

March 1, 2024

National Council on Disability
1331 F Street, NW, Suite 850
Washington, DC 20004
PublicComment@ncd.gov

RE: Public Comment on Wheelchair Users' Experiences with Ground Transportation

The Disability Rights Education & Defense Fund (DREDF) is pleased to submit written comments in response to the February 8th request for input on wheelchair users' experiences with ground transportation. These written comments will mirror the oral testimony provided with references. DREDF thanks the National Council on Disability (NCD) for its leadership, reports and recommendations to ensure access to transportation for all people with disabilities.

DREDF is a leading national civil rights law and policy center directed by individuals with disabilities and parents who have children with disabilities. Our mission is to advance the civil and human rights of people with disabilities through legal advocacy, training, education, public policy and legislative development.

Nearly 1 in 5 people in the U.S. has a disability (more than 57 million). In 1990, Congress passed the bipartisan Americans with Disabilities Act (ADA). In enacting the ADA, Congress sought to "provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities." As a result, 99% of public buses are equipped with ramps, yet significant barriers to accessible, affordable transportation remain across modes, including access to on demand transportation like taxis and transportation network companies. While paratransit provides a critical service, long wait times and shared rides present challenges for convenient use.

Without affordable, accessible transportation people with disabilities are unable to travel to work, to school, to contribute to and participate in their communities, to support and spend time with family and friends, and live their lives to the fullest.

The comments below include anecdotes gathered from DREDF friends and colleagues, as well as concerning trends.

Regarding experiences with paratransit:

Paratransit remains a critical option for people with disabilities. Unfortunately, long and often unpredictable wait times for pick up remain an issue. In addition, we have heard that adequate time is not given for passengers to get to the vehicle that is picking them up. And when a paratransit trip is shared, what could be a 20 minute trip easily turns into a 3 hour or even longer trip. Long and unpredictable wait times combined with shared rides can lead to riders being late for or losing their job. Late arrivals can also lead to canceled medical appointments with lasting health consequences given limited appointment availability and the scarcity of accessible medical and diagnostic equipment.

We have heard instances of drivers taking actions that lead to an unsafe atmosphere. Recently a paratransit driver threatened to call the police when a rider had difficulty leaving the vehicle. The transit agency sent a warning to the rider rather than taking steps to ensure their safety and wellbeing. DREDF is concerned with any transit policy which leads to unnecessary interactions between police and disabled passengers, especially disabled Black and Brown passengers. According to a Center for American Progress article, “in the United States, 50 percent of people killed by law enforcement are disabled, and more than half of disabled African Americans have been arrested by the time they turn 28—double the risk in comparison to their white disabled counterparts.”¹

We have also heard that the social interaction between a driver and passenger can provide an important social connection for riders who might otherwise be isolated.²

Regarding use of wheelchair accessible taxis and transportation network companies (TNCs):

As already noted, Uber and Lyft only provide wheelchair accessible vehicle (WAV) service in select markets.³ In cities where WAV service is not offered Lyft provides a link on their website to paratransit options in each market, however the link takes the user to a page that is no longer active.⁴

Many transit agencies partner with TNCs and taxi companies to provide alternatives to paratransit. Unfortunately, we hear that there are not enough WAV vehicles to meet demand. In Washington, DC WMATA partners with TNCs and taxis to provide a free on demand alternative that is not a shared ride.⁵ We have heard that the service does not provide Uber WAV vehicles because the staff would rather leave the limited WAV vehicles on the streets for wheelchair users who want to hail a ride in real time.

In many areas where TNCs operate transit ridership has decreased and the numbers of taxis and wheelchair accessible taxis has decreased as well.^{6,7} Decreases in transit ridership can lead to cuts in transit hours and routes, which can also lead to cuts in paratransit service areas.

In addition, New York City (NYC) recently implemented policies pushing to make taxi and TNC fleets all electric. The current requirements allow for gas vehicles to still be operated if they are wheelchair accessible. Advocates in NYC have raised their own concerns, regarding a likely reduction in WAV providers. In a *NY1* article Christopher Schuyler, a staff attorney with the New York lawyers for the Public Interest, stated, “when there’s the option to choose anything besides wheelchair-accessible vehicles, drivers will choose that other option, especially since drivers are expected to cover the cost of new vehicles and maintenance.”⁸ DREDF is advocating for any alternative fuel or cleaner transportation mode to also be fully accessible, including to wheelchair users.⁹

Finally, Waymo is currently providing autonomous on demand commercial service similar to Uber and Lyft. They claim their AVs are safer. Waymo does not offer an autonomous wheelchair accessible vehicle option.¹⁰

Thank you again for the opportunity to share and for all you do at NCD. Please follow up with any questions to Carol Tyson at ctyson@dredf.org. DREDF looks forward to supporting your efforts in these areas.

Sincerely,

Carol Tyson
Government Affairs Liaison

¹ Vilissa Thompson, “Understanding the Policing of Black, Disabled Bodies,” *Center for American Progress*, February 10, 2021. Available at:

<https://www.americanprogress.org/article/understanding-policing-black-disabled-bodies/>

² Similarly, studies have also shown that public transportation can decrease isolation and increase social interaction for older adults. See A Conrick, “The Role of Transportation in Addressing Social Isolation in Older Adults,” National Center for Mobility Management, June 2020. Available at: <https://nationalcenterformobilitymanagement.org/blog/the-role-of-transportation-in-addressing-social-isolation-in-older-adults/>.

³ Uber states that they are “using several WAV models in cities around the world (including Bangalore, Boston, Chicago, London, Los Angeles, New York, Philadelphia, San Francisco, Toronto, and Washington, DC) to determine which wheelchair-accessible vehicle options best meet the needs of riders and drivers.” See <https://www.uber.com/us/en/about/accessibility/>. Lyft states that in the United States wheelchair accessible service is provided in Boston, MA; Chicago, IL; Dallas, TX; Los Angeles, CA; New York City, NY; Philadelphia, PA; Phoenix, AZ; Portland, OR and San Francisco, CA. See <https://help.lyft.com/hc/en-us/all/articles/115013081668#regions>.

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- ⁴ See Lyft's page on local wheelchair accessible transit options in all states. Available at: <https://help.lyft.com/hc/en-us/all/articles/115013081668#local>. Example of the broken link to a list of Paratransit Taxis/Services in Birmