

DISTRICT OF COLUMBIA
TAXICAB COMMISSION
ACCESSIBILITY ADVISORY
COMMITTEE

October 1, 2014

*Annual Report on
Accessible For-
Hire Vehicle
Service*

Dedication to Mr. Robert (Bobby) Earl Coward, Jr

This year's report is dedicated to Robert (Bobby) Earl Coward, Jr, February 13, 1964. Bobby has been a dynamo on behalf of DC residents with disabilities, leading the charge to augment service and accessibility in the taxi industry. Bobby was made from a cloth rich in an internal sense of duty to his fellow residents, dense in commitment, and carefully finished with the hand of an honorable leader. On August 25, 2014 Bobby's thread was cut too soon. Bobby served on the DCTC Accessibility Advisory Committee from its inception until his passing, and was key in the implementation of rollDC which provided the first wheelchair accessible taxis in the District. This committee, comprised of advocates, District staff, and industry stakeholders will feel the loss of Bobby's humor and passionate advocacy for the rights of people with disabilities for some time.

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 an annual report and making recommendations to the Mayor and to the Council on how to improve accessible taxi service in the District.

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

For-hire vehicle (FHV) service, including taxicabs and transportation network company (TNC) service, provides essential transportation options for DC's residents, workers and visitors with disabilities. FHV service can provide timely transportation to a destination without detours, and often does not need to be scheduled far in advance. FHV can be crucial when the Metro is not functioning or when an elevator is not working, and in case of local or personal emergencies.

Unfortunately, taxis and TNC vehicles are not available to many people with disabilities, especially those who require wheelchair accessible transportation. Adults with disabilities are twice as likely as those without disabilities to have inadequate transportation (31 percent versus 13 percent). Inadequate access creates barriers to employment and healthcare, makes it difficult to contribute and participate in the community, have an active social life, or support one's family.

The DC Office of Disability Rights (ODR) estimates that 20 percent, or approximately 130,000 individuals in the District, have a disability. A recent Coalition for Smarter Growth report estimates that older adults comprise 11 percent of the District's population, with the potential for growth as DC's residents age and older adults move to the District. The report advocates for age-friendly transportation, and universal design. The Coalition calls for incentivizing the purchase and operation of accessible taxis in the District, and increasing the fleet from less than 1 percent to over 5 percent.

Getting existing FHV, wheelchair accessible and sedan, to stop for people with disabilities who are hailing or requesting service is, at times, an additional barrier to service. 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. Additional training on Americans with Disabilities Act (ADA) compliance and passenger sensitivity is not ongoing for new or existing drivers and could create greater access to taxis.

B. DC Accessible For-Hire Vehicle Update & Industry Concerns

Current Status

Currently, only 20 out of the approximately 7,000 taxicabs that are 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 DC. The Committee acknowledges that DCTC, the Washington Metropolitan Area Transit Authority (WMATA), DC Office of Human Rights (OHR), and ODR have been busy participating in or creating programs to address the need for increased and improved service.

Activities undertaken include:

- Adoption of the DCTC/WMATA CAPS-DC Program
- Adoption and implementation of the DCTC Anonymous Riders Program
- Adoption and implementation of the DCTC/OHR Anti-Discrimination Initiative
- Hiring of a DCTC ADA Manager
- Proposal of a DCTC Vehicle Modernization Program

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.

Industry Issues & Concerns

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

- The Washington D.C. Taxi Operators Association supports improving access to wheelchair accessible vehicles (WAVs). However, the responsibility for increasing the service should not fall solely to taxi drivers. The taxi drivers of DC want to be treated fairly, including receiving adequate training and an adequate financial benefit.
- Yellow Cab expressed strong support for the continuation and expansion of rollDC as a model for improving accessibility taxicab services. Yellow Cab would support a program that was well-planned, well-supported by stakeholders, and provided appropriate service to customers with disabilities.
- Uber reports provision of their service has significantly improved access to for-hire transportation services for individuals with disabilities in the District who do not require wheelchair access. Uber has launched accessibility options in several cities, and is exploring launching options in the District. According to Uber DC, they will be in a better position to provide accessible options in the District in the coming years as the supply of wheelchair accessible vehicles in the District increases.

