and do not sub-rent their vehicles.

There have been proposals to convert the District system to a medallion system, but legislative efforts have been unsuccessful. The Professional Taxicab Standards and Medallion Establishment Act of 2011 was introduced by the DC Council in 2011. This bill would have created 6 classes of medallions with a cap set at 4,000 medallions ranging from \$250 to \$10,000 initial price, depending on whether the buyer was an individual or company and resident or non-resident. Class 4 was a wheelchair accessible medallion and would have cost \$250 for an individual, \$500 for a company and \$1,000 for non-residents. The number of class 4 medallions was to be set by the DCTC, but there was to be a cap on the number offered.

In general, there has not been a great deal of political support for the medallion system.^{lxxx} Taxi owners and drivers have been resistant to the introduction of medallions.^{lxxxi} A hybrid system that involves permits has also been discussed in the Committee as a potential option and is being trialed in Philadelphia.^{lxxxii} Both medallion and permit systems can provide for financial incentives to increase the number of wheelchair-accessible cabs.

II. Vehicle and Operating Costs of Accessible Cabs

A. General Vehicle and Equipment costs

Taxi companies and owner operators who may want to provide wheelchair accessible service have three options when considering a vehicle and equipment: add a ramp to the side or rear of (i.e., modify) a used van, purchase a new van that has been modified, or purchase a purpose-built accessible vehicle. An owner or company might consider how many passengers can be transported in a vehicle, and whether costs of purchasing and operating the vehicle can be recouped and a profit made.

The two common entry options for accessible taxis are side-loading and rear loading. According to a 2010 article^{lxxxiii} on the costs of accessible taxis, along with recent news,^{lxxxiv} the following are examples of costs of accessible vehicles:

²⁵ A medallion is a permit to operate a taxi and an asset. In a medallion system a city restricts the number of medallions that can be purchased, and thus the number of taxis that are on the street. The taxi authority sells the medallions to drivers or companies at a set rate initially. Over time, the medallion appreciates in value and becomes an asset for the owner. The medallion creates a market with a high barrier to entry, and is often criticized for creating monopolies and windfall profits for few. Medallion sales can create revenue for a city and taxi authority, as well as value for the owner.

- Dodge Grand Caravan – rear entry, seats 1 wheelchair user, \$25,000 to \$35,000
- Dodge Caravan – rear entry, seats 1 wheelchair user, \$46,000 to \$49,000
- Ford Freestar – low mileage, seats 1 wheelchair user, \$27,000 to \$30,000
- MV1 – low mileage, compressed natural gas option, seats 2 wheelchair-users, side entry, previously starting at \$40,000^{lxxxv}
- Conversion package only - \$11,000 to \$12,000

The MV1 is currently the only purpose-built, fuel efficient, accessible taxi option available. Production had ceased temporarily, but is scheduled to resume soon. Demand for additional purpose-built, fuel efficient, accessible vehicles could spur the market and lead to additional options.

B. General Maintenance and Operating Costs

Additional operation costs associated with accessible taxis could include increased gas costs, insurance, maintenance of the ramp and vehicle, dispatch service if available or desired, and training costs. Additional costs mentioned in the *Assessing the Cost* report or provided for in other jurisdictions include shorter trip lengths, more time for the passenger to load, and increased insurance rates. However, a study of Seattle accessible taxi trips found that the trip lengths in accessible taxis were just as long, or longer, than those in non-accessible vehicles.^{lxxxvi} Additional research is needed to identify the range of insurance rates. rollDC requires the company to carry a \$2 million per incident liability coverage for the company because of the associated federal funding (email from Roy Spooner, October 30, 2013). DC taxis are required to carry \$25,000 liability coverage.^{lxxxvii}

DC requires taxis to stop for all passengers with disabilities, including passengers using service animals or motorized wheelchairs. Current DC legislation does not prohibit wheelchair accessible taxis from stopping for passengers without disabilities. Allowing the accessible taxi to be used for any fare can help with maintenance costs.

C. Sample Cost Data from DC's rollDC Pilot Program^{lxxxviii}

rollDC is a pilot program created in the District that provided accessible vehicles and additional funds to two taxi companies in DC. The MWCOG applied for, and received, New Freedom Grant dollars, and matched those funds. The following chart provides data on costs.

Table E.1: rollDC Continuation Funding Data

Yellow Paratransit, approved by TPB June 2012 for 2 yrs.	Federal	Match	Total	Per veh, per yr.
Capital (7 vehicles; maintenance)	\$253,040	\$63,260	\$316,300	\$22,593
Operating (driver subsidies, operating costs, training)	\$145,080	\$145,080	\$290,160	\$20,726
Total	\$398,120	\$208,340	\$606,460	\$43,319
Possible Liberty application for 2 years	Federal	Match	Total	Per veh, per yr.
Capital (5 vehicles; maintenance)	\$200,000	\$50,000	\$250,000	\$25,000
Operating (driver subsidies, operating costs, training)	\$80,000	\$80,000	\$160,000	\$16,000
Total	\$280,000	\$130,000	\$410,000	\$41,000

+ Grant Administration: \$9,375 (5%) per year in 2013 and 2014.

+ Marketing: \$65,531 from August 2008 to December 2012 (\$52,425 FTA, \$13,106 Matching)

Source: MWCOG, February 2013.

In early 2013, MWCOG planned to receive additional federal transportation funds that would fund the program for an additional 2 years. The federal government would provide a total of \$280,000, with MWCOG

matching \$130,000 for a total of \$410,000. Yellow Paratransit was scheduled to receive \$316,300 to purchase and maintain 7 new accessible taxis for 2 years. This amount is equal to \$45,186 to purchase and maintain the vehicle. Liberty was scheduled to receive \$250,000 to purchase and maintain 5 vehicles for 2 years, amounting to \$50,000 per vehicle.

For operations, Yellow Paratransit was scheduled to receive \$290,160 to operate the accessible taxis for 2 years. Operation costs included driver subsidies, gas and training. This amount is equal to \$20,726 to operate each vehicle per year. Liberty was scheduled to receive \$160,000 to operate the accessible taxis for 2 years. Operation costs included driver subsidies, dispatching, vehicle lease subsidies, insurance, additional gas costs and training. This amount is equal to \$16,000 to operate each vehicle per year. Yellow Paratransit was scheduled to receive more funds per vehicle than Liberty because they had a record of completing more trips.

A total of \$9,375 was budgeted for grant administration for 2013-2014. During the initial roll-out of the program, \$65,531 was spent on marketing.

III. Financing and Incentives for Accessible Cabs in Other Jurisdictions

Many cities and counties around the country are working to increase the numbers of accessible taxis in their jurisdictions by providing subsidies and incentives, incorporating taxi service into programs for older adults and people with disabilities, and changing regulations.

What follows are brief descriptions of loans, grants and incentives used by other jurisdictions to fund accessible taxis.^{26, lxxxix}

A. Arlington, VA

In Arlington County, only taxi companies who have been issued a “certificate of public convenience and necessity” by the County Board may undertake taxi business. Each certificate has a specific number of taxi licenses associated with it. This number may also include special licenses, e.g., for wheelchair-accessible vehicles.

Arlington also has a STAR (Specialized Transit for Arlington Residents) subsidized program. STAR serves Arlington residents who have difficulty using public fixed route transit due to the effects of age or disability. STAR users must first be determined eligible for MetroAccess. STAR is a shared-ride paratransit service.

B. Baltimore, MD

Presently, Baltimore has no mandated accessible taxi service. All accessible taxis are provided on an “in-kind” basis by the taxi company. However, last December, the Public Service Commission that regulates taxi service proposed that if “...there are not 25 wheelchair accessible cab (WACs) in the City and five (5) in the County, the Commission will conduct a lottery for permits to bridge the remaining deficiency. The recommended levels include those already in service, which are around nine (9) WACs in the City and none in the County. These additional permits will be restricted to wheelchair accessible vans [WAVs], while providing service to all customers.”^{xc} Since that time, no wheelchair accessible taxis have been added to any of the taxi companies’ fleet.

C. Fairfax, VA

In Fairfax, there is no government mandate regarding accessible taxis. Fairfax Red Top offers a 10 percent discounted rate for senior citizens and persons with disabilities.

²⁶ Data provided by KFH Group’s Elizabeth (Buffy) Ellis unless otherwise stated.

D. Prince George’s County, MD

Prince George’s County has a for-profit company, Accessible Taxi, LLC, which was created for the purpose of procuring accessible taxis and providing grant funds to be distributed throughout the state. In 2012, Accessible Taxi announced a Request for Proposals (RFP) with the scope of delivering up to fifteen ADA-compliant wheelchair accessible taxis to the state. There was \$423,833 available for this RFP.

E. Montgomery County, MD

Montgomery County requires that 8 percent of vehicles in a fleet of 20 or more taxis be wheelchair accessible. Currently, 48 of the 770 licensed taxis are wheelchair accessible. The Montgomery County Department of Transportation is the government entity responsible for oversight.

Montgomery County accessible taxi service includes two subsidized programs:

- **Call-n-Ride Program:** This Montgomery County program provides subsidized taxi trips for low-income persons with disabilities and seniors. To be eligible for the Call-n-Ride Program, you must be low-income and at least 67 years of age or low-income and at least 16 years of age with a disability.
- **Same Day Access Program:** This Montgomery County Transportation Program is part of the Call-n-Ride program, designed to provide subsidized transportation service for certified MetroAccess participants who must reside in Montgomery County and have a current MetroAccess Identification Card.

F. Long Beach, CA

Although not included in earlier sections of this report, we have included Long Beach here, as the TLPA cites it as a best in practice example.²⁷ Long Beach’s transit authority contracted with Yellow Cab in the city, to provide accessible service. There are 15 accessible vehicles out of 175 cabs. These 15 vehicles are owned by the transit authority, which is reimbursed for the cost of modifications and maintenance, based on “non-contract miles”. Yellow Cab of Long Beach gives its drivers a guaranteed fare of \$10 per trip. Trips that are not paratransit are subsidized by \$15 additional dollars to cover additional time associated with accessible fares.^{xc}

New York, Chicago, San Francisco

New York City (NYC), Chicago and San Francisco are all cities that have a long history with wheelchair accessible vehicles. The Committee conducted interviews with various officials and industry experts in each of these cities.

G. New York, NY

There are currently 233 accessible taxis in NYC, with an additional 200 accessible medallions recently auctioned for roughly \$1 million per taxi, generating more than \$200 million for the city^{28,xcii,xciii}. Passengers may request a ride through a central dispatch program or street hail and drivers are required to provide service to persons with disabilities if they are available. Passengers may only request a trip *from* Manhattan, though they may travel inside Manhattan or *to* any of the outer boroughs. Accessible taxis are now available at NYC airports.^{xciv}

According to Bill Scalzi, Executive Director of Accessible Dispatch, drivers receive an additional payment for completing a trip dispatched by the Accessible Taxi dispatcher. The payment, called a dispatch fee, is meant to

²⁷ Long Beach is cited as a best practice example in the TLPA’s *Assessing the Full Cost of Implementing an Accessible Taxicab Program* report, page 36.

²⁸ An additional 200 are planned to be auctioned in the near future. New York state law could allow an additional 1,600 to be auctioned.

account for deadhead miles.^{29,xcv} Drivers receive \$6 for trips under .5 miles; \$10 for trips between .5 miles and 1 mile; and \$15 for all trips over 1 mile. The Dispatch Fee includes tolls to the pickup location and an additional \$5 fee for wait time if the Driver waits for the passenger for more than 10 minutes after the later of either the appointed pickup time or the Driver's arrival at the pickup location (the \$5 is also payable if no passenger appears). The 'deadhead' mile payment was paid for by a \$98 fee paid by every medallion owner in the city in the start-up year (2012). The owners now pay \$54 per year. As there are 13,400 medallions in New York City, this raises over \$700,000 annually (personal communication, October 3, 2013).³⁰

New York City uses a medallion system. The sale and transfer of these medallions provide revenue for the drivers, corporations, the Taxi and Limousine Commission (TLC) and the city of New York. The medallions are individually numbered and the number is presented in multiple formats on the car for physical proof of a taxicab license. The medallion number appears on the medallion, the roof light, and the license plate and on both the interior and exterior of the taxi doors. The taxis must also be "yellow" and are hailed from the street.

Individual owners can lease out their medallion once they meet a service requirement of 210 nine hour shifts driven by the driver. Corporations must have at least two medallions in order to operate. The medallion is financed through a system run by lawyers and brokers. The market value for the medallion system is measured at a Compound Annual Growth Rate of 14 percent a year for the past 50 years. The Medallion Financial Corp. is the oldest and largest organization in this field.

The number of medallions issued is closely watched and regulated in order to keep the value of the medallions at a marketable level. Currently there are 13,237 medallions in the TLC system with 4,876 of them individually owned and 8,361 in a fleet or corporate owned.

In December 2013, the TLC announced its intention to achieve a 50 percent accessible taxi fleet by 2020. The TLC will require that at least 50 percent of all new vehicles put into service during the regular replacement schedule will be accessible until 50 percent of the entire fleet is accessible.^{xcvi}

Finally, as has been noted, New York has a state tax credit for taxi companies that upgrade to wheelchair accessible vehicles; the tax credit is up to \$10,000 per new vehicle or vehicle that has received modifications.^{xcvii}

H. Chicago, IL

There are approximately 175 accessible taxis in Chicago.^{xcviii} Passengers may request a ride through a central dispatch program or street hail and drivers are required to provide service to persons with disabilities if they are available.

Chicago issues taxi medallions that confer the right to operate a taxi. Anyone owning between 15 and 49 medallions (adding portions of medallion ownership together) must have one wheelchair accessible vehicle (WAV), and anyone owning 50 to 74 medallions must have two. Above that, medallion owners are required to have one additional WAV per every 25 vehicles. The city has in the past assisted individual owner-operators in purchasing WAVs. For example, the city has provided \$10,000 for the purchase of a ramped van, but has only distributed these grants to a small number of owners (fewer than 10). The funding used to sponsor this program has since been depleted.

²⁹ According to the National Transit Database, deadhead miles are defined as miles travelled and time spent when out of revenue service, e.g. time spent en route to pick up a passenger.

³⁰ Additional detail regarding the dispatch program, including estimated operating costs, can be found in the TLC Notice of Promulgated Rules: http://www.nyc.gov/html/tlc/downloads/pdf/approved_acc_dis_taxi.pdf

According to Taxi Commissioner Rosemary Krimbel, Chicago originally tried splitting medallions on auction one year. The city offered 40 new sedan medallions and 10 new WAV medallions. Feedback was not strong and the WAV medallions sold for significantly less than the traditional medallions.

In 2012, Chicago rewrote its taxi regulations, increasing the number of year that a WAV was allowed to remain in service. Non-WAV vehicles must be replaced after 4 years. WAVs may remain in service so long as they pass inspection. Once this law was changed, 100 more WAVs were purchased (R. Krimbel, personal communication, October 8, 2013). Many of the WAV used in Chicago are MV-1's. Chicago has found that the modified Dodge Caravan does not handle the wear and tear as well as the purpose-built MV-1. The MV-1 went out of production and is rumored to be coming back on line at the end of this year.

In order to pay for the program, the commission added \$100 to the annual cost of a taxi license for licensees not driving a WAV. The \$100 goes directly to a WAV Reimbursement Fund, which is being coupled with other sources. Recently, Chicago implemented the "Wheelchair Accessible Vehicle (WAV) Cost Reimbursement Plan". As reported in a Regional Transportation Authority press release, the city received a \$1.7 million award from the New Freedom federal grant program. The New Freedom grant funds will serve as a matching fund to the WAV Reimbursement Fund. However, the Commissioner cautioned that the federal money has restrictions (eg, as all WAVs must be American made). The City will provide a reimbursement of \$15,000 to \$20,000 to those who purchase or modify a WAV and is expected to increase the number of WAVs in the city by 130 vehicles.