C. Measuring Up: Other Jurisdictions' Provision of Accessible For-Hire Vehicle 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. New York City has rolled out a plan to achieve a 50 percent wheelchair accessible fleet by 2020. Chicago is working towards increasing their accessible fleet from 3 percent to 6 percent. San Francisco's wheelchair accessible fleet has declined over the past year. This decline is attributed to competition from the TNCs.

D. The Legal Requirements for Providing Accessible For-Hire Vehicle Service

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 ADA and corresponding regulations, the DC Taxi Act, and the DC Human Rights Act (DCHRA).

E. Committee Recommendations toward Improving Accessible For-Hire Vehicle Service

While the existing open entry taxi system allows for greater flexibility amongst 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.
- Implement a public awareness campaign to increase the public's awareness and understanding of the efforts to create an accessible taxi fleet.

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).

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.

It is critical for the District to ensure FHV service is available to all who live in, work in, or visit the District. In 2015, the nation and the District will celebrate and reflect on the positive impact that the ADA has had on the lives of 54 million Americans. Setting a long-term goal of an accessible for-hire vehicle system where any provider could transport any passenger, including passengers with a disability, is a progressive and necessary goal. Providing accessible for-hire vehicle service would be a fitting celebration of the rights and worth of all people.

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Introduction

On July 10, 2012, the District of Columbia City Council passed the DC Taxicab Service Improvement Amendment Act of 2012 (DC Taxi Act) to improve taxicab service in the District. Section 20f of the Act addresses accessibility for individuals with disabilities, and requires the DC Taxicab Commission (DCTC) to establish a Disability Taxicab Advisory Committee (the Committee) to advise the Commission on how to make taxicab service in the District more accessible for individuals with disabilities. Under the DC Taxi Act the Committee is tasked with transmitting to the Mayor, and to the Council, a report on the accessibility of taxicab service in the District and how it can be further improved. This report is broken into 5 sections: A) an update on the continuing need for accessible for-hire vehicle (FHV) service in the District; B) legislative and industry updates and concerns; C) how other jurisdictions are providing accessible FHV service, D) legal requirements for provision of accessible FHV service; and E) committee recommendations for how service can be further improved. This report serves as the Committee's 2014 submission and builds on the recommendations and background provided in the comprehensive report submitted February 20, 2014.ⁱ

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

I. The District Needs Accessible For-Hire Vehicle Service

FHV service, including taxicabs and transportation network company (TNC) service, provide essential transportation options for DC's residents, workers and visitors with disabilities. FHV service can provide timely transportation to a destination without detours, and often does not need to be scheduled far in advance. FHV can be crucial when the Metro is not functioning or when an elevator is not working, and in case of local or personal emergencies. Unfortunately, taxis and TNC vehicles are not available to many people with disabilities, especially those who require wheelchair accessible transportation. Adults with disabilities are twice as likely as those without disabilities to have inadequate transportation (31 percent versus 13 percent).ⁱⁱ Inadequate access creates barriers to employment and healthcare, makes it difficult to contribute and participate in the community, or have an active social life and support one's family.

The DC Office of Disability Rights (ODR) estimates that 20 percent, or approximately 130,000 individuals in the District, have a disability.ⁱⁱⁱ A recent Coalition for Smarter Growth report estimates that older adults comprise 11 percent of the District's population, with the potential for growth as DC's residents age and older adults move to the District.^{iv} The report advocates for age-friendly transportation, and universal design. The authors state, "... by addressing age-friendly transportation, our communities also acknowledge related public health issues, strengthen the local economy, and promote universal design that is accommodating to all users, regardless of age and ability."^v The Coalition calls for incentivizing the purchase and operation of accessible taxis in the District, and increasing the fleet from less than 1 percent to over 5 percent.^{vi}

As has been stated, accessible FHVs could provide vital transportation to District residents and workers to get to their jobs or travel to and from meetings. The US Department of Labor is in the process of implementing Section 503 of the Rehabilitation Act regulations.^{vii} The regulations require federal contractors to set an aspirational goal to ensure that 7 percent of their staff is comprised of people with disabilities. More people with disabilities will be employed by local federal contractors in the near future and will need accessible transportation to succeed.

Currently, only 20 out of the approximately 7,000 taxicabs¹ (0.3 percent of the fleet) 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 DC. Increased access to public FHV is needed.