Chicago also provides a Driver Excellence Award. WAV drivers are nominated by passengers. An evaluation committee comprised of users selects the winner who receives a free WAV medallion which can be leased out to other drivers. The winner has to have picked up a wheelchair user 200 of the last 300 days. The 2012 winner received 80 nominations (R. Bapat, personal communication, September 27, 2013).

Chicago also recently issued an RFP for a new operator for its centralized dispatch. Open Doors, a non-profit, won the contract and began providing service in August 2013. Owners pay \$215 per month to receive dispatch services. If Open Doors does not get a response right away for a trip, the company provides gift cards and gas cards to drivers. Drivers who pick up a certain number of accessible trips receive vouchers that allow them to skip to the front of the line at the airport. Open Doors provides training. Passengers who use wheelchairs assist with the training and are paid. Open Doors system does not include a smartphone application. Open Doors is looking for a new partner to provide this service (E. Lipp, personal communication, October 3, 2013).

I. San Francisco, CA

San Francisco's Municipal Railway initiated wheelchair-accessible ("ramp") taxi service in 1994 as part of its paratransit program with six temporary medallions, and eventually expanded to 100 permanent medallions out of 1,635 taxi cabs. Ramp taxi medallions were made available to drivers who were on a waiting list for sedan medallions. The 100 ramp taxi medallion holders will be sent an offer letter to trade their ramp medallion for a sedan medallion in 2013 and 2014. In the future, the SFMTA will lease the ramp medallions directly to taxi companies.^{xcix}

Ramp taxis may pick up wheelchair and non-wheelchair user fares, but must prioritize wheelchair passenger requests and fares.^c San Francisco provides debit cards to paratransit-eligible passengers for sedan and ramp taxi service. The passenger presents the debit card to the driver at the beginning of the trip so that the driver can ensure there is adequate balance on the card.^{ci} The debit card allows the driver and paratransit service and taxi authority to track the number of paratransit-eligible trips the driver has made.

San Francisco incentivizes and regulates wheelchair accessible taxi drivers who provide trips for paratransit eligible passengers. The SFMTA found that many ramp taxi drivers spent much of their time at hotels and airports to take advantage of the larger vehicle size. The transportation code was amended to require a

minimum number of wheelchair user pickups for drivers of accessible taxis. Drivers must pick up 8 wheelchair users per month, 6 must be paratransit passengers.^{cii} Incentives include a lesser fee to taxi companies for the lease of a ramped taxi. San Francisco’s paratransit program provides bonuses for accessible taxi drivers who complete more than the required number of wheelchair user pickups. Drivers can receive \$75-\$250. Taxi companies receive a \$500 monthly bonus for providing the most trips to wheelchair users (per medallion).^{ciii}

San Francisco began offering monetary incentives in January 2011. As of September 2012, over \$66,000 worth of incentive awards had been distributed to 90 drivers. The city also has a “progressive disciplinary” schedule and process for complaints and adjudication for both companies and riders. Through the citation process, funds are used as revenue to provide more wheelchair accessible rides.

According to The Paratransit Manager at SFMTA, the city’s paratransit program pays for the accessible system (Kate Toran, personal communication, October 4, 2013).

The following chart consolidates information from all jurisdictions.

Table E.2: Other Jurisdiction’s Funding and Incentives

City	Funding & Incentives
Arlington, VA	Subsidized Taxi Service <ul style="list-style-type: none"> STAR (Specialized Transit for Arlington Residents)-Paratransit service for Arlington residents who have difficulty using public fixed route transit due to the effects of age or disability
Baltimore, MD	<ul style="list-style-type: none"> No mandate Taxi companies provide in-kind wheelchair accessible taxi service
Chicago, IL	<ul style="list-style-type: none"> Industry Subsidizing the purchase of vehicles through WAV Reimbursement Cost Plan The 1M WAV Reimbursement Fund is seeded with an additional \$100 license fee on all non-WAV drivers. Federal New Freedom grant funds were used to match the 1M. \$215 subscription fee to central dispatch service for all WAV drivers Increase in the # of years a WAV may stay on the road (from 4 to 5 years, 6 if the vehicle is also fuel efficient.) After 5 years, the WAV may stay on the road as long as it passes inspection. Voucher to cut to the front of the line at airports for WAV vehicles providing service to wheelchair users. Incentive for WAVs of \$100 off the \$600/year medallion fee
Fairfax Co., VA	Subsidized Taxi Service <ul style="list-style-type: none"> TaxiAccess is a program that provides subsidized taxicab service to Fairfax County residents who are eligible for paratransit. TaxiAccess users have the opportunity to purchase coupon books good toward taxicab rides at one-third the face value Participants can purchase up to eight coupon books per year and the coupons can be used with any of the four taxicab providers licensed to do business in Fairfax County.^{civ}

Montgomery Co., MD	<p>Subsidized Taxi Service:</p> <ul style="list-style-type: none"> • Call n Ride • Same Day Access (SDA) Program <p>Persons with disabilities, low income and at least 67 years of age or low income and at least 16 years of age with a disability are eligible.</p>
New York, NY	<ul style="list-style-type: none"> • Tax credit for taxi companies up to \$10,000 • \$54 per year fee to all medallion holders to fund the accessible dispatch line (\$98 the first year for capital costs) • Deadhead mile reimbursement to drivers: \$6 for ½ mile travelled or less to pick up passenger, ½-1 mile \$10, 1 mile+ \$15. No show reimbursement \$10. • Shorty (cutting to the front of the line at the airports) privileges <p>Sale of 2,000 New Medallions</p>
Prince Georges Co., MD	<ul style="list-style-type: none"> • Funding from the Council on Governments and Accessible Taxi Inc. Accessible Taxi Inc. – offered a one-time RFP to MD companies total \$423,833
San Francisco, CA	<ul style="list-style-type: none"> • 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
Long Beach, CA	<ul style="list-style-type: none"> • 15 vehicles are owned by the transit authority, which is reimbursed for the cost of modifications and maintenance, based on “non-contract miles” • Yellow Cab of Long Beach gives its drivers a guaranteed fare of \$10 per trip. Trips that are not paratransit are subsidized by \$15 additional dollars to cover additional time associated with accessible fares

IV. Federal and Local Incentives

A. New Freedom/Section 5310

The Federal Transportation Administration’s (FTA) New Freedom grant program has been used in a number of cities to fund up to 80 percent of the purchase price of accessible cabs that are used by private taxi companies. With the new Federal transportation legislation, MAP 21, the New Freedom program has been merged into the Section 5310 program and is now often called the Section 5310/Enhanced Mobility grant program. While the final Federal Circular that spells out the parameters of the funding program is not yet published, the purchase of accessible taxis with the funds is allowable.^{cv}

This program (49 U.S.C. § 5310) provides formula funding to states for the purpose of assisting private nonprofit groups in meeting the transportation needs of the elderly and persons with disabilities, when other transportation service provided is unavailable, insufficient, or inappropriate for meeting these needs. Funds are obligated based on the annual program of projects included in a statewide grant application. The state agency ensures that local applicants and project activities are eligible and in compliance with federal requirements; private not-for-profits have an opportunity to participate as feasible; and the program provides for coordination with transportation services assisted by other federal sources. Once FTA approves the application, funds are available for state administration of its program and for allocation to individual sub-recipients within the state.^{cvi} States are direct recipients of Section 5310 funds.

Section 5310 funds are available to the states during the fiscal year of apportionment plus two additional years (total of three years). The 5310 funds are apportioned among the states by a formula which is based on the number of elderly persons and persons with disabilities in each state according to the latest available U.S. census data. The federal share of eligible capital costs may not exceed 80 percent of the net cost of the activity. 10 percent is eligible to fund program administrative costs including administration, planning, and technical assistance. The local share of eligible capital costs shall be no less than 20 percent of the net cost of the activity. Eligible projects, recipients and sub-recipients are addressed in a recent FTA proposed circular.

cvii,31,cviii

B. Additional Potential Public Funding

The FTA suggests funding and financing resources on its website.^{cix} Following are brief descriptions of the mechanisms. Additional research is required to ascertain whether a District accessible taxi program or the DCTC would be eligible for funds.

An Infrastructure Bank - A number of states and cities have recently begun looking into establishing Infrastructure Banks. An Infrastructure Bank is a revolving fund set up by a public entity to provide loans and other credit vehicles. The Infrastructure Bank is often funded initially by federal and city money.

Revenue Bonds – Municipalities often issue revenue bonds to fund necessary capital, infrastructure, economic development, and human service needs. Revenue bonds require a specific funding stream to service the debt that is issued.

Capital Leasing – Capital leasing is a routine way of financing capital equipment. Grantees may use Federal funds for capital assistance for up to 80 percent the cost of acquiring transit assets by lease. A capital lease can be used to purchase capital equipment such as vehicles or it can be used to purchase a combination of capital and maintenance services such as chassis rebuilding and engine/drive train replacement. Transit agencies use cost-benefit analysis to decide whether to lease or buy.

A TIFIA-Type Program- According to the FTA, “the Transportation Infrastructure Finance and Innovation Act (TIFIA) program provides Federal credit assistance in the form of direct loans, loan guarantees, and standby lines of credit to finance surface transportation projects of national and regional significance.”^{cx} The District and advocates could lobby Congress to offer credit for projects that exceed the ADA.

Public-Private Partnerships (PPP) – According to the FTA, “a PPP is an arrangement between the public and private sectors to acquire, build or maintain a public project. Transit PPPs may take multiple forms: procurement; operation; and design build operate and maintain (DBOM). PPP’s can shift the risk from the project sponsor to the private sector, and reduce overall risk in procurement.”^{cx} The District could enter into a PPP with: private foundations; non-profits; for-profit companies; and stakeholders that may benefit including

³¹ The FTA recently released a draft circular of the guidance for 5310 programs. 5310 funds would be divided, 55% of the funds would go towards traditional projects, 45% to other projects. Traditional projects must be carried out to meet the specific needs of seniors and individuals with disabilities. It is not sufficient that they would be included or merely benefit from the project. Other projects are provided greater flexibility. “Projects must be targeted toward meeting the transportation needs of seniors and individuals with disabilities, although the services may also be used by the general public (III-9).” To be eligible for 5310 funds, projects in urbanized areas must be included in the Metropolitan Transportation Plan prepared and approved by the Metropolitan Planning Organization (in the District, MWCOG) (IV-1). MWCOG is currently the recipient of 5310 funds, though more than one recipient may be designated, and the multiple recipients must agree on how they will split the funding and report to the FTA annually (III-2). Eligible sub-recipients include a State or local-government authority, a private non-profit organization, or an operator of public transportation that receives a 5310 grant indirectly. Exclusive-ride taxi companies can accept 5310 funds to purchase accessible taxis under contract with a recipient or sub-recipient (III-5).

the hospitality industry. The PPP could acquire and lease accessible vehicles, provide modifications for existing taxis, pay for and provide training, or create and sustain an accessible dispatch service.

In addition, the following federal and state financing options may prove useful.

Social Impact Bonds – Social Impact Bonds are a type of pay for performance contract that is being investigated in multiple jurisdictions. In New York City, for example, the city sought a private partner to finance and implement a pilot program to reduce juvenile recidivism. In this case, Goldman Sachs invested funds, which were in part, guaranteed by the Bloomberg Foundation. Service was provided by a third party and an additional private partner measures results.

Tax Credits and Deductions – As has been mentioned, New York provides a \$10,000 tax credit for accessible taxis. A 2010 TLPA report mentions a tax deduction for passenger transportation businesses that incur costs for making a vehicle accessible the: “Architectural/Transportation Tax Deduction”, Section 190 of the Internal Revenue Code. Another deduction discussed is the “Disabled Access Credit”, Section 44 of the Internal Revenue Code.^{cxii}

C. City/County Subsidies and Service Programs

Some form of public involvement appears to be necessary to establish accessible taxi service. Cities are using a combination of regulations, incentives, and direct involvement to establish wheelchair accessible taxi service. Examples include percentage requirements in taxi fleets; issuing medallions or licenses restricted to wheelchair accessible taxis; free or lower-priced wheelchair accessible taxi medallions; waiving annual fees; and using public funds to help purchase wheelchair accessible taxis.

Steps taken to make wheelchair accessible taxi service work for taxi drivers include requiring or subsidizing discounted leases from taxi companies, and letting wheelchair accessible taxi drivers go to the head of the line at airports, trains or bus stations. Providing taxis to paratransit-eligible passengers could decrease paratransit costs for the city, increase business for taxi drivers and allow for increased flexibility for paratransit riders.

In DC accessible taxis represent only a small percentage (.3 percent) of the total taxi fleet, and street hailing is near impossible. Until accessible taxis represent a larger percentage of the total DC fleet, effective dispatching is needed to make accessible taxi service available to wheelchair users.

D. Partnering with Public Agencies and Subsidies

A number of cities and counties provide subsidies for public transportation programs that utilize or generate money or requirements for accessible taxis. Jurisdictions contract with accessible taxi companies or owners in user-side subsidy programs, providing eligible users (often seniors and people with disabilities) with vouchers, coupons or debit cards for discounted taxi trips. A National Cooperative Highway Research Program report^{cxiii}, *Local and State Partnerships with Taxicab Companies*, and Committee research provide the following examples of these public transportation programs partnering with accessible taxis:

- General public dial-a-ride;
- Subsidized taxis and demand responsive service for seniors or people with disabilities;
- Non-emergency medical transportation;
- Guaranteed ride home;
- Student transportation; and
- 911 transport.

In addition to the public agency partnerships discussed above, some municipalities provide subsidies to taxicab companies such as:

- Discounts on the weekly lease rate for an accessible taxi;
- Discounts on the fees that drivers pay the taxi companies for dispatching and insurance;
- Extra funds (\$2.00 in rollDC) per trip to compensate for “wait time” because the driver cannot start the meter until the passenger is properly loaded and secured in the vehicle.³²(in exchange the driver signs an agreement that wheelchair trips will get priority for service);
- A free lease day based on the number of accessible taxi trips a driver has provided;
- Reduced fees, including waiving or offering decreased licensing fees;
- Monetary awards for ramp taxi drivers who complete more than the average wheelchair pick-ups; and
- Monthly bonuses to taxi companies for providing the most wheelchair trips.

Lessons from the Case Studies

The *Local and State Partnerships* report describes lessons learned from case studies. According to the report, partnering with taxis can be cost effective and expand service to the public in the right circumstances with appropriate controls and incentives. Some lessons learned include:

- Taxis can be more economical and effective for certain trips than buses or other modes;
- Trips need to be economically attractive for independent contractor drivers;
- Steady business is an incentive for some drivers;
- Taxicab companies need to recover costs;
- Contracted rates may be better than meter rates;
- Partnership arrangements need to take into account the opportunities and limitations created by taxicab regulations;
- Active program oversight is necessary;
- Intermediaries can help with quality control and contract oversight;
- Technology reduces costs and allows better control; and
- Taxicab partnerships should avoid competition with regular taxicab service.

E. City/County Regulation

Along with subsidies and incentives, many cities or regulatory bodies are requiring that companies over a certain size (e.g., with x number of vehicles) have a certain percentage of accessible taxis. Although this cannot be categorized as an incentive, it can work when there are entry controls on the number of taxis in a system. In the District, there is no regulatory control on entry to the market aside from a recently lifted suspension of license issuance. Many cities deregulated in the 1970’s, but have since adopted some entry regulations.