II. Addressing Discrimination against People with Access Needs in the FHV Industry

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

In a follow-up story to a May 2013 W*USA 9 report, investigative reporter Russ Ptacek again tested taxi drivers' reactions to people who use service dogs and manual wheelchairs.^{viii} 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 referred to a 2010 Equal Rights Center (ERC) report on discrimination by DC taxi drivers against people who use service dogs in his May report.^{ix} According to the report, a blind tester was discriminated against in 60 percent of tests conducted by the ERC. A National Federation of the Blind California chapter has filed suit against TNC provider Uber, claiming blind individuals were passed up for rides and a service animal was placed in the trunk of a car.^x

The DC Taxi Act of 2012 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.^{xi} 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 not ongoing for new or existing drivers and could create greater access to taxis.

DC is not alone. The National Council on Disability 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."^{xii}

Access to transportation is a civil and human right that is unattainable to many. The District is making improvements, though more are needed.

B. DC ACCESSIBLE FOR-HIRE VEHICLE UPDATE & INDUSTRY CONCERNS

I. Current Status

Currently, only 20 out of the approximately 7,000 taxicabs that are 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 DC. The Committee acknowledges that DCTC, WMATA, the DC Office of Human Rights (OHR), and ODR

¹ Total taxicab figures provided by DCTC, November 27, 2013.

have been busy participating in or creating programs to address the need for increased and improved service. A summary of activity is provided below. The Committee hopes the District can continue to increase access for all.

DCTC/WMATA CAPS-DC Program – DCTC recently announced the selection of Yellow Cab Company and Transco Inc. (Royal Cab) to participate in the CAPS-DC program. According to a DCTC press release, the companies will receive grants to assist with the acquisition of 33 MetroAccess vans to convert to wheelchair accessible taxicab service and transport MetroAccess passengers directly to dialysis treatment.^{xiii} Eligible participants will be able to travel to treatment without making multiple stops. Wheelchair accessible vehicles (WAVs) will be available. While CAPS-DC participants have priority, WAVs will also be available to the general public.

The CAPS-DC program rides can be booked one hour in advance rather than a day ahead and participants will have no increase in their out-of-pocket costs. Through the pilot program, District tax payers will realize a savings of up to \$1.8 million in subsidy payments to MetroAccess. The companies must purchase new WAVs for every 3,000 rides taken via the CAPS-DC program, potentially adding another 30 to 35 new WAVs to the District's fleet in the first year. The Committee submitted comments to DCTC regarding this program, recommending that passenger feedback be compiled regularly and the program changed as needed, and that if the program is successful, WMATA and DCTC find ways to allow independent owner/operators to participate.^{xiv}

DCTC ADA Manager - To ensure approved and qualified taxicab companies are in compliance with the regulatory guidelines set forth between DCTC and WMATA in the creation and implementation of CAPS-DC, DCTC created a position for and hired an ADA Manager. This position is located in the DCTC Driver and Consumer Services Administration, which is responsible for the delivery of customer services, providing solutions to driver and consumer complaints, and management of lost and found.^{xv}

DCTC Anonymous Riders Program – DCTC recently announced an Anonymous Rider Program conducted over the Labor Day Weekend which yielded infractions for 20 of 63 vehicles tested. The program resulted in a total of 31 tickets written, including 10 for refusal to haul violations. The deployment of anonymous riders included African Americans and whites, males and females, and a range of ages, as well as an individual in a wheelchair and a person requiring the assistance of a seeing-eye dog. There were no incidences of refusal to transport either the passenger in the wheelchair or the passenger with the seeing eye-dog.^{xvi}

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

DCTC Proposed Vehicle Modernization Program – According to a DCTC press release, DCTC has proposed Chapter 5 regulations that would create a "Vehicle Modernization Program which would allow the formation of new associations that agree to have fleets that are 100% wheelchair accessible and use fuel efficient vehicles by a specific date. All vehicle owners will have the opportunity to replace current vehicles to take advantage of the extended service years by transitioning to wheelchair accessible vehicles powered by more fuel efficient methods. The current Vehicle Modernization Program mandates that no vehicle more than seven model years will be in service by 2018."^{xvii} Currently, there is a hold on the release of H-Tags, the permit

needed to drive a DC taxi sedan. The Program would allow for the release of new accessible vehicle tags that could be sold in the future as long as the tags remain active.