According to the *Taxi Regulations/Entry Controls* report, some ways that local or state governments regulate entry into a market include:

- Toughening licensing qualifications or limiting numbers of cabs in a fleet for cab companies;
- Placing geographic restrictions on a license (i.e., where a driver can pick up and/or drop off);
- Restricting the number of cab licenses or medallions sold in a market;
- Restricting the number of taxis or type of taxis allowed in a taxi stand at an airport, hotel, convention center or other high volume area;
- Allowing wheelchair-accessible taxis to be given priority and be the first in line at the airport, train stations, or other high-traffic locations;

³² The ADA prohibits charging higher fees to passengers with disabilities (49 CFR § 37.105). Dispatched drivers can currently charge a Wait Time fee of twenty-five dollars (\$25.00) per hour. According to DC regulations, “Wait time begins five (5) minutes after time of arrival at the place the taxicab was dispatched” (DC Mun Reg 31-801.7(3)).

- Allowing wheelchair-accessible taxis to be allowed to sit in areas where inaccessible taxis cannot sit; and
- Extending age requirements for accessible vehicles.

F. Current DC Regulations and Financing Mechanisms

Regulations

As previously mentioned in the Legal Requirements section of this report,³³ the DC Taxi Act establishes DC's first regulations requiring wheelchair accessible taxis. Under the DC Taxi Act, each taxi company with 20 or more taxicabs in its fleet as of July 1, 2012, will be required to dedicate a portion of its fleet to wheelchair accessible taxis: 6 percent by December 31, 2014; 12 percent by December 31, 2016; and 20 percent by December 31, 2018. The Commission may withhold license renewals for those companies that do not comply. Current DC (and federal) law does not provide a defense that would allow covered companies to avoid this requirement.

A taxi company is defined as "any person, partnership, or corporation engaging in the business of owning and operating a fleet or fleets of taxicabs having a uniform logo or insignia. A company must have a minimum of 20 taxicabs having a uniform logo or insignia and having unified control by ownership or by the company."

The DC taxi industry is comprised of a few larger companies, associations of owners, and many individual independent owner-operators. Independent owner-operators may affiliate with a company for services, such as dispatch, or the use of a company's logo or insignia. Members of the industry have stated that about 85 percent of the taxis in the District are owned by individual drivers. They have also stated that the vehicles owned by the companies are rented to drivers.

A company may have difficulty requiring upgrades to vehicles of independent owner-operators who merely affiliate with the company. An amendment to the DC Taxi Act, introduced by Councilmember Cheh and adopted by the Council, clarified certain requirements for accessibility. In the Explanation and Rationale section of the adopted amendment stated that "the requirement for taxicab fleets to increase the number of wheelchair accessible vehicles applies only to fleets owned by companies, not taxicabs owned by individual drivers, even if they are associated with a company."

According to the DC Taxi Act, the percentages may be increased based on the recommendations of the Committee and the need for accessible service.

In addition, the DC Taxi Act amended the Regulation of Taxicabs purposes to include, "provi(sion of) specific policies and programs to increase wheelchair accessible taxicab service to the disabled throughout the District."

Funding

The DC City Council's FY2014 Budget included an amendment that sets aside monies to increase the number of wheelchair accessible taxis.^{cxiv} For fiscal years 2014 and 2015 the first \$4.7 million deposited in the DCTC Fund, a fiduciary fund reliant upon taxi operator and passenger fees, shall go toward DCTC operations. \$750,000 of the remaining funds shall be used to increase the number of wheelchair accessible vehicles in the District. Additional funds raised could go towards accessible taxi service as well.³⁴ Currently, the DCTC's budget officer

³³ See page 6 in section A: The Legal Requirements for Providing Accessible Taxi Service

³⁴ According to D.C. Official Code 50 § (320(b)), the "Fund shall be used to pay the costs of the Commission, including the costs of operating and administering programs, investigations, proceedings, and inspections, and any costs including any costs for improving the District's taxicab fleet."

does the accounting and would handle the fees. It is unlikely that DCTC would reach the \$4.7 million threshold until next year.³⁵ There have not been formal recommendations about how the money should be used.

In addition, the DC Taxi Act creates a Public Vehicles-for-Hire Consumer Service Fund. The fund consists of a passenger surcharge, a Commission license fee, and funds from the Department of Motor Vehicles' Out-Of-State Vehicle Registration Special Fund. The funds may be used by the Commission to provide grants, loans, incentives, or other financial assistance to taxicab owners to offset the cost of acquiring, maintaining, and operating wheelchair-accessible vehicles. The funds may also be used to provide a taxicab fare discount for low-income senior citizens aged 65 years and older and persons with disabilities. The \$750,000 to be set aside for accessibility in FY2014 and 2015, after \$4.7M in revenue is raised, would be considered part of the Consumer Service Fund.

Paratransit

Under the ADA, public entities providing fixed route service (e.g., buses routes and subways) available for the general public are required to provide complimentary paratransit service to persons unable to use the fixed route service. Under the ADA, paratransit is not a substitute, but it is a supplement to fixed route service.

In the District, paratransit eligible riders are guaranteed a ride when they need one, but they must call one day in advance, and it is a shared ride service. All MetroAccess paratransit vans in the District are wheelchair accessible. Private transportation companies are awarded contracts, through a competitive bidding process, to operate the vans. The District pays the Washington Metropolitan Area Transit Authority (WMATA) a subsidy of approximately \$50 per trips for MetroAccess trips provided to District residents.

Currently, WMATA and DCTC are proposing a pilot project to offer an alternative to paratransit service for District residents currently using MetroAccess service to travel to and/or from dialysis facilities. The benefits to the riders include increased flexibility on trip time; shorter trips; and direct trips. Taxi companies participating in the pilot project must guarantee trips availability under this program. Customers participating in the pilot project will be issued prepaid debit card by the DCTC, which will cover the bulk of the cab fare. Customers will be required to pay a smaller cash fare to the driver. It is expected that the fare will be a flat rate. The taxi business will be offered to select companies. Once the companies have completed a certain number of trips, they will be required have to purchase a new WAV.^{cxv}

V. Potential Taxi Industry Incentives

Taxi Company and Taxi Commission Incentives

In certain cities, the taxi companies that have accessible taxis provide incentives on their own to encourage a driver to drive an accessible taxi. For example, companies in some cities discount the weekly lease rate for an accessible taxi, so the drivers pay less per week to the company than a driver who leases a traditional taxi sedan.^{36,cxvi} DC's Yellow Cab provides incentives to its wheelchair accessible taxi drivers as part of an in-kind donation to the rollDC pilot program.

In cities that have strict entry controls on the number of taxis allowed to operate, the designated regulatory body can provide incentives for accessible taxis. According to the *Local and State Partnerships* report, a portion of the project funds in rollDC are being used to provide drivers with discounts on the fees that they pay the taxi companies for dispatching, vehicle lease, and insurance. In addition, the drivers receive \$2.00 per trip. In exchange, one of the companies requires the drivers to sign an agreement that wheelchair trips will get

³⁵ DCTC is currently certified for just over \$4M in 2014. FY2015 is yet to be determined.

³⁶ The TLPA reports companies on San Antonio, TX and Denver, CO providing lower lease rates.

priority for service. Each driver also receives 6 hours of training from a trainer hired by the COG. About 25 drivers have been trained of whom three or four have dropped out. Typically, there is only one driver assigned to each vehicle.

VI. Foundation Loans/Grants

The Committee has not identified any loan programs geared specifically towards funding wheelchair accessible taxicabs. However, philanthropic foundations do support programs designed to foster and address social, economic and community development including addressing the transportation needs of seniors and persons with disabilities. Initial exploration of the Foundation Center's Foundation Directory^{cxvii} pointed to a handful of potential funders for increased accessible taxis service in the District. Foundation monies could be used towards acquisition or modification of vehicles, training, administration, creation of a dispatch program, or other operation or capital costs.

Some potential foundation partners include:

- AMERIGROUP Foundation
- The Bank of America Charitable Foundation, Inc.
- Lutheran Social Services of the National Capital Area, Inc.
- The Morris and Gwendolyn Cafritz Foundation
- Philip L. Graham Fund
- Surdna Foundation, Inc.
- The Wachovia Wells Fargo Foundation, Inc.

The District can accept donations, but only for purposes for which government can spend money. There are special rules for the District partnering with foundations or accepting donations. The DC Office of Attorney General would need to review the relationship.

F. RECOMMENDED GRANTS, LOANS, INCENTIVES & REGULATORY MEASURES TO OFFSET THE COSTS OF PURCHASING, RETROFITTING, MAINTAINING AND OPERATING ACCESSIBLE TAXIS

Following, please find the Committee's recommendations regarding grants, loans, and incentives that could be provided or undertaken to offset the costs of purchasing, maintaining and operating accessible taxis. We are including regulatory recommendations that could incentivize the purchase and use of accessible taxis that do not involve significant costs to the District.

I. Regulatory Recommendations

There are a number of recommendations from the Committee that do not involve any significant upfront financial investment. These are changes that the District and DCTC can make that can provide incentives to drivers of accessible taxis.

A. Allow accessible taxis to remain in service as long as they pass inspection.

Given new regulations in the District on the number of years that a taxi can remain in service^{cxviii}, providing a longer vehicle life could provide a significant incentive to drivers. In addition, given the high upfront costs of purchasing an accessible taxi, allowing a longer life will allow drivers to recoup their initial investment.

B. Allow accessible taxis to pick up passengers in Maryland, Virginia and the District.

Although the idea of inter-jurisdictional taxis has been a delicate subject in the past, it is the Committee's understanding that there have been positive discussions among taxi stakeholders in the District, Maryland and Virginia regarding reciprocity for accessible taxis. Consider allowing accessible taxis from a different jurisdiction to pick up a passenger needing an accessible ride if they have had to cross jurisdictions on their previous fare.

C. Allow accessible taxis to go to a separate line at Union Station or area airports.

In other jurisdictions, such as Chicago, accessible taxis are allowed to forego long lines at airports. This solution provides for more efficient service for passengers and provides an incentive to the driver who no longer needs to wait in long lines.

D. Allow accessible taxis to be used by multiple drivers for more than 16 hours in a 24 hour period.

As discussed above, taxis in the District can only be driven for 16 hours in a 24 hour period. This regulation prohibits drivers from sharing vehicles. Allowing accessible taxis to be driven more hours in a 24 hour period would increase the number of accessible taxis on the streets. It would also allow owners to share in the high upfront investment of purchasing an accessible taxi. However, there could be hurdles to this change as some current drivers may not be interested in this proposal. Companies who rent or lease vehicles would have difficulty requiring drivers to share a vehicle or work longer hours.

II. Budgetary Recommendations**A. Introduce a tax credit for accessible taxi owners.**

New York state provides a tax credit for owners of accessible taxis. The credit provides up to \$10,000 per new vehicles or new modifications.^{cxix} Tax credits provided in DC, Virginia and Maryland could decrease the costs of accessible taxi purchases for DC taxi drivers.

B. Purchase accessible taxis in bulk to be leased or sold to taxi owners and drivers.

A barrier to increasing the number of accessible taxis is the high cost of modifications or the purchase of a new vehicle. DC could offer to purchase modified or purpose-built accessible taxis in bulk for a discount to be leased or sold to drivers or owners. San Francisco will be trading existing accessible medallions for sedans, and leasing the accessible taxis to drivers.

III. Industry Recommendations**A. Wave license or training fees for accessible taxi owners.**

An additional barrier often cited for increasing the number of accessible taxis in service is the higher operating cost. Although license and training fees are not significant, waiving this cost for owners of accessible taxis could provide a small incentive to owners and can generate good will.

B. Add a fee for non-accessible taxi owners.

Some other cities studied during our investigation require a small additional annual license fee from all owners of non-accessible taxi vehicles. Usually the fee is set low enough (less than \$200 per vehicle) such that owners do not protest. However, the accumulated amounts can be set aside in a fund to offset costs of accessible taxi purchases.

C. Provide central dispatch for accessible taxi service, including partnering with third parties to use smartphone app.

Until the District reaches the goal of a 100 percent accessible fleet, a well-run central dispatch for accessible taxi service may assist in providing quality service without unreasonable wait times. This type of service reduces the need for passengers to call multiple companies as well as reducing the likelihood that a passenger may set up rides from multiple companies. In addition, the taxi industry seems to be embracing the use of

new technology to enhance business. Although traditional phone dispatch remains a necessity, partnering with a provider who can provide smartphone service is critical to providing efficient service to both passengers and drivers. Close cooperation among current taxi companies would be necessary to ensure that the central dispatch would be able to work with the companies' own fleet management tools.

D. Utilize accessible taxis to provide rides to paratransit or service program-eligible passengers.

In other jurisdictions, such as San Francisco, savings to the paratransit service pays for the accessible taxi program. The partnership provides owners and drivers with a guaranteed income source, thereby increasing the number of owners who might be willing to purchase an accessible taxi. As we discussed above, the initial cost of an accessible taxi can be prohibitive, and a guaranteed income stream can provide a significant incentive. The District is currently looking into a PILOT program for dialysis patients. It would make sense to implement this program and learn from experience before increasing the service to more paratransit or service programs.

III. Potential Financing Option Scenarios

In addition to the regulatory changes and industry changes outlined above, there seem to be two main ways to garner significant financial resources to increase the number of accessible taxis.

A. Open Entry

The District can maintain an open entry system with licenses, providing heavy incentives and increasing requirements for owners to purchase vehicles (either on their own or through the government that has gotten a bulk discount). An open entry system might include use of the following funding sources:

- A DOT New Freedom Fund grant;
- Federal loans or loan guarantees;
- Local budget grants;
- A Tax credit;
- Foundation funds and/or matches; and
- Social impact bonds.

Securing federal New Freedom funds often require a local match. The District could apply for federal loans or loan guarantees. The District could use the increased license fee discussed above to match. In addition, the District could look for a partnership with a foundation or other PPP. This partnership could be set up similar to social impact bonds, where the foundation provides upfront funding for the purchase of accessible taxis. The District could institute a tax credit for accessible taxi owners to defray the costs of maintenance and gas. If the District allowed the accessible taxis to be used for paratransit service or service programs, the District's operating cost could be decreased, which would enable the District to pay a below-market return on the foundation's investment.

B. Closed Entry

The second approach is more radical. The District could implement a medallion-like system. In a limited-entry system, medallions or licenses could be offered only for accessible taxis or for a 1-to-1 match (i.e. a regular medallion could only be purchased if the company purchased an accessible taxi). By restricting supply, the District could create a market for medallions. If an owner could obtain equity in a valuable medallion, he or she could potentially finance the purchase of an accessible taxi.

There are some issues to be aware of when considering a medallion system. Often, in a system like this, there are big winners and losers. Those lucky enough to purchase a medallion for a limited fee in the first round can often make windfall profits when reselling the medallion later on. At the same time, the barriers to entry for those who are not fortunate enough to win a medallion in the initial round are vast. In addition, to create a

medallion system, the number of taxis in the District might need to be reduced to create value for the medallion. The reduction in number of vehicles could have a negative impact on the overall taxicab service in the District.

G. PROPOSALS FOR BECOMING A 100 PERCENT ACCESSIBLE TAXI FLEET

The Committee supports setting a long-term goal of the District having a taxi fleet with 100 percent accessible vehicles. Such a model, which was successfully adopted a number of years ago in London, ultimately focuses on the “universal design” of the system; that is to say, by incorporating accessible design features into all taxis, then any taxi can be used by any individual – regardless of age, ability, or disability. Moreover, focusing on universal design changes the paradigm of having to create and maintain two systems – one accessible, one not – in favor of one unified system that everyone can use.