DC Taxicab Service Improvement Amendment Act of 2012 (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 companies that do not comply.^{xviii} In addition, the DC Taxi Act provided new regulations for taxi employee training, responding to street hails from people with disabilities, and dispatch service.^{xix} The DC Taxi Act requirements could increase the numbers of accessible taxis in fleets to 234 by 2018, though there are no current requirements for companies to ensure the accessible taxis are being used to provide service.

II. Industry Issues & Concerns

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

The Washington D.C. Taxi Operators Association supports improving access to WAVs. However, the responsibility for increasing the service should not fall solely to taxi drivers. Fair policy would require that all FHV transportation providers have an equal role in ensuring that people with disabilities have reliable and accessible options. Moreover, the taxi drivers of DC want to be treated fairly not only from a policy perspective, but also on the ground. For taxi drivers fair treatment means adequate training and an adequate financial benefit. Driving a wheelchair accessible vehicle is typically more expensive than other options, so the city needs to find the right mix of tax benefits and other incentives to increase the supply of drivers. Also, drivers want to feel prepared for their work, and the city must ensure that drivers who drive accessible vehicles feel comfortable with operating all equipment associated with the vehicle. We support the steps to increase the supply of wheelchair accessible vehicles on the road.^{xx}

Roy Spooner, General Manager and committee representative from Yellow Cab, expressed strong support for the continuation and expansion of rollDC as a model for improving accessibility taxicab services. Mr. Spooner stated that the benefits to rollDC were that the program was adequately funded, provided financial incentives for drivers, and allowed an opportunity to train drivers with a dynamic facilitator. Mr. Spooner also stated that rollDC received support from all involved partners. Above all, Mr. Spooner stressed that he would support a program that he felt was well-planned, well-supported by stakeholders, and provided appropriate service to customers with disabilities.^{xxi}

Uber DC provided an update on their efforts to improve access to for-hire transportation for individuals with disabilities in the District, as well as the key challenges. According to Uber and passenger survey responses, Uber's service has significantly improved access to for-hire transportation services for individuals with disabilities in the District, including deaf, blind and developmentally disabled individuals. Uber has launched accessibility options in several cities across the U.S., and is actively exploring launching options in the District. According to Uber DC, they will be in a better position to provide accessible options in the District in the coming years as the supply of wheelchair accessible vehicles increases.^{xxii}

C. MEASURING UP: OTHER JURISDICTIONS' PROVISION OF ACCESSIBLE FOR-HIRE VEHICLE 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 FHVs. Cities are also supplementing rides for people with disabilities through the use of paratransit and contract transportation service providers. The following are brief descriptions and highlights of accessible FHV programs in other jurisdictions.

Table 1: City and States Assessed²

City & State	Population	Accessible Taxi Service Began	# of Taxis	# of Accessible Taxis	% of Fleet	Notes: Increase or Decrease, Future Plans
New York, NY ^{xxiii}	8,244,910	2012	13,577	571	4%	Adding 1,600 yellow taxis in few yrs, 50% by 2020, licensing 3,600 for outer boroughs now
Fairfax Co, VA	1,118,602	1998	654	43	7%	Increased from 23
Montgomery Co., MD	989,794	Unavailable	770	48	6%	Goal to increase by 20
Arlington, VA	221,045	1996	757	37	5%	Pending application for 60
San Francisco, CA	825,863	1994	1,477	80	5%	Decreased by 20
Chicago, IL	2,707,120	2000	6,664	174	2%	Goal to more than double
Baltimore, MD	621,342	Unavailable	1074	10	1%	Increasing by 25 in near future
P. G. County, MD	881,138	2012	1,075	7	0.6%	
Washington, D.C.	632,323	2010	7,000	20	0.3%	3% by 2018

Source: Population Count U.S. Census Bureau 2011/2012 and city and county taxicab regulations departments. See Table 2 sources.

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

City	Programs, Funding & Incentives
Arlington, VA ^{xxiv}	<ul style="list-style-type: none"> Subsidized Taxi Service 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 ^{xxv}	<ul style="list-style-type: none"> Commission staff completing plan to accept applications for 25 wheelchair accessible cabs (<i>see PSC Case No. 9184 in near future</i>) Taxi companies provide in-kind wheelchair accessible taxi service
Chicago, IL ^{xxvi,xxvii}	<ul style="list-style-type: none"> Despite the many incentives offered in Chicago, the numbers of WAVs have remained steady. A disability advisory committee comprised of industry representatives and people with disabilities has been created to make recommendations. The committee met every week over the summer. Recommendations will be made public this fall.