Part II and III of this section outline two different proposals for the District to join London in being a model system for accessible taxi transportation. In Part II, we discuss our recommended option, which is based on the current open entry taxi system discussed in Section E. Our recommendation relies on modifications to existing regulatory requirements and new regulatory incentives to “phase-in” a 100 percent accessible taxi fleet. The second proposal, which is based on a medallion or otherwise closed entry taxi system not currently used in the District, relies on new regulatory requirements agreed upon by drivers when granted entry into the market. Recommendations for driver trainings and public awareness campaigns are made for both proposals.³⁷

Initially, we will begin with a review of recent regulatory changes affecting the District taxi industry that are relevant for the proposed goal of a 100 percent accessible taxi fleet.

I. Recent Statutory and Regulatory Changes

A. Wheelchair Accessibility

As has been noted, a taxi company with 20 or more taxis in its fleet must have at least six percent of its vehicles be wheelchair accessible by December 31, 2014; at least 12 percent by December 31, 2016; and at least 20 percent by December 31, 2018.^{cxix} By definition, the term “taxi company” means any person, partnership, or corporation engaged in the business of owning and operating a fleet (or fleets) of at least 20 taxicabs and having unified control by the ownership or company. Accordingly, this requirement does not apply to taxis owned by individual drivers.

B. Features and Appearance

New regulations require the following for all District taxis:

- Ability to accept credit cards;^{cxix}
- A standardized dome light to alert potential customers to the status of the vehicle and its identification number;^{cxix} and
- A standardized color and pattern scheme (although adoption is only required when making an equipment change is required due to age or mileage limits or after a failed inspection at the Department of Motor Vehicles.^{cxix}

³⁷ Upon request, the Disability Advisory Committee can provide legislative language for most recommendations, based on models used in other jurisdictions.

C. Driver Training

New taxi drivers after August 1, 2013 – regardless of vehicle-type – must complete a primary public passenger vehicle-for-hire license training course as established by the DC Taxi Commission (DCTC). The training will include information on laws and regulations, public relations skills, small business practices, driving skills, and importantly, the legal requirements related to transporting people with disabilities and compliance with the Americans with Disabilities Act of 1990.

Additionally, training for drivers of accessible taxis must include:^{cxxiv}

- The legal requirements that apply to transporting individuals with disabilities, including providing equal access to transportation and complying with the ADA;
- Passenger assistance techniques, including a review of various disabilities, hands-on demonstrations of how to assist those with disabilities, mobility equipment training (including familiarity with lift and ramp operations and various types of wheelchairs and personal mobility devices), and safety procedures;
- Training with an actual person using a wheelchair or personal mobility device; and
- Sensitivity training, including customer service and conflict resolution techniques, as well as overall training in passenger relations and courtesy.

D. Age Limitations

All vehicles that are 12 years or older must be retired by January 2014 and no new vehicles will be licensed that are more than five years old or have accumulated more than 300,000 driving miles. Additionally, the following schedule (Table G.2 below) indicates when vehicles currently in service must be removed from service.^{cxxv}

Table G.2: UPCOMING REMOVAL SCHEDULE ^{cxxvi}		
Disposal Year**	Age Policy***	Model Year
2014	17 years or older	1997 - below
2015	11 - 16 years	2004 - 1998
2016	9 - 11 years	2007 - 2005
2017	7 years or older	2010 - 2008
** Vehicles must go out of service on Jan 1st of the year listed. <i>Mileage is not a factor in this removal schedule.</i>		

Effective January 1, 2018, no vehicle that is more than seven years old or has accumulated more than 400,000 driving miles can remain in service.

II. Committee's Recommended Proposal: Achieving a Fully Accessible Taxi Fleet Within the District's Current Open Entry Taxi System

The Committee recommends working within the District's current open entry taxi system to achieve the long-term goal of a 100 percent accessible taxi fleet. While the existing open entry taxi system allows for greater flexibility among drivers entering the market, integrating our accessibility goal will require additional regulations and incentives, enhanced training and public awareness, enforcement, and administrative improvements.

A. Regulatory System Changes Necessary for Achieving a Fully Accessible Taxi Fleet

Achieving a fleet of 100 percent accessible taxis in the District is an attainable goal. Sections E and F of this report provided financing, incentive and regulatory options. Additional regulatory changes, along with a combination of incentive-based options, could pave the way to a fully accessible taxi fleet.

The Committee recommends the following requirements be put into place:

1. Require dispatch companies, sedan companies and owners that do not currently provide accessible service to pay into a District Accessible Service Fund.

Digital dispatch companies and sedan owners and companies that do not provide (or have service agreements with providers of) accessible taxi service should be required to pay into a District Accessible Service Fund. This fee would be assessed annually and could go towards the purchase of accessible taxis, training, and/or costs needed to more fully implement accessible taxi service in the District. The City Council should also consider whether District stakeholders that would benefit from increased accessible taxi service, such as the hospitality industry, should also be required to pay into the Fund.

2. In conjunction with the DCTC's age restrictions for taxis, require all new vehicles that replace taxis removed from service to meet accessible design guidelines.

As noted above, between 2013 and 2017 all vehicles older than seven years will be removed from service. The Committee recommends the District update their regulations to require that beginning in 2015, all new taxi vehicles licensed in the District meet a minimum set of accessible design standards. The District could support this accessible taxi replacement process through a variety of means, such as providing accessible taxis to lease, or loan guarantees, tax credits or other incentives towards the purchase of new, accessible vehicles. Alternatively, the District could provide increased incentives for the replacement of an older vehicle with an accessibly designed model for a limited time period (for example, 2014-2017), and then move to the accessible design taxi requirement for all new vehicles starting in 2018.

The Committee believes replacing aged out vehicles with accessible vehicles is a feasible model for rapidly increasing the number of accessible taxis and achieving a 100 percent accessible fleet. In comparison, the Americans with Disabilities Act of 1990 (ADA) required public buses that aged out to be replaced with accessible models over time.^{cxviii} As a result, and within a relatively short period of time, the nation's public bus system became accessible to nearly all passengers.

The Committee recommends establishing, and updating over time, an accessible taxi design standard rather than requiring the purchase of a specific vehicle. A Commission of members from DCTC, Office of Disability Rights (ODR), taxi industry and disability rights community, with consultation with the U.S. Access Board, should set and agree upon these accessible taxi design standards. The standards could incorporate existing ADA requirements developed by the Access Board, as appropriate, regarding space and securement requirements, and could also include such specific issues as ramp location; rear or side-entry requirements; hearing loops; accessible payment systems; as well as ramp or entrance height and slope requirements that are accessible for wheelchair and non-wheelchair using passengers who may require lower steps or slope. The District could then incentivize manufacturers who develop vehicles that meet or exceed these standards.

3. Utilize financing options identified (eg, public-private partnerships, a taxi company or dispatch-provider fee, federal matches) to purchase accessible taxis to lease or sell.

The District, in partnership with a private company, non-profit, foundation, or other city or urban areas – and/or with the use of federal grants or loans – should explore opportunities to work with vehicle manufacturers to determine whether it is possible to negotiate a lower price for new accessible taxi vehicles in exchange for a promise to purchase a certain number of such vehicles. In such a scenario, the District could then lease or sell the vehicles to drivers or companies, or be the conduit for such transactions. The use of this model could also help drive improvements in accessible taxis, and could make operating such a vehicle

attainable for independent owner-drivers who might not be able to purchase a vehicle outright. The Committee recommends that an existing agency, such as the Office of Contracts and Procurement, oversee the purchase and administration of the program.

B. Regulatory Incentives toward a 100 Percent Accessible Taxi Fleet

Incentives for stakeholders are an important component in achieving a 100 percent accessible taxi fleet in the District. Many drivers work long hours and rely on their jobs to support their families, often struggling on low incomes. Many of these incentives were recommended in Section F of this report.

1. Increase the age allowance for accessible taxis and/or allow them to remain in service for as long as they pass inspection.

Given new regulations in the District limiting the number of years that a taxi can remain in service, providing a longer vehicle life could provide a significant incentive to drivers. In addition, given the high upfront costs of purchasing an accessible taxi, allowing a longer life will help drivers recoup their initial investment.

2. Allow accessible taxis to go to a separate line at Union Station or area airports.

In other jurisdictions, such as Chicago, accessible taxis are allowed to forego long lines at airports. This solution provides for more efficient service for passengers and provides an incentive to the driver who no longer needs to wait in long lines.

3. Introduce a tax credit for accessible taxi owners.

New York state provides a tax credit for owners of accessible taxis. The credit provides up to \$10,000 per new vehicles or new modifications. Tax credits provided in DC, Virginia and Maryland could decrease the costs of accessible taxi purchases for DC taxi drivers.

4. Wave license or training fees for accessible taxi owners.

An additional barrier often cited for increasing the number of accessible taxis in service is the higher operating cost. Although license and training fees are not significant, waiving this cost for owners of accessible taxis could provide a small incentive to owners and can generate good will.

5. Allow accessible taxis to be used by multiple drivers for more than 16 hours in a 24 hour period.

As discussed above, taxis in the District can only be driven for 16 hours in a 24 hour period. This regulation prohibits drivers from sharing vehicles. Allowing accessible taxis to be driven more hours in a 24 hour period would increase the number of accessible taxis on the streets. It would also allow owners to share in the high upfront investment of purchasing an accessible taxi. However, there could be hurdles to this change as some current drivers may not be interested in this proposal. Companies who rent or lease vehicles would have difficulty requiring drivers to share a vehicle or work longer hours.

6. Give an annual award to a taxi driver of an accessible taxi who provides outstanding service.

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

7. Use Universal Access Funds to create an accessible vehicle lottery.

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

C. Required Training

In addition to the regular training curriculum, the training of DCTC drivers should include disability sensitivity, ADA 101, and operational and equipment training (use of restraints, seat belts etc. within the vehicle).

The disability sensitivity and ADA 101 trainings should be done by ODR in compliance with their mission. All new taxi drivers and current licensed drivers who wish to drive accessible taxis must complete this training. All current drivers should also be required to be retrained every two years when they apply for license renewal. This training will be an opportunity for drivers to be provided with both policy and cultural competencies, which will help create a community of well-informed drivers.

The operational and equipment trainings should be required annually as changes and updates in technology and equipment occur. Such a requirement would be in accordance with other national safety training processes. The training should be conducted by a national organization that can address the different vehicle models used in the District. There may be a similar pre-existing relationship with training companies through other agencies such as Department of Human Services which, for example, coordinates training of homeless shelter van drivers.

It should be the responsibility of DCTC to administer the training program, including maintaining the training records for drivers, sending updates and reminders for renewal trainings, and reporting on compliance with the program in the annual report.

D. Public Awareness

The Committee recommends a public information campaign to increase the public's awareness and understanding of the efforts to create a 100 percent accessible taxi fleet. In this context, the messages and mediums should be geared toward two separate target audiences: (1) all District residents and visitors, and (2) District residents and visitors in need of accessible taxis.

Importance of Public Awareness

Public awareness strategies are important for creating public buy-in and increasing accessible taxi demand in the early stages of the proposal. For people in need of accessible taxis, information about the availability of those vehicles, and how to access them, particularly during the early stages of the program, is critical for helping set a strong foundation in achieving the promise of the program's goals. Moreover, raising awareness about the benefits of having accessible taxis available for all District residents and visitors can also aid in increasing demand for, and use of, these vehicles.

While the messages may have a different focus based on the target audience, the primary objective should be to share with the public the benefits of accessible taxis.

Messages for all District residents and visitors could include:

- Accessible vehicles go beyond accommodating people with disabilities, and are designed to fulfill the needs of the widest range of people possible. This can include senior citizens, people with temporary illnesses or injuries, parents with strollers, and people who carry or use large equipment, among others. *Everyone* will benefit from having accessible vehicles available at some point.
- Many people, either due to age or other circumstances, eventually require more accessible modes of transportation, and accessible taxis can help fill this need.
- Accessible transportation, including accessible taxis, will make the District an attractive destination for travelers with disabilities, helping the tourism industry and local tax base.

Messages for those in need of accessible taxis could include:

- Equal access to accessible taxis supports the civil rights of individuals with disabilities in the District;
- Through its commitment to a fully accessible taxi fleet, the District is renewing its promise to be one of the most accessible and welcoming destinations for people with disabilities; and
- Specific information for locating accessible taxis while the proposal is phased-in, along with anticipated timelines for achieving a 100 percent accessible taxi fleet.

Mediums for Disseminating Messages

Although not an exhaustive list, means for disseminating the messages should vary to reach the largest possible audience. Reasonable accommodations (eg, large print, accommodations for hearing impaired, and braille) must also be made available. Opportunities include:

- Newspapers and media outlets
- Public service announcements on radio and television
- Advertisements in the Metro system, Metro Access system and bus shelters
- Materials and outreach to agencies and organizations that work with populations frequently in need of accessible vehicles

E. Enforcement

The Committee recommends that procedures and systems, along with responsible personnel, be put in place and tasked with monitoring compliance, providing technical assistance, and ensuring enforcement of the laws and regulations regarding the accessibility of taxicabs, and progress toward the fully accessible taxi fleet goal. At least initially, this process would be helped by creating a position for an “Accessible Taxi Czar” who could help set up such procedures and systems; work with stakeholders regarding incentives and additional regulatory measures; coordinate technical assistance, information, training, and public awareness; and generally make sure the program is moving forward with its goals. There should be bi-annual reports regarding the progress that has been made, and any additional recommendations provided to interested parties such as the Mayor, DC City Council, Office of Human Rights, Office of the Chief Financial Officer, Office of Disability Rights and Disability Taxicab Advisory Committee. In addition, the Accessible Taxi Czar should be provided with appropriate staff and have access to DCTC data on relevant issues.

Additional attention is also needed on who will be responsible for enforcement. Normally, enforcement of laws involving the DCTC is done by Public Vehicle Enforcement Inspectors³⁸, but these Inspectors may not have the skill, training, or time to conduct accessibility inspections.

F. Administrative Improvements

Government programs are under significant pressure to provide the public with data analysis that provides reports on the “return on investment” (ROI) of funds. Each year District Government agencies provide budget analyses as well as performance reports to multiple stakeholders. Program reports include financial analyses which provide accounting of funds spent and budget forecasts for future spending necessities. This Committee recommends that all programs for increasing the number of accessible taxis in the District provide a standardized performance measurement analysis at the end of each fiscal year. Such a performance measurement analysis should be similar to that utilized by the United States Department of Transportation

³⁸ The position is described as follows: “The PVEI provides daily enforcement by on-street monitoring of individual public vehicle for hire operations, for hire driver conduct, public vehicle for hire fleet operations and other district public vehicle for hire rules and regulations.” Additional responsibilities can include inspecting public vehicle for hire companies and association facilities, and examining company records to ensure that policies, practices and procedures are in compliance with all applicable regulations.

with respect to its programs, with a “platform” or foundation built on established goals with processes in place for achieving them. This platform would include but is not limited to data sets, indicators and other forms of data gathering analysis. In this process the grantees are required to provide multiple ROI data in both quantitative and narrative analysis.

In this process, DCTC should define and provide required data and information, and develop and conduct data analysis for the implementation of best practices in their work. A database that tracks the number, types and mileage of each taxi on the road should be created. The process of gathering data should also include collaboration with DC Department of Motor Vehicles (DMV) to ensure the normalization and synchronization of databases.

Additional recommendations on administrative improvements can be found in Appendix H.