² In February 2014, Toronto, Ontario City Council voted to achieve a 100 percent accessible taxi fleet by 2020. Toronto utilizes a system similar to medallions. An Ontario Superior Court judge has granted a temporary injunction. The suit brought by the Toronto Taxi Alliance will be heard this fall. (*Toronto Sun*, June 26, 2014)

	<ul style="list-style-type: none"> • A Chicago taxi/TNC ordinance passed over the summer includes an 'inaccessibility fee'. Operators that drive less than 20 hours a week pay 10 cents per ride into an accessible vehicle fund. Licensees that operate more than 20 hours per week pay \$100 a year for each inaccessible vehicle. Incentives include, but are not limited to: <ul style="list-style-type: none"> • Industry subsidizing the purchase of vehicles through a WAV Accessibility Fund (currently contains \$3.5 million, expected to increase \$700,000 a year) • Increase in the number of years a WAV may stay on the road • Voucher to cut to the front of the line at airports for WAV vehicles providing service to wheelchair users. • Uber is offering wheelchair accessible service in Chicago through UberACCESS and UberASSIST. Passengers may request an accessible ride through Uber provided by a wheelchair accessible taxi. UberASSIST allows a passenger to request a specially trained driver.
Fairfax, VA ^{xxviii}	<ul style="list-style-type: none"> • Subsidized Taxi Service • 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.
Montgomery Co., MD ^{xxix}	<ul style="list-style-type: none"> • Subsidized Taxi Service • Call n Ride • Same Day Access (SDA) Program
New York, NY ^{xxx,xxxi,xxxii,xxxiii}	<ul style="list-style-type: none"> • The NY City Council and Taxi, Limousine Commission (TLC) voted unanimously to achieve a 50 percent accessible fleet by 2020 • The TLC is mandating taxi fleets to phase-in accessible cabs through their normal replacement cycle. • "Individual operators will similarly be subject to "lotteries" that would "establish which owners must bring accessible vehicles into service." • "Any taxi operator that is subject to the new rules, including the lottery program, would be eligible for grants to subsidize the expected conversion and maintenance costs." • "New taxi drivers would also be trained in passenger assistance from June 2014 while all remaining drivers would have to undergo the same training ahead of their first license renewal after Jan. 1, 2016." (<i>Wall Street Journal</i>) • Passenger surcharge of 30 cents per ride to subsidize upgrades to wheelchair accessible taxis • Tax credit for taxi companies up to \$10,000 • Taxi accessibility fee paid by all medallion holders to fund the accessible dispatch line • Deadhead mile reimbursement to drivers for travel time to the pick-up point • Shorty (cutting to the front of the line at the airports) privileges • Sale of 2,000 New Medallions
Prince Georges Co., MD ^{xxxiv}	<ul style="list-style-type: none"> • Funding from the Council on Governments and Accessible Taxi Inc. • Accessible Taxi Inc. – offered one-time RFP to MD companies, total: \$423,833
San Francisco, CA ^{xxxv}	<ul style="list-style-type: none"> • SFMTA is projecting a 30 percent decrease in the total number of wheelchair pickups completed by their ramp taxis (12,298 in 2013 vs a projected 8,725 in

2014) and attributes the decline to the introduction of TNC service.

- Comparing February 2013 to February 2014, there was a 49 percent decline in the number of wheelchair pickups completed (1,237 in 2013 vs 629 in 2014).
- SFMTA has increased incentive award payments: in the first seven months of 2014, SFMTA have paid drivers and companies \$56,900 in incentives (SFMTA issued \$46,785 in incentives for all of 2013)
- SFMTA had provided \$75-\$250 per month for providing wheelchair accessible trips to those who requested them. The tiered incentives have been replaced with a \$10 per trip incentive for all ramp taxi drivers for providing service to those who need wheelchair access.
- In addition, after 10 or more pick-ups, a \$10 per trip credit is given towards the purchase of a taxi medallion. The maximum credit is \$12,500.
- An airport short pass is now given to drivers who complete 2 wheelchair pickups in outlying neighborhoods. Drivers can earn up to five short passes.
- Ongoing Incentives Include:
 - Monetary award for ramp taxi drivers who complete more than the average wheelchair pick-ups
 - Taxi companies receive a \$500 monthly bonus for providing the most wheelchair trips (per medallion)
- 100 of the 156 required paratransit wheelchair pickups must be verified via debit card for ramp medallion applicants
- Progressive disciplinary schedule, \$150 citation with repeat facing suspension