III. Proposal Two: Closed Entry Taxi System

If the City Council, in coordination with DCTC, implements a closed entry tax system using medallions, the “Administrative Improvements” and “Required Training” sections (Sections F and C, above) would remain the same as in an open entry taxi system. The regulatory requirements and incentives to build a 100 percent accessible taxi fleet would differ from the open entry system, and would be dependent on the type of closed system adopted. Existing drivers should be prioritized during permit or medallion distribution.

A. Regulatory Requirements in a Closed System

During a transition from the existing open system to a closed system, permits or medallions should only be issued to accessible taxis. To ease the transition for taxi drivers, permits or medallions could be phased in at a replacement rate similar to the replacement rate created by the age removal schedule included in Section G, part I(D).

B. Regulatory Incentives in a Closed System

To ease the financial burden of those drivers purchasing an accessible vehicle and a permit or medallion, monetary incentives should be provided. Many of these incentives were recommended for an open system, above, or in Section F of this report.

1. Introduce a tax credit for accessible taxi owners. *(see II(B)(3) above)*

2. Allow accessible taxis to be used by multiple drivers for more than 16 hours in a 24 hour period. *(see II(B)(5) above)*

3. Establish a revolving loan fund to provide assistance for low income District drivers.

For low-income drivers seeking private loans to purchase an accessible taxi, permit or medallion, the District can establish a revolving loan fund. Federal DOT Section 5310 funds can be used to establish revolving loan funds.^{cxxviii} After these upfront costs are met, drivers in a closed system should be able to make payments given the reduced competition.

4. Give an annual award to a taxi driver of an accessible taxi who provides outstanding service. *(see II(B)(6) above)*

C. Distribution of Permits or Medallions

Multiple methods exist for the distribution of permits or medallions in a newly closed system, however existing drivers should be prioritized in the initial offerings. By pricing the permit or medallion at a reasonable rate in the initial phases, providing a limited number of free medallions, or by holding a closed auction open only to District residents who have been driving taxis for an agreed upon number of years, existing drivers should be

able to participate in the closed system. Additional options and analyses are available in the May 2011 Office of the Chief Financial Officer report “Taxicab Medallions—A review of experiences in other cities”.

H. PROPOSED TIMELINE AND PLAN WITH FEASIBILITY, COSTS AND BENEFITS

This Committee recommends requiring all new taxis be accessible when replacing old taxis that are removed from service. This recommendation is a key component of achieving a 100 percent accessible fleet.

A. Timetable and Plan

As mentioned above, between 2014 and 2017 all vehicles older than seven years will be removed from service. The Committee recommends the city update regulations requiring new vehicles licensed starting in 2015 meet a minimum set of accessibility standards.

B. Feasibility

The Committee believes that replacing aged out vehicles with accessible vehicles is a feasible model for both rapidly increasing the number of accessible taxis and achieving a 100 percent accessible fleet.

Precedent

The Americans with Disabilities Act of 1990 required aged-out public buses to be replaced with accessible models over time. As a result, and within a relatively short period of time, the nation’s public bus system became accessible to all passengers.^{cxix} A universally designed environment has also been phased in over time, with the ADA requiring new or renovated buildings to meet a set of minimum accessibility requirements. In addition, the New York City Taxi and Limousine Commission (TLC) recently announced its intention to achieve a 50 percent accessible taxi fleet by 2020. The TLC will require at least 50 percent of all new vehicles put into service during the regular replacement schedule be accessible until half the entire fleet is accessible.^{cxxx} New York City’s public officials, taxi commission and disability advocates have blazed a trail, but this Committee believes the District can lead the way to a 100 percent accessible fleet.

Technology & Costs

Under the age requirement rules, drivers are currently required to replace their taxi once it has reached five years or 300,000 miles. The purchase of a new or used van along with accessibility modifications, or a purpose-built vehicle could cost up to \$40,000.³⁹ The city could support the replacement process by exploring opportunities to negotiate a low price for a set number of accessible taxi vehicles, and then provide the taxis for lease, or by loan guarantees, tax credits or other incentives for the purchase of new vehicles (see sections E and F of this report for a discussion of potential financing mechanisms). Alternatively, the District could provide increased incentives for the replacement of an older taxi with an accessible model for a limited time, for example 2014-2017, and begin requiring accessible taxis in 2018.

The Committee recommends establishing, and updating over time, an accessible taxi design standard rather than requiring the purchase of a specific proprietary vehicle. The standard would incorporate existing ADA requirements regarding space and securement. Vehicle requirements could also include: ramp location; rear or

³⁹ It’s important to note that government rarely provides monetary assistance to help businesses meet requirement of the Americans with Disabilities Act, with the exception of two infrequently used tax incentives. However, with respect to businesses, there are greater accessibility requirements when replacing, renovating, or constructing, under the theory that it is usually less expensive to build in accessibility features than it is to retrofit them. That analysis, which is most often applied to the built environment, works less perfectly with respect to accessible taxi vehicles at this moment in time. While this will change over time, some advocates agree that one-time subsidies are reasonable until it does.

side-entry requirements; as well as ramp or entrance height and slope requirements that are accessible for wheelchair and non-wheelchair using passengers who may require lower steps or slope. The District could incentivize manufacturers who develop vehicles that meet or exceed these standards.

The Committee believes the monetary cost to carry out this program is outweighed by the District's lost revenue from inaccessibility and to its reputation as a welcoming place for all people. Increased taxi ridership would lead to increased taxes for those who are able to travel to work, and revenue for DCTC and District businesses. The District could save a significant amount in funds by allowing paratransit-eligible riders to use taxis as well.

Industry Support and Involvement

DCTC Chairman Ron Linton has repeatedly voiced his support of achieving a 100 percent accessible fleet in the District. DCTC's support would be integral to any plan moving forward.

While taxi companies and associations have been involved in the writing of this report, the Committee recommends additional outreach to companies, associations, independent owners/drivers and the newly formed union as soon as possible. DCTC or the City Council Transportation Committee could hold stakeholder meetings to generate discussion and answer questions, and appoint a DCTC Panel to implement the changes required.

C. Benefits

Phasing in the requirements for accessible taxis over time builds on an already existing age limit regulation and spreads the burden of purchasing an accessible taxi over time.

As noted in Section B of this report, future accessible taxis that are built low to the ground could offer increased space in the main passenger compartment that would allow many benefits. These benefits could include: allowing more than one person using a wheelchair to travel at a time; greater leg space for all passengers; and the ability for parents with strollers or passengers with other mobility devices such as canes, or walkers, to travel with their equipment without having to store it in the trunk.⁴⁰ Future taxi manufacturers may also find a way to provide the necessary space to accommodate any passenger while conserving energy, lessening the impact on the environment.

Achieving a 100 percent accessible taxi fleet also realizes the first and third goals of the One City Action Plan established in 2012:^{cxxxi} (1) Grow and Diversify the District Economy; and (3) Improve the Quality of Life for All. Action 3.7.4 requires the District to work towards increasing the number of accessible taxis. Providing taxis that can be utilized by more of the District's residents, workers and visitors can generate revenue for taxi drivers and DCTC. When passengers who were previously denied access to this service are able to travel to work, tourist destinations or shopping centers, the District benefits from additional tax revenue and businesses benefit from an increased customer base.

Finally, the most significant benefit of establishing a 100 percent accessible taxi fleet is the acknowledgement of the worth and rights of all Americans, those with and without disabilities should have the same rights and privileges to live and work in, and visit our nation's Capital.

⁴⁰ According to the Ron Mace, founder of the North Carolina State University Center for Universal Design "Universal design is the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design" (Retrieved from http://www.ncsu.edu/www/ncsu/design/sod5/cud/about_us/usronmace.htm). Dropped sidewalk curbs, a standard used around the world to make sidewalks accessible for all, and closed captioning were initially provided for persons who are deaf or hard of hearing and are now used in bars and airports, are two examples of accommodations created for people with disabilities, but now used by all.

D. Conclusion

It is critical for the District to increase the number of accessible taxis and access to taxi service to meet the current and future demands of individuals with disabilities who live in, work in, or visit the District. Setting a long-term goal of a 100 percent accessible taxi system where any taxi could transport any passenger, including passengers with any disability, is a progressive and necessary goal. This Committee looks forward to continuing to work toward providing support to DCTC and the DC Council's Transportation Committee to achieve this goal.

APPENDIX – A.1

U.S. Code of Federal Regulations

Title 49: Transportation

Part 37: Transportation Services for Individuals with Disabilities (ADA)

Source: 56 FR 45621, Sept. 6, 1991, unless otherwise noted.

Subpart A-General

§ 37.3 Definitions.

Accessible means, with respect to vehicles and facilities, complying with the accessibility requirements of parts 37 and 38 of this title.

The *Act or ADA* means the Americans with Disabilities Act of 1990 (Pub. L. 101-336, 104 Stat. 327, 42 U.S.C. 12101-12213 and 47 U.S.C. 225 and 611), as it may be amended from time to time.

Auxiliary aids and services includes:

- (1) Qualified interpreters, notetakers, transcription services, written materials, telephone headset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, closed and open captioning, text telephones (also known as telephone devices for the deaf, or TDDs), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments;
- (2) Qualified readers, taped texts, audio recordings, Brailled materials, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments;
- (3) Acquisition or modification of equipment or devices; or
- (4) Other similar services or actions.

Demand responsive system means any system of transporting individuals, including the provision of designated public transportation service by public entities and the provision of transportation service by private entities, including but not limited to specified public transportation service, which is not a fixed route system.

Disability means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

(1) The phrase physical or mental impairment means—

- (i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory including speech organs, cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin, and endocrine;
- (ii) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities;

(iii) The term physical or mental impairment includes, but is not limited to, such contagious or noncontagious diseases and conditions as orthopedic, visual, speech, and hearing impairments; cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease, tuberculosis, drug addiction and alcoholism;

(iv) The phrase physical or mental impairment does not include homosexuality or bisexuality.

(2) The phrase major life activities means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and work.

(3) The phrase has a record of such an impairment means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(4) The phrase is regarded as having such an impairment means—

(i) Has a physical or mental impairment that does not substantially limit major life activities, but which is treated by a public or private entity as constituting such a limitation;

(ii) Has a physical or mental impairment that substantially limits a major life activity only as a result of the attitudes of others toward such an impairment; or

(iii) Has none of the impairments defined in paragraph (1) of this definition but is treated by a public or private entity as having such an impairment.

(5) The term disability does not include—

(i) Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;

(ii) Compulsive gambling, kleptomania, or pyromania;

(iii) Psychoactive substance abuse disorders resulting from the current illegal use of drugs.

Individual with a disability means a person who has a disability, but does not include an individual who is currently engaging in the illegal use of drugs, when a public or private entity acts on the basis of such use.

Private entity means any entity other than a public entity.

Service animal means any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

Vehicle, as the term is applied to private entities, does not include a rail passenger car, railroad locomotive, railroad freight car, or railroad caboose, or other rail rolling stock described in section 242 of title III of the Act.

Wheelchair means a mobility aid belonging to any class of three- or more-wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered.

[56 FR 45621, Sept. 6, 1991, as amended at 58 FR 63101, Nov. 30, 1993; 61 FR 25415, May 21, 1996; 63 FR 51690, Sept. 28, 1998; 76 FR 57935, Sept. 19, 2011]

§ 37.5 Nondiscrimination.

(a) No entity shall discriminate against an individual with a disability in connection with the provision of transportation service.

(b) Notwithstanding the provision of any special transportation service to individuals with disabilities, an entity shall not, on the basis of disability, deny to any individual with a disability the opportunity to use the entity's transportation service for the general public, if the individual is capable of using that service.

(c) An entity shall not require an individual with a disability to use designated priority seats, if the individual does not choose to use these seats.

(d) An entity shall not impose special charges, not authorized by this part, on individuals with disabilities, including individuals who use wheelchairs, for providing services required by this part or otherwise necessary to accommodate them.

(e) An entity shall not require that an individual with disabilities be accompanied by an attendant.

(f) Private entities that are primarily engaged in the business of transporting people and whose operations affect commerce shall not discriminate against any individual on the basis of disability in the full and equal enjoyment of specified transportation services. This obligation includes, with respect to the provision of transportation services, compliance with the requirements of the rules of the Department of Justice concerning eligibility criteria, making reasonable modifications, providing auxiliary aids and services, and removing barriers (28 CFR 36.301-36.306).

(g) An entity shall not refuse to serve an individual with a disability or require anything contrary to this part because its insurance company conditions coverage or rates on the absence of individuals with disabilities or requirements contrary to this part.

(h) It is not discrimination under this part for an entity to refuse to provide service to an individual with disabilities because that individual engages in violent, seriously disruptive, or illegal conduct. However, an entity shall not refuse to provide service to an individual with disabilities solely because the individual's disability results in appearance or involuntary behavior that may offend, annoy, or inconvenience employees of the entity or other persons.

Subpart B-Applicability

§ 37.29 Private entities providing taxi service.

(a) Providers of taxi service are subject to the requirements of this part for private entities primarily engaged in the business of transporting people which provide demand responsive service.

(b) Providers of taxi service are not required to purchase or lease accessible automobiles. When a provider of taxi service purchases or leases a vehicle other than an automobile, the vehicle is required to be accessible unless the provider demonstrates equivalency as provided in § 37.105 of this part. A provider of taxi service is not required to purchase vehicles other than automobiles in order to have a number of accessible vehicles in its fleet.

(c) Private entities providing taxi service shall not discriminate against individuals with disabilities by actions including, but not limited to, refusing to provide service to individuals with disabilities who can use taxi vehicles, refusing to assist with the stowing of mobility devices, and charging higher fares or fees for carrying individuals with disabilities and their equipment than are charged to other persons.

Subpart D-Acquisition of Accessible Vehicles by Public Entities

§ 37.77 Purchase or lease of new non-rail vehicles by public entities operating a demand responsive system for the general public.

(a) Except as provided in this section, a public entity operating a demand responsive system for the general public making a solicitation after August 25, 1990, to purchase or lease a new bus or other new vehicle for use on the system, shall ensure that the vehicle is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(b) If the system, when viewed in its entirety, provides a level of service to individuals with disabilities, including individuals who use wheelchairs, equivalent to the level of service it provides to individuals without disabilities, it may purchase new vehicles that are not readily accessible to and usable by individuals with disabilities.

(c) For purposes of this section, a demand responsive system, when viewed in its entirety, shall be deemed to provide equivalent service if the service available to individuals with disabilities, including individuals who use wheelchairs, is provided in the most integrated setting appropriate to the needs of the individual and is equivalent to the service provided other individuals with respect to the following service characteristics:

- (1) Response time;
- (2) Fares;
- (3) Geographic area of service;
- (4) Hours and days of service;
- (5) Restrictions or priorities based on trip purpose;
- (6) Availability of information and reservations capability; and
- (7) Any constraints on capacity or service availability.

(d) A public entity receiving FTA funds under section 18 or a public entity in a small urbanized area which receives FTA funds under Section 9 from a state administering agency rather than directly from FTA, which determines that its service to individuals with disabilities is equivalent to that provided other persons shall, before any procurement of an inaccessible vehicle, file with the appropriate state program office a certificate that it provides equivalent service meeting the standards of paragraph (c) of this section. Public entities operating demand responsive service receiving funds under any other section of the FT Act shall file the certificate with the appropriate FTA regional office. A public entity which does not receive FTA funds shall make such a certificate and retain it in its files, subject to inspection on request of FTA. All certificates under this paragraph may be made and filed in connection with a particular procurement or in advance of a procurement; however, no certificate shall be valid for more than one year. A copy of the required certificate is found in appendix C to this part.

(e) The waiver mechanism set forth in § 37.71(b)-(g) (unavailability of lifts) of this subpart shall also be available to public entities operating a demand responsive system for the general public.

Subpart E-Acquisition of Accessible Vehicles by Private Entities

§ 37.103 Purchase or lease of new non-rail vehicles by private entities primarily engaged in the business of transporting people.

(a) Application. This section applies to all acquisitions of new vehicles by private entities which are primarily engaged in the business of transporting people and whose operations affect commerce, in which a solicitation for the vehicle is made (except as provided in paragraph (d) of this section) after August 25, 1990.

(c) Demand responsive systems. If the entity operates a demand responsive system, and purchases or leases a new vehicle other than an automobile, a van with a seating capacity of less than eight persons (including the driver), it shall ensure that the vehicle is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless the system, when viewed in its entirety, meets the standard for equivalent service of § 37.105 of this part.

(d) Vans with a capacity of fewer than 8 persons. If the entity operates either a fixed route or demand responsive system, and purchases or leases a new van with a seating capacity of fewer than eight persons including the driver (the solicitation for the vehicle being made after February 25, 1992), the entity shall ensure that the vehicle is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless the system, when viewed in its entirety, meets the standard for equivalent service of § 37.105 of this part.

[56 FR 45621, Sept. 6, 1991, as amended at 76 FR 57936, Sept. 19, 2011]

§ 37.105 Equivalent service standard.

For purposes of §§ 37.101 and 37.103 of this part, a fixed route system or demand responsive system, when viewed in its entirety, shall be deemed to provide equivalent service if the service available to individuals with disabilities, including individuals who use wheelchairs, is provided in the most integrated setting appropriate to the needs of the individual and is equivalent to the service provided other individuals with respect to the following service characteristics:

- (a) (1) Schedules/headways (if the system is fixed route);
- (2) Response time (if the system is demand responsive);
- (b) Fares;
- (c) Geographic area of service;
- (d) Hours and days of service;
- (e) Availability of information;
- (f) Reservations capability (if the system is demand responsive);
- (g) Any constraints on capacity or service availability;
- (h) Restrictions priorities based on trip purpose (if the system is demand responsive).

Subpart G – Provision of Service

§ 37.161 Maintenance of accessible features: General.

(a) Public and private entities providing transportation services shall maintain in operative condition those features of facilities and vehicles that are required to make the vehicles and facilities readily accessible to and usable by individuals with disabilities. These features include, but are not limited to, lifts and other means of access to vehicles, securement devices, elevators, signage and systems to facilitate communications with persons with impaired vision or hearing.

(b) Accessibility features shall be repaired promptly if they are damaged or out of order. When an accessibility feature is out of order, the entity shall take reasonable steps to accommodate individuals with disabilities who would otherwise use the feature.

(c) This section does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs.

§ 37.165 Lift and securement use.

(a) This section applies to public and private entities.

(b) Except as provided in this section, individuals using wheelchairs shall be transported in the entity's vehicles or other conveyances.

(1) With respect to wheelchair/occupant combinations that are larger or heavier than those to which the design standards for vehicles and equipment of 49 CFR part 38 refer, the entity must carry the wheelchair and occupant if the lift and vehicle can accommodate the wheelchair and occupant. The entity may decline to carry a wheelchair/occupant if the combined weight exceeds that of the lift specifications or if carriage of the wheelchair is demonstrated to be inconsistent with legitimate safety requirements.

(2) The entity is not required to permit wheelchairs to ride in places other than designated securement locations in the vehicle, where such locations exist.

(c)(1) For vehicles complying with part 38 of this title, the entity shall use the securement system to secure wheelchairs as provided in that Part.

(2) For other vehicles transporting individuals who use wheelchairs, the entity shall provide and use a securement system to ensure that the wheelchair remains within the securement area.

(3) The entity may require that an individual permit his or her wheelchair to be secured.

(d) The entity may not deny transportation to a wheelchair or its user on the ground that the device cannot be secured or restrained satisfactorily by the vehicle's securement system.

(e) The entity may recommend to a user of a wheelchair that the individual transfer to a vehicle seat. The entity may not require the individual to transfer.

(f) Where necessary or upon request, the entity's personnel shall assist individuals with disabilities with the use of securement systems, ramps and lifts. If it is necessary for the personnel to leave their seats to provide this assistance, they shall do so.

(g) The entity shall permit individuals with disabilities who do not use wheelchairs, including standees, to use a vehicle's lift or ramp to enter the vehicle. Provided, that an entity is not required to permit such individuals to use a lift Model 141 manufactured by EEC, Inc. If the entity chooses not to allow such individuals to use such a lift, it shall clearly notify consumers of this fact by signage on the exterior of the vehicle (adjacent to and of equivalent size with the accessibility symbol).

[56 FR 45621, Sept. 6, 1991, as amended at 58 FR 63103, Nov. 30, 1993; 76 FR 57936, Sept. 19, 2011]

§ 37.167 Other service requirements.

(a) This section applies to public and private entities.

(d) The entity shall permit service animals to accompany individuals with disabilities in vehicles and facilities.

(e) The entity shall ensure that vehicle operators and other personnel make use of accessibility-related equipment or features required by part 38 of this title.

(f) The entity shall make available to individuals with disabilities adequate information concerning transportation services. This obligation includes making adequate communications capacity available, through accessible formats and technology, to enable users to obtain information and schedule service.

(g) The entity shall not refuse to permit a passenger who uses a lift to disembark from a vehicle at any designated stop, unless the lift cannot be deployed, the lift will be damaged if it is deployed, or temporary conditions at the stop, not under the control of the entity, preclude the safe use of the stop by all passengers.

(h) The entity shall not prohibit an individual with a disability from traveling with a respirator or portable oxygen supply, consistent with applicable Department of Transportation rules on the transportation of hazardous materials (49 CFR subtitle B, chapter 1, subchapter C).

(i) The entity shall ensure that adequate time is provided to allow individuals with disabilities to complete boarding or disembarking from the vehicle.

[56 FR 45621, Sept. 6, 1991, as amended at 58 FR 63103, Nov. 30, 1993]

§ 37.173 Training requirements.

Each public or private entity which operates a fixed route or demand responsive system shall ensure that personnel are trained to proficiency, as appropriate to their duties, so that they operate vehicles and equipment safely and properly assist and treat individuals with disabilities who use the service in a respectful and courteous way, with appropriate attention to the difference among individuals with disabilities.

Part 38: Americans with Disabilities Act (ADA) Accessibility Specifications for Transportation Vehicles

Source: 56 FR 45756, Sept. 6, 1991, unless otherwise noted.

Subpart A—General

§ 38.1 Purpose.

This part provides minimum guidelines and requirements for accessibility standards in part 37 of this title for transportation vehicles required to be accessible by the Americans With Disabilities Act (ADA) of 1990 (42 U.S.C. 1201 et seq.).

§ 38.2 Equivalent facilitation.

Departures from particular technical and scoping requirements of these guidelines by use of other designs and technologies are permitted where the alternative designs and technologies used will provide substantially equivalent or greater access to and usability of the vehicle. Departures are to be considered on a case-by-case basis under procedures set forth in § 37.7 of this title.

§ 38.3 Definitions.

See § 37.3 of this title.

Subpart B—Buses, Vans and Systems

§ 38.21 General.

(a) New, used or remanufactured buses and vans (except over-the-road buses covered by subpart G of this part), to be considered accessible by regulations in part 37 of this title shall comply with the applicable provisions of this subpart.

(b) If portions of the vehicle are modified in a way that affects or could affect accessibility, each such portion shall comply, to the extent practicable, with the applicable provisions of this subpart. This provision does not require that inaccessible buses be retrofitted with lifts, ramps or other boarding devices.

§ 38.23 Mobility aid accessibility.

(a) General. All vehicles covered by this subpart shall provide a level-change mechanism or boarding device (e.g., lift or ramp) complying with paragraph (b) or (c) of this section and sufficient clearances to permit a wheelchair or other mobility aid user to reach a securement location. At least two securement locations and devices, complying with paragraph (d) of this section, shall be provided on vehicles in excess of 22 feet in length; at least one securement location and device, complying with paragraph (d) of this section, shall be provided on vehicles 22 feet in length or less.

(b) Vehicle Lift

(11) Boarding direction. The lift shall permit both inboard and outboard facing of wheelchair and mobility aid users.

(12) Use by standees. Lifts shall accommodate persons using walkers, crutches, canes or braces or who otherwise have difficulty using steps. The platform may be marked to indicate a preferred standing position.

(d) Securement Devices

(7) Seat belt and shoulder harness. For each wheelchair or mobility aid securement device provided, a passenger seat belt and shoulder harness, complying with all applicable provisions of part 571 of this title, shall also be provided for use by wheelchair or mobility aid users. Such seat belts and shoulder harnesses shall not be used in lieu of a device which secures the wheelchair or mobility aid itself.

§ 38.25 Doors, steps and thresholds.

(c) Door height. For vehicles in excess of 22 feet in length, the overhead clearance between the top of the door opening and the raised lift platform, or highest point of a ramp, shall be a minimum of 68 inches. For vehicles of 22 feet in length or less, the overhead clearance between the top of the door opening and the raised lift platform, or highest point of a ramp, shall be a minimum of 56 inches.

APPENDIX – A.2

DC Taxicab Service Improvement Amendment Act of 2012 (relevant sections)

Sec 4. Definitions

(c) Section 4 (D.C. Official Code § 50-303) is amended to read as follows: “Sec. 4. Definitions.
For the purposes of this act, the term:

- (1) “ADA” means the Americans with Disabilities Act of 1990, approved July 26, 1990 (104 Stat. 328; 42 U.S.C. § 12101 et seq.).
- (2) “Alternative fuel” means advanced fuels, which can be any materials or substances that can be used as fuels, other than conventional fuels such as fossil fuels, including biodiesel, compressed natural gas, electricity, and ethanol. The term “alternative fuel” shall also apply to hybrid vehicles that use alternative forms of power such as electricity.
- (3) “Capital City Plan” means the formal alphabetical and numerical pattern and layout of streets within the District’s 4 quadrants, the formal pattern and layout of avenues and circles within the District, and the formal system and pattern of addresses within the District.
- (4) “CNG” means compressed natural gas.
- (5) “CNG vehicle” means an automobile powered by compressed natural gas.
- (6) “Commission” means the District of Columbia Taxicab Commission established by section 5.
- (7) “Commissioner” means the Commissioner of the Department of Insurance, Securities, and Banking.
- (8) “Committee” means the Disability Taxicab Advisory Committee established by section 20f.
- (9) “DDOE” means the District Department of the Environment.
- (10) “Fund” means the Public Vehicles-for-Hire Consumer Service Fund established by section 20a.
- (11) “GPS” means Global Positioning Satellite.
- (12) “Hospitality industry” means any person or entity involved in the operation, management, support, or ownership of a restaurant, catering business, hotel business, conference business, travel business, tourism business, tour business, or tour guide business.
- (13) “Industry member” means a person experienced in the transportation or hospitality industry.
- (14) “Limousine” means a public vehicle-for-hire that operates exclusively through advanced registration, charges exclusively on the basis of time, and shall not accept street hails.
- (15) “Office” means the Office of Taxicabs established by section 13.
- (16) “Passenger surcharge” means a fee assessed to passengers for each public vehicle-for-hire ride in an amount not to exceed 50 cents.
- (17) “Public vehicle-for-hire” means:
 - (A) Any passenger motor vehicle operated in the District by an individual or any entity that is used for the transportation of passengers for hire, including as a taxicab, limousine, or sedan; or
 - (B) Any other private passenger motor vehicle that is used for the transportation of passengers for hire but is not operated on a schedule or between fixed termini and is operated exclusively in the District, or a vehicle licensed pursuant to D.C. Official Code § 47-2829, including taxicabs, limousines, and sedans.
- (18) “Public vehicle-for-hire industry” means all public vehicle-for-hire companies, associations, owners, and operators, or any person who, by virtue of employment or office, is directly involved in the provision of public vehicle-for-hire services within the District.
- (19) “Public vehicle inspection officer” means a Commission employee trained in the laws, rules, and regulations governing public vehicle-for-hire service to ensure the proper provision of service and to support safety through street enforcement efforts, including traffic stops of public vehicles-for-hire, pursuant to protocol prescribed by the Commission.

- (20) “Sedan-class vehicle” means a public vehicle-for-hire that operates exclusively through dispatch, charges exclusively on the basis of time and distance, and shall not accept street hails.
- (21) “Taxicab” means a public passenger vehicle-for-hire that may be hired by dispatch or hailed on the street and for which the fare charged is calculated by a Commission-approved meter with uniform rates determined by the Commission.
- (22) “Taxicab association” means a group of taxicab owners organized for the purpose of engaging in the business of taxicab transportation for common benefits regarding operation, logo or insignia. An association must have a minimum of 20 taxicabs having a uniform logo or insignia and having unified control by ownership or by association.
- (23) “Taxicab company” means any person, partnership, or corporation engaging in the business of owning and operating a fleet or fleets of taxicabs having a uniform logo or insignia. A company must have a minimum of 20 taxicabs having a uniform logo or insignia and having unified control by ownership or by the company.
- (24) “Taxicab fleet” means a group of 20 or more taxicabs having a uniform logo or insignia and having unified control by ownership or by association.
- (25) “Taxicab industry” means all taxicab companies, associations, owners, and operators, or any person who by virtue of employment or office is directly involved in the provision of taxicab services within the District.
- (26) “Taxicab operator” means a person operating or licensed to operate a taxicab in the District of Columbia.
- (27) “Taxicab owner” means a person, corporation, partnership, or association that holds the legal title to a taxicab that is required to be registered in the District. If a taxicab is the subject of an agreement for the conditional sale or lease with right of purchase upon performance of the condition stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a taxicab is entitled to possession, the conditional vendee, lessee, or mortgagor shall be considered the owner for the purpose of this act.
- (29) “Taxicab service” means passenger transportation service originating in the District in which the passenger directs the points between which the service is to be provided, the service is provided at a time chosen by the passenger, and the fare and fees for which are prescribed by the Commission.
- (30) “Underserved area” means a designated zone, as determined by the Commission, with an established need for greater taxicab service.
- (31) “Washington Metropolitan Area” means the area encompassed by the District; Montgomery County, Prince George’s County, and Frederick County in Maryland; Arlington County, Fairfax County, Loudon County, and Prince William County, and the cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park in Virginia.
- (32) “Wheelchair-accessible vehicle” means a vehicle compliant with the, ADA that accommodates a passenger using a wheelchair or other personal mobility device who needs a ramp or lift to enter or exit the vehicle. The vehicle must comply with the provisions of 49 C.F.R. Part 38.1 – 38.39.”.

Sec. 2. The District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-301 et seq.), is amended as follows:

(b) Section 3 (D.C. Official Code § 50-302 [*Regulation of Taxicabs, Purposes*]) is amended as follows:

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

(H) Provide specific policies and programs to increase wheelchair-accessible taxicab service to the disabled throughout the District;”.

Sec. 6. Section 47-2829 of the District of Columbia Official Code is amended as follows:

(B) Subparagraph (A) is amended to read as follows:

(A) Completion of the primary public passenger vehicle-for-hire license training course as established by the District of Columbia Taxicab Commission for a fee of no less than \$100 per person. Upon completion of the course, the applicant shall be issued a certificate of completion that shall include the date of completion and shall be presented to the Office of Taxicabs with the application for a license. Before issuing the certificate, each person shall have passed an examination consisting of the subject matters taught in the course and an

evaluation of the person's English communication skills. At a minimum, the training course shall be designed to develop the applicant's knowledge of the following:

(vii) The legal requirements that apply to transportation of persons with disabilities, including providing equal access to transportation and complying with the Americans with Disabilities Act of 1990, approved July 26, 1990 (104 Stat. 328; 42 U.S.C. § 12101 et seq.)("ADA")."