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

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.^{xxxvi} 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 2012 DC Taxi Act requires an increasing percentage of vehicles owned by larger taxi fleets to be wheelchair accessible in the coming years. In addition, the DC Taxi Act provides new regulations for taxi employee training, responding to street hails from people with disabilities, and dispatch service. It also requires DCTC to seek a partnership with WMATA, the DC Office of the State Superintendent of Education, and any other governmental entity to provide accessible services using taxicabs. DCTC is required to report to the Council within 18 months of the DC Taxi Act on the status of agreements and the estimated cost savings. The Committee was tasked with exploring and recommending: a timetable and plan to rapidly increase the number

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

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

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

E. COMMITTEE RECOMMENDATIONS TOWARD IMPROVING FOR-HIRE VEHICLE SERVICE

I. Support of Accessible FHV Service in Local Bills

There are currently three Council bills under consideration that could increase the availability of accessible FHV. The Committee supports these bills with proper accessibility and anti-discrimination requirements.

B20-889, the For-Hire Vehicle Accessibility Amendment Act of 2014 – The initial draft of this bill ensures the continued work of the Committee. The bill also creates a tax credit for taxi and TNC owners who purchase an accessible vehicle or retrofit an existing vehicle, and requires all taxi and TNC drivers of inaccessible vehicles applying for a license to pay into an accessible vehicle fund, among other things. The Committee supports this bill.

B20-759, the Transportation Reorganization Act of 2014 - The bill would reorganize the District's agencies responsible for transportation options and public rights-of-way, including: taxis, TNCs, streetcars, bikeshare, parking meters and regulations, sidewalks and curb cuts, and crosswalks. The bill is still being considered by the Council's Transportation Committee. The Committee hopes that any District transportation agency will ensure that the transportation services they are responsible for are accessible to all people, including taxis and TNCs.

B20-753, the Transportation Network Innovation Services Act of 2014 - The initial draft of this bill allows new transportation companies like Uber, Lyft and Sidecar to operate in the District. The Committee recommends TNCs be required to follow accessibility and non-discrimination standards, including providing service to people with service animals, and begin to develop plans to provide wheelchair accessible service. *San Francisco has run a successful accessible taxi service for 20 years. The decrease in accessible taxi service due to competition from TNCs points to the need for thoughtful approaches to ensuring access to all FHV service in the District.*³

³ The SFMTA Taxis and Accessible Services Division (TAS) recently presented on the status of the taxi industry to the SFMTA Board. ("Taxis and Accessible Services Division: Status of Taxi Industry," September 16, 2014). The TAS states that in the past year wheelchair trips have been declined and ramp (ie, wheelchair accessible) medallions have been turned in.

II. Enforcement and Accountability of Existing Laws & Regulations

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 FHV, and progress towards an accessible FHV fleet goal. There should be annual reports regarding the progress that has been made.

III. Achieving a Fully Accessible For-Hire Vehicle Fleet within the District

The majority of 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 For-Hire Vehicle Fleet

Achieving a fleet of 100 percent accessible taxis in the District is an attainable goal. Regulatory changes, along with a combination of incentive-based options, could pave the way to a fully accessible taxi fleet and access to all FHV service.

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 (including TNCs) 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 FHV, training, and/or costs needed to more fully implement accessible FHV service in the District. The City Council should also consider whether District stakeholders that would benefit from increased accessible FHV 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.^{xxxvii} 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, loan guarantees, tax credits or other incentives towards the purchase of new, accessible vehicles. Alternatively, the District could provide increased incentives for the replacement of an older vehicle with an accessible model for a limited time period (for example, 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 ADA required public buses that aged out to be replaced with accessible models over time. As a result, and within a relatively short period of time, the nation's public bus system became accessible to nearly all passengers.

TAS attributes the decline to the impact of the TNCs provision of service in the area and a misaligned regulatory framework. Refer to Section B, Table 2 above for details on how TAS has worked to maintain accessible service

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, ODR, the taxi industry and disability rights community, in consultation with the U.S. Access Board, should set and agree upon these accessible taxi design standards. The standards could incorporate existing ADA requirements developed by the Access Board, as appropriate, regarding space and securement requirements, and could also include 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 in the *February 2014 Comprehensive Report* (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 FHV vehicles in exchange for a contract 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 an Accessible For-Hire Vehicle 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.