(C) A new subparagraph (A-i) is added to read as follows:

(A-i) All courses for operators of wheelchair-accessible taxicabs shall provide training as to:

(i) The legal requirements that apply to transportation of persons with disabilities, including providing equal access to transportation and complying with the ADA;

(ii) Passenger assistance techniques, including a review of various disabilities, hands-on demonstrations of how to assist those with disabilities, mobility equipment training (including familiarity with lift and ramp operations and various types of wheelchairs and personal mobility devices), and safety procedures;

(iii) Training with an actual person using a wheelchair or personal mobility device;

(iv) Sensitivity training, including customer service and conflict resolution techniques; and

(v) Overall training in passenger relations and courtesy."

Sec. 20a. Public Vehicles-for-Hire Consumer Service Fund.

(2) Subsections (a) and (b) are amended to read as follows:

(a) There is established within the District of Columbia Treasury a fiduciary fund to be known as the Public Vehicles-for-Hire Consumer Service Fund. The Fund shall be a revolving, segregated, nonlapsing fund administered by the Commission. The Fund shall consist of the following:

(1) Funds collected from a passenger surcharge;

(2) Funds collected by the Commission from the issuance and renewal of a public vehicle-for-hire license pursuant to D.C. Official Code § 47-2829, including those held in miscellaneous trust funds by the Commission and the Office of the People's Counsel before June 23, 1987, pursuant to section 8, par. 42 of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, approved March 4, 1913 (37 Stat. 984; D.C. Official Code § 34-912(a)). These funds shall be accounted for under procedures established pursuant to subtitle V of Chapter 3 of Title 47, or any other applicable law;

(3) Funds collected by the Commission from the Department of Motor Vehicles through the Out-Of-State Vehicle Registration Special Fund, pursuant to section 3a of the District of Columbia Revenue Act of 1937, effective March 26, 2008 (D.C. Law 17-130; D.C. Official Code § 50-1501.03a); and

(4) All funds collected by the Commission pursuant to subsections (c) and (d) of this section.

(b)(1) The funds deposited into the Fund and allocated to the Commission:

(A) Shall be used to pay the costs incurred by the Commission, including operating and administering programs, investigations, proceedings, and inspections, administering the Fund, and improving the District's public vehicles-for-hire industry.

(B) May be used to provide grants, loans, incentives, or other financial assistance to owners of licensed taxicabs legally operating and incorporated in the District to offset the cost of acquiring, maintaining, and operating wheelchair-accessible vehicles;

(C) May be used to establish a program to provide a taxicab fare discount for low-income senior citizens aged 65 years and older and persons with disabilities; and

(D) May be used to provide grants, loans, incentives, or other financial assistance to owners of licensed taxicabs legally operating and incorporated in the District to incentivize the purchase and use of alternative-fuel vehicles, directing licensed taxicabs to underserved areas, and to offset costs associated with meeting the mandates of this act, as established by rulemaking.

(2) Nothing in this subsection shall affect any requirements

Sec. 20f. Accessible taxicabs

(a) Taxicab service in the District shall be accessible to the disabled and in compliance with the ADA and the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; Repeal § 50-324

(b)(1) Within 90 days of the effective date of the Amendment Act, the Commission shall establish a Disability Taxicab Advisory Committee to advise the Commission on how to make taxicab service in the District more accessible to the disabled.

(2)

(A) The Committee shall include representatives from the following:

- (i) The Office of Disability Rights;
- (ii) The Office of Human Rights;
- (iii) The Commission on Persons with Disabilities;
- (iv) The disability advocacy community;
- (v) Taxicab companies, associations, or operators;
- (vi) The Office of the Chief Financial Officer, when appropriate; and
- (vii) The Commission.

(B) At least half of the Committee shall be comprised of members or representatives of the disability advocacy community.

(3) On or before February 15, 2013, the Committee shall transmit to the Mayor and to the Council a comprehensive report and recommendations on the following:

- (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% wheelchair-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.

(4) On or before September 30, 2013, and each year thereafter, the Committee shall transmit to the Mayor and to the Council a report on the accessibility of taxicab service in the District and how it can be further improved.

(c)(1) Each taxicab company with 20 or more taxicabs in its fleet as of July 1, 2012, or anytime thereafter, shall dedicate a portion of its taxi fleet as follows:

(A) At least 6% of each taxicab fleet shall be wheelchair-accessible by December 31, 2014.

(B) At least 12% of each taxicab fleet shall be wheelchair-accessible by December 31, 2016.

(C) At least 20% of each taxicab fleet shall be wheelchair-accessible by December 31, 2018.

(D) Based on the recommendations of the Committee, which shall be given great weight, the Commission shall increase the requirements in subparagraphs (A), (B), and (C) of this paragraph to ensure that the District's taxicab system meets the legal requirements and need for accessible taxicab service.

(2) The Commission may withhold the renewal of licenses of taxicab companies or associations that do not meet the requirements of this subsection.

(3) With the Committee and the Chief Financial Officer, the Commission shall develop a program to provide grants, loans, and other types of financial assistance and incentives to applicants and owners of licensed taxicabs to offset the cost of buying, retrofitting, maintaining, and operating a vehicle for use as a wheelchair-accessible taxicab.

(d) The Commission shall seek to partner with the Washington Metropolitan Area Transit Authority, the Office of the State Superintendent of Education, and any other governmental entity to provide accessible transportation services using taxicabs, and shall report to the Council within 18 months of the effective date of the Amendment Act on the status of such agreements and the estimated cost savings from such agreements.

(e) All drivers who operate wheelchair-accessible taxicabs shall receive training in how to properly use the equipment and work with disabled passengers. The training shall be coordinated through the Commission or taxicab companies.

(f) Wheelchair-accessible taxicabs shall:

(1) Accommodate wheelchair and personal mobility devices up to 30 inches in width;

(2) Have rear-entry or side-entry ramps or lifts that enable a passenger and driver to easily and comfortably gain access to the interior of the vehicle upon entry and exterior upon drop off;

(3) Have safety devices to secure the wheelchair or personal mobility device to the vehicle and protect the passenger; and

(4) Display the international wheelchair insignia or other insignia approved by the Commission that identifies the vehicle as a wheelchair-accessible vehicle in a minimum of 2 prominent locations on the exterior of the vehicle.

(g)(1) Except as provided in paragraph (2) of this subsection, every licensed taxicab operator accepting fares shall:

(A) Stop and inquire of a prospective passenger in a wheelchair or personal mobility device attempting to street-hail a taxicab whether the passenger wishes to ride in that taxicab or, if the taxicab operator is not driving a wheelchair-accessible taxicab and is affiliated with a

taxicab company or association that offers such services, wishes to have the taxicab operator contact a dispatch service to send a wheelchair-accessible taxicab; and

(B) Grant priority to requests for service from passengers who use wheelchairs, and once dispatched to a call from a passenger using a wheelchair shall not accept any other fare while traveling to the fare; provided, that in the absence of a request for service to a passenger who uses a wheelchair, a wheelchair-accessible taxicab operator may transport any person.

(2) A taxicab operator shall not be subject to the requirements of this subsection while transporting a fare or responding to a dispatched call for service.

(h) Any individual, company, or affiliation that owns, leases, rents, or operates wheelchair-accessible taxicabs subsidized by the District shall:

(1) Operate wheelchair-accessible taxicabs equipped with dispatch technology and maintain the capacity to communicate with every wheelchair-accessible taxicab operating under its service;

(2) Grant priority to requests for service from passengers who use wheelchairs, and once dispatched to a call from a passenger using a wheelchair, shall not accept any other fare while traveling to the fare; provided, that in the absence of a request for service to a passenger who uses a wheelchair, a wheelchair-accessible taxicab operator may transport any person;

(3) Promptly dispatch a wheelchair-accessible taxicab in response to a wheelchair-accessible taxicab service request. If a wheelchair-accessible vehicle cannot be dispatched within 20 minutes, dispatch shall call another company with wheelchair-accessible vehicles to handle the request, and contact the customer with the name and telephone number of the dispatch service for the available wheelchair-accessible taxicab. If no wheelchair-accessible taxicabs are currently available to respond to a customer's request, dispatch shall notify the customer and record the customer's name and phone number and the names of the other dispatch services contacted; and

(4) Record all requests for wheelchair-accessible taxicab service, noting the date and time of the request for service, the service address, the vehicle number dispatched, and the time that the wheelchair-accessible taxicab was dispatched to respond to the call.

(i) A taxicab operator of a wheelchair-accessible taxicab shall not deny a dispatch request for wheelchair accessible service unless the taxicab is unavailable to provide service due to already being engaged. The Commission shall enforce this provision through rulemaking.

APPENDIX – A.3

DC Municipal Regulations

Title 4: Human Rights and Relations

Chapter 7: Private Complaints Alleging Unlawful Discriminatory Practices

700 SCOPE

700.1 The provisions of this chapter shall apply to all employers, places of public accommodation, educational institutions, and housing and commercial space subject to the D.C. Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01 et seq.).

701 COVERAGE

The provisions of this chapter shall govern the processing of any matters involving discrimination on the grounds of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, and place of residence or business.

701.2 Nothing in this chapter shall be construed to supersede any federal or District of Columbia law, or to invalidate any proceedings commenced under the authority of any prior regulations.

702 JURISDICTION

702.1 The Office has the statutory authority to receive, investigate, and seek an appropriate remedy for allegations of conduct prohibited by the Act and which has caused harm to a person or persons protected by the Act; provided, that the following requirements are met:

- (a) The complaint is filed with the Office within one year of the occurrence of the unlawful discriminatory practice, or the discovery thereof, except as may be modified in accordance with procedures established pursuant to section 303 of the Act (D.C. Official Code § 2-1403.03);
- (b) The alleged unlawful discriminatory practice occurred within the District of Columbia; and
- (c) The respondent is identified as follows:
 - (1) Maintaining a presence within the District of Columbia, including that of a registered agent;
 - (2) Substantially engaged in doing business within the District of Columbia; or
 - (3) Operating an enterprise which is subject to licensing by the District of
 - (4) Columbia government.

APPENDIX – A.4

DC Code, DC Human Rights Law

Title 2: Government Administration

Chapter 14: Human Rights

Unit A: Human Rights Law,

Subchapter II: Prohibited Acts of Discrimination

§ 2-1401.01. Intent of Council

It is the intent of the Council of the District of Columbia, in enacting this chapter, to secure an end in the District of Columbia to discrimination for any reason other than that of individual merit, including, but not limited to, discrimination by reason of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, and place of residence or business.

§ 2-1402.01. General.

Every individual shall have an equal opportunity to participate fully in the economic, cultural and intellectual life of the District and to have an equal opportunity to participate in all aspects of life, including, but not limited to, in employment, in places of public accommodation, resort or amusement, in educational institutions, in public service, and in housing and commercial space accommodations.

Part D: Public Accommodations

§ 2-1402.31. Prohibitions

(a) General. -- It shall be an unlawful discriminatory practice to do any of the following acts, wholly or partially for a discriminatory reason based on the actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, genetic information, disability, matriculation, political affiliation, source of income, or place of residence or business of any individual:

(1) 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;

(2) To print, circulate, post, or mail, or otherwise cause, directly or indirectly, to be published a statement, advertisement, or sign which indicates that the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation will be unlawfully refused, withheld from or denied an individual; or that an individual's patronage of, or presence at, a place of public accommodation is objectional, unwelcome, unacceptable, or undesirable.

DC CODE, DC Taxicabs and Public Vehicles for Hire Discrimination Law

Title: 31 Taxicabs and Public Vehicles for Hire

Chapter: 31-5 Taxicab Companies, Associations and Fleets Discrimination Prohibited

508.1 No taxicab company, association, or fleet, or its agent, shall discriminate based upon race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intra-family offense, or place of residence or business.

508.2 Discriminatory conduct may include, but is not limited to the following:

- (a) Not picking up a passenger on the basis of any protected characteristic or trait, including an individual with a service animal;
- (b) Requesting that a passenger get out of a taxicab on the basis of a protected characteristic or trait;
- (c) Using derogatory or harassing language on the basis of a protected characteristic or trait; or
- (d) Refusing calls or street hails beginning or ending in specific geographic areas of the District

508.3 Discrimination based on a disability may include refusing to assist in the transportation of a person using a Service Animal or Comfort Animal because of an undocumented personal allergic reaction to animals or potential allergic reactions of future customers.

SOURCE: Final Rulemaking published at 37 DCR 3595, 3601 (June 1, 1990); as amended by Final Rulemaking published at 59 DCR 8549, 8557 (July 20, 2012).

APPENDIX – B.1

Table B.2: rollDC Trips Data March 2010-October 2012

Taxi Company	Trips for Passengers Using Wheelchairs				
	Completed	Cancels & No-Shows	Transferred	Could Not Serve	Trips, Sample Period
March - June 2010					
Royal	59%	24%	14%	3%	37
Yellow	66%	33%	1%	0%	130
July - September 2010					
Royal	91%	5%	5%	0%	64
Yellow	66%	31%	1%	2%	99
October - December 2010					
Royal	98%	2%	0%	0%	50
Yellow	77%	18%	3%	2%	125
January - March 2011					
Royal	90%	8%	1%	0%	71
Yellow	85%	14%	0%	1%	127
April - June 2011					
Royal	86%	10%	4%	0%	69
Yellow	84%	14%	1%	0%	152
July - Sept 2011					
Royal	94%	6%	0%	0%	90
Yellow	86%	14%	0%	1%	177
October - December 2011					
Royal	83%	8%	8%	1%	137
Yellow	86%	14%	0%	0%	189
<i>Begin Sampled Data Collection One Month Per Quarter</i>					
January 2012					
Royal	33	0	3	0	36
Yellow	54	5	2	0	61
April 2012					
Royal	34	6	1	0	41
Yellow	44	3	0	0	47
July 2012 (Royal) and August 2012 (Yellow)					
Royal	23	9	0	0	32
Yellow	53	7	1	0	61
October 2012					
Royal	50	18	0	0	68
Yellow	52	9	0	0	61

Source: RollDC Data: "Wheelchair Accessible Taxi Pilot – Washington DC," 2012.