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 more years on the road 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 FHV owners.

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

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

An additional barrier often cited for increasing the number of accessible FHVs in service is the higher operating cost. Although license and training fees are not significant, waiving this cost for owners of accessible FHVs 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, and 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 prizes such as 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 DCTC, or from dispatch companies or owners of inaccessible FHV could be used for a lottery. Independent owner and drivers could submit their names to win an accessible taxi.

C. Training

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

ODR should be the designated District agency to provide the ADA 101 and disability sensitivity training sessions in collaboration with the DCTC. All new taxi drivers and current licensed drivers who wish to drive accessible taxis should complete this training. All current drivers should also be required to be retrained every two years when they apply for license renewal. This training will could be an opportunity for drivers to be provided with both policy and cultural competencies, which will help create a community of well-informed drivers.

D. Public Awareness

The Committee recommends a public information campaign to increase the public’s awareness and understanding of the efforts to create an 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 FHV demand in the early stages of the proposal. For people in need of accessible FHVs, 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 FHVs available for all District residents and visitors can also aid in increasing demand for, and use of, these vehicles. Please refer to the *February 2014 Comprehensive Report* for details on how such a campaign could be implemented.

Conclusion

It is critical for the District to ensure FHV service is available to all who live in, work in, or visit the District. In 2015, the nation and the District will celebrate and reflect on the positive impact that the ADA has had for 54 million Americans with disabilities. Setting a long-term goal of an accessible FHV system where any provider could transport any passenger, including passengers with a disability, is a progressive and necessary goal. Providing accessible FHV service would be a fitting celebration of the rights and worth of all people.

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- ^v Coalition for Smarter Growth, p. 3.
- ^{vi} Coalition for Smarter Growth, p. 60.
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- ^{xxi} Roy Spooner, General Manager, Yellow Cab, personal communication, September 8, 2014.
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^{xxxvi} Jonathan Cheng, Paratransit Planner, SFMTA Municipal Transportation Agency, personal communication, September 15, 2014.

^{xxxvii} 49 C.F.R. §§ 37.5 (1991), 37.29 (1991), 37.105 (1991), 37.167 (1993), 37.173 (1991).

^{xxxviii} DC Municipal Regulations § 31-609.2 (2013).

ABOUT THE DC TAXICAB COMMISSION ACCESSIBILITY ADVISORY COMMITTEE

On July 10, 2012, the District of Columbia City Council passed the DC Taxicab Service Improvement Amendment Act of 2012 (DC Taxi Act) to improve taxi service in the District. Section 20f of the DC Taxi Act addresses accessibility, 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 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 20 times between January 2013 and September 30, 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 reserved for 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. Per the DC Taxi Act of 2012 mandate, the Committee submitted an annual report on September 30, 2014, and will continue to meet and report on the accessibility of FHV service in the District and how it can be further improved. The Committee voted to change its name to the Accessibility Advisory Committee to reflect its desire to have both disability and older adult representatives as advocate members. The Committee seeks support and resources that will allow disability advocates, taxi industry representatives, and 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 Mayor Vincent C. Gray, the DC Council, and DCTC for acknowledging the need for accessible FHV service in the District.

MEMBERS OF THE DC TAXICAB COMMISSION ACCESSIBILITY ADVISORY COMMITTEE

DC City Offices and Agency Representatives

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

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

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DC Taxicab Industry Representatives⁴

Saleem Abdul-Mateen, Royal Cab

Carolyn Robinson, DC Professional Taxicab Drivers Association

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Georges Aguehoude, DC Center for Independent Living, Inc.

Dennis Butler, University Legal Services

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Mat McCollough, DC Developmental Disabilities Council

Richard Simms, DC Center for Independent Living, Inc

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Adam Gutbezah, Legislative Counsel, Office of Councilmember Mary M. Cheh

Lee Perselay, Disability Counsel, Senator Tom Harkin

Roy Spooner, Yellow Cab

Neville Waters, Public Information Officer, DC Taxicab Commission

⁴ While not yet formal members, the Committee acknowledges the participation of Washington D.C. Taxi Operators representatives during discussions leading up to and the writing of this report.