APPENDIX – B.2

Table B.3: rollDC Response Time

Response Time, Sampled Data								
Requested Time to Taxi Arrival Time, in Minutes								
	"ASAP" Trips				Pre-Booked Trips			
	Average		Range		Average		Range	
	Royal	Yellow	Royal	Yellow	Royal	Yellow	Royal	Yellow
2010								
March	na	0:32 (5 trips)	na	0:19 - 1:20	na	-0:03 (7 trips)	na	-0:13 - 0:12
April	0:36 (3 trips)	0:19 (6 trips)	0:23 - 1:00	0:07 - 0:37	-0:12 (2 trips)	-0:10 (3 trips)	-0:10 - -0:15	-0:07 - -0:15
May	0:33 (6 trips)	0:18 (22 trips)	0:17 - 0:57	0:04 - 0:42	0:00 (2 trips)	0:01 (16 trips)	-0:05 - -0:15	-0:11 - 0:22
June	0:23 (5 trips)	0:25 (13 trips)	0:06 - 0:46	0:09 - 0:52	no prebooked	0:15 (13 trips)	-	0:00 - 0:54
July	0:31(13 trips)	0:27 (5 trips)	0:06 - 1:11	0:07 - 0:47	0:00 (1 trip)	0:05 (3 trips)	-	0:00 - 0:15
August	0:27 (13 trips)	0:21 (21 trips)	0:05 - 1:54	0:02 - 1:14	0:00 (3 trips)	-0:01 (7 trips)	-	-0:12 - 0:19
September	0:28 (24 trips)	0:17 (14 trips)	0:08 - 2:47	0:04 - 0:32	0:00 (5 trips)	-0:02 (15 trips)	-	-0:25 - 0:32
October	0:35 (20 trips)	0:19 (19 trips)	0:13 - 1:07	0:03 - 0:51	0:00 (4 trips)	0:02 (11 trips)	-	-0:15 - 0:20
November	0:33 (12 trips)	0:19 (20 trips)	0:08 - 1:10	0:02 - 0:45	no prebooked	0:01 (10 trips)	-	-0:11 - 0:22
December	0:41 (9 trips)	0:22 (22 trips)	0:12 - 2:14	0:06 - 1:03	-0:17 (4 trips)	0:03 (11 trips)	-0:26 - -0:10	-0:21 - 0:34
2011								
January	0:36 (20 trips)	0:20 (27 trips)	0:05 - 2:53	0:03 - 0:53	-0:14 (3 trips)	-0:02 (15 trips)	-0:27 - 0:00	-0:18 - 0:39
February	0:38 (18 trips)	0:21 (27 trips)	0:09 - 1:54	0:07 - 0:51	0:00 (1 trip)	-0:03 (13 trips)	-	-0:18 - 0:49
March	0:35 (12 trips)	0:20 (19 trips)	0:10 - 1:25	0:06 - 0:52	incomplete data (7 trips)	-0:07 (7 trips)	-	-0:17 - -0:02
April	0:38 (18 trips)	0:22 (27 trips)	0:08 - 1:57	0:04 - 0:50	1:15 (3 trips)	-0:08 (11 trips)	0:55 - 1:40	-0:40 - 0:13
May	0:41 (12 trips)	0:26 (25 trips)	0:10 - 2:10	0:01 - 1:07	incomplete data (8 trips)	0:00 (25 trips)	-	-0:19 - 0:33
June	0:42 (12 trips)	0:23 (19 trips)	0:04 - 2:39	0:06 - 0:57	-0:01 (9 trips)	-0:01 (21 trips)	-0:05 - 0:10	-0:29 - 0:25
July	0:21 (14 trips)	0:20 (25 trips)	0:01 - 3:24	0:07 - 0:46	-0:07 (10 trips)	-0:02 (30 trips)	-0:15 - 0:10	-0:25 - 0:25
August	0:23 (21 trips)	0:19 (20 trips)	0:06 - 1:42	0:01 - 0:49	incomplete data (8 trips)	-0:02 (23 trips)	-	-0:21 - 0:29
September	0:20 (30 trips)	0:20 (24 trips)	0:07 - 1:18	0:04 - 0:49	-0:04 (2 trips)	0:05 (29 trips)	-0:10 - 0:01	-0:18 - 0:56
October	0:36 (28 trips)	0:26 (31 trips)	0:12 - 1:36	0:04 - 1:25	-0:06 (10 trips)	0:06 (33 trips)	-0:55 - -0:02	-0:23 - 0:52
November	0:23 (40 trips)	0:23 (27 trips)	0:05 - 0:46	0:04 - 0:52	-0:09 (4 trips)	0:06 (25 trips)	-0:15 - -0:06	-0:21 - 1:34
December	0:41 (19 trips)	0:22 (21 trips)	0:10 - 2:18	0:03 - 1:14	-0:08 (8 trips)	-0:03 (25 trips)	-0:15 - -0:04	-0:17 - 0:56
2012	Begin Sampled Data Collection One Month Per Quarter							
January	0:25 (23 trips)	0:24 (26 trips)	0:02 - 1:23	0:06 - 0:52	-0:02 (10 trips)	0:05 (28 trips)	-0:08 - 0:00	-0:16 - 1:00
April	--	0:17 (15 trips)	--	0:10 - 1:00	--	0:01 (28 trips)	--	-0:33 - 0:36
July-R/Aug-Y	0:22 (14 trips)	0:26 (19 trips)	0:04 - 0:49	0:05 - 1:09	-0:08 (8 trips)	-0:01 (34 trips)	-0:15 - 0:06	-0:19 - 0:31
October	0:24 (27 trips)	0:27 (24 trips)	0:04 - 1:25	0:03 - 1:06	-0:02 (22 trips)	0:01 (28 trips)	-0:17 - 0:21	-0:20 - 0:19

Source: RollDC Data: "Wheelchair Accessible Taxi Pilot – Washington DC," 2012.

APPENDIX – B.3

Table B.4: rollDC Trips for Riders Using Wheelchairs as Percent of All Rider Trips on Accessible Taxis

2010	Accessible Taxis in Service	W-C Trips	All Trips	% W-C Trips
February	11	49	2,480	2.0%
March	14	104	3,192	3.3%
April	14	113	3,833	2.9%
May	15	186	4,023	4.6%
June	14	140	3,484	4.0%
July	19	200	4,466	4.5%
August	18	160	4,825	3.3%
Sept.	18	205	5,316	3.9%
Oct.	19	173	5,354	3.2%
Nov.	19	230	5,126	4.5%
Dec.	19	287	5,558	5.2%
2011				
January	19	261	5,448	4.8%
February	19	264	4,975	5.3%
March	18	349	5,409	6.5%
April	19	262	5,211	5.0%
May	18	364	5,384	6.8%
June	19	352	5,375	6.5%
July	19	430	5,812	7.4%
August	19	426	5,507	7.7%
Sept.	19	371	5,858	6.3%
Oct.	19	390	6,758	5.8%
Nov.	19	423	6,277	6.7%
Dec.	19	352	6,085	5.8%
2012 <i>Begin Sampled Data Collection One Month per Quarter</i>				
January	19	415	5,462	7.6%
April	19	421	6,673	6.3%
July	20	474	5,755	8.2%
October	20	499	5,331	9.4%

Source: RollDC Data: "Wheelchair Accessible Taxi Pilot – Washington DC," 2012.

APPENDIX – G

Table G.1: Accessible Taxi Projections

According to Section 20f(c) of the DC Taxi Act of 2012, companies or associations that own 20 or more taxis must include an increasing percentage of accessible taxis in their fleet: six percent by end of 2014, 12 percent by end of 2016 and 20 percent by end of 2017. Included below are the numbers of accessible cabs in the District based on those projections, as well as the proposed increase to 40 percent.

Taxi Company or Association	# Cabs Owned	6% in 2014	12% in 2016	20% in 2018	Proposed: 40% in 2017
YELLOW CAB CO.	141	8	17	28	56
DIAL	132	8	16	26	53
SILVER	113	7	14	23	45
EMPIRE	81	5	10	16	32
MERITT CAB ASSOCIATION	57	3	7	11	23
IMPERIAL CAB COMPANY	47	3	6	9	19
ROCK CREEK	45	3	5	9	18
MIDWAY	44	3	5	9	18
DC FLYER	40	2	5	8	16
DIAMOND CAB	40	2	5	8	16
FAIRWAY CAB ASSOCIATION	33	2	4	7	13
VIP CAB	31	2	4	6	12
COLUMBIA CAB ASSOCIATION	29	2	3	6	12
GOLD STAR CAB COMPANY	28	2	3	6	11
IRON CAB COMPANY	28	2	3	6	11
ELITE CAB	26	2	3	5	10
PATRIOT CAB COMPANY	26	2	3	5	10
ESSENCE CAB COMPANY	25	2	3	5	10
ICON CAB COMPANY	25	2	3	5	10
PRESIDENTIAL CAB COMPANY	25	2	3	5	10
CLASSIC CAB	23	1	3	5	9
HILLTOP CAB ASSOCIATION	22	1	3	4	9
NATIONAL CAB	22	1	3	4	9
DYNASTY	22	1	3	4	9
RITEWAY CAB ASSOCIATION	22	1	3	4	9
BAY CAB COMPANY	22	1	3	4	9
TIME CAB COMPANY	21	1	3	4	8
Total	1,170	70	140	234	468

Source: Freedom of Information Act Request to DCTC, provided November 2013.

APPENDIX – H

Additional recommendations on administrative improvements

A program should be set up that would include the designing of an intake process with measureable indicators and valuable data trend sets established. This process will also include the frequency for the collection of data as well as who is responsible for this work. This committee strongly suggests the hiring of additional staff, preferably administrative staff members at DCTC. There should be two staff members, one each at DCTC and DMV, responsible for collecting data, providing database management, writing reports, and presenting information to leadership.

The reporting of this information should take place quarterly. In the first seven years of this process, data-based assessments on the process should be provided in each report. The report must provide input on the process including strengths, vulnerabilities, risks, data integrity and the collection process. The data sets or indicators should be established by DCTC and DMV, with each department having the ability to keep their information separate for their individual data analysis needs. Data that should be collected include but is not limited to the number of licensed taxis, make, model and age of the car, mileage on the speedometer of the car, as well as all the data sets established in the Payment Service Providers and Digital Dispatch Systems Requirement in the DC Taxi Law.^{cxxxii}

These reports will ensure a data baseline that anchors any ongoing performance measurements and provide information for ROI analysis. The District is responsible for accountability and enforcement of this program, and these reports will provide documentation for future policy or regulation decisions as well as any new funding streams.

The quarterly reports should also provide the data sets in a number and chart format as well as a narrative for multiple analysis and distribution of information. These reports should be given to and analyzed by the DCTC Commissioner, DMV Director, the Mayor's office, the City Council Transportation Committee and DCTC Disability Advisory Committee. The information provided in these reports will assist the District with the management of providing accessible taxis for the community. This report should be part of the DCTC annual budget report presented to the DC Council and Mayor's office.

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ABOUT THE DC TAXICAB COMMISSION DISABILITY 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, requiring 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 the 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 13 times between January 2013 and February 2014 – is a compilation of representatives from the DC Office of Disability Rights; the Office of Human Rights; the Commission on Persons with Disabilities; DC taxicab companies, associations, and operators; the Office of the Chief Financial Officer; disability advocates; and the DC Taxicab Commission. Half of the Committee is comprised of members or representatives of the disability advocacy community.

The Committee convened as a whole and also met 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% wheelchair-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. The Committee will continue to meet as it is mandated to transmit to the Mayor and to the DC Council an annual report on the accessibility of taxicab service in the District and how it can be further improved. The Committee seeks support and resources that will allow disability advocates, taxi industry representatives, District officials to learn from each other and work together to achieve a 100 percent accessible and inclusive taxi fleet.

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

MEMBERS OF THE DC TAXICAB COMMISSION DISABILITY ADVISORY COMMITTEE

DC Taxicab Commission Representatives

Anthony Muhammad, Commissioner, DC Taxicab Commission, Committee Chairman*

DC City Offices and Agency Representatives

Dara Baldwin, ADA Compliance Specialist (Human Services), DC Office of Disability Rights

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

Elliot Imse, Director of Policy and Communications, DC Office of Human Rights

Susie McFadden-Resper, ADA Compliance Specialist (Public Works), DC Office of Disability Rights

Christina Mitchell, DC Commission on Persons with Disabilities

Derek Orr, Director, DC Office of Disability Rights

Elizabeth Pollitt Paisner, Senior Policy Analyst, Office of the Chief Financial Officer

Kyle Roll, Intern, DC Office of Disability Rights*

DC Taxicab Industry Representatives

Negede Abebe, Small Business Association of DC Taxicabs*

Haimanot Bizuayehu, United Ventures Consortium*

Matthew Brooks, Royal Cab*

Saleem Abdul-Mateen, Royal Cab

Carolyn Robinson, DC Professional Taxicab Drivers Association

Roy Spooner, Yellow Cab

DC Disability Advocacy Community Representatives

Georges Aguehoude, DC Center for Independent Living, Inc.

Dennis Butler, University Legal Services

Robert Coward, DC ADAPT

Dana Fink, Institute for Educational Leadership

Jonathan Martinis, Quality Trust for Individuals with Disabilities

Mat McCollough, DC Developmental Disabilities Council

Rebecca (Becky) Ogle, Political Consultant *

Lee Perselay, Disability Counsel, Senator Tom Harkin

Lon Rosenman, Hearing Loss Association of DC

Anais Sensiba, DC National Lawyers Guild

Richard Simms, DC Center for Independent Living, Inc

Carol Tyson, United Spinal Association, Committee Vice-Chair

Committee Observers

Kelly Buckland, Executive Director, National Council on Independent Living

Anthony J. Catalino, Legislative Counsel, Office of Councilmember Mary M. Cheh

Neville Waters, Public Information Officer, DC Taxicab Commission

Ian Watlington, National Disability Rights Network*

*Participated in discussions and drafting of the preliminary report.

February 20, 2014
Via Electronic Mail

Chairman Ron M. Linton
District of Columbia Taxicab Commission
2041 Martin Luther King Jr Avenue SE, Suite 204
Washington, DC 20020

Dear Chairman Linton:

Please find attached a copy of an addendum to the DC Taxicab Commission Disability Advisory Committee's Comprehensive Report on Accessible Taxicab Service in the District.

Please include this addendum which reflects the joint opinion of Royal Cab and Yellow Cab Co. of DC Inc., current wheelchair accessibility service providers, with your submission of the final report to the DC City Administrator so that it may be distributed to the Mayor and City Council.

Yellow and Royal Cab will continue to participate in the Disability Advisory Committee as it meets monthly to fulfill its mandate to transmit to the Mayor and to the DC Council an annual report on the accessibility of taxicab service in the District and how it can be further improved.

Sincerely,

Roy Spooner,
General Manager
Yellow Cab Co. of DC Inc.

CC: Jeff Schaeffer, Royal Cab Co.

Encl.: Disability Advisory Committee – Royal and Yellow Final Draft Comments.doc

- 1) Executive Summary, Page ii, Recommendation G is not a consensus recommendation which should be noted in the report.**

G. Transitioning to a Fleet of 100 Percent Accessible Taxis

Many members of the Committee recommended a long-term goal of a 100 percent accessible taxi fleet in the District. A 100 percent accessible taxi fleet allows for an inclusive, “universal vehicle design” that meets all of the current US ADA standards is not in production at the present time. The taxicab industry and wheelchair accessible providers must be involved in the product design and development of standards for any future universal design vehicle.

- 2) Please add this paragraph to “Industry Support and Involvement” Page 43**

The Committee included a limited number of taxi industry representatives, a total of three full members. Two of the industry committee members included representatives from the two companies that currently provide wheelchair accessible cabs, Yellow Cab and Royal Cab. These taxi company representatives are highly supportive of the inclusion and expansion of wheelchair accessible cabs in D.C. taxi fleets and agree with many of the issues and ideas presented in this report, but did not concur with all of the recommendations. These companies would like to build upon the experience of the wheelchair accessible taxi pilot, rollDC, to ensure high quality, sustainable and successful wheelchair accessible taxicab service.

- 3) ABOUT THE DC TAXICAB COMMISSION DISABILITY ADVISORY COMMITTEE, Page 71**

Please add the following text or similar to this section:

While many of the members of the committee agreed with the recommendations in the report, the report is not a consensus report, with taxi industry members raising concerns about the sustainability and viability of a 100% wheelchair accessible fleet.

- 4) Committee Membership, Page 72**

The taxicab industry feel very strongly and recommend that the committee Vice Chair be featured and recognized more prominently in the development and coordination of this report since the Committee Chair since played a very limited role in the Committee but is listed first (Page 72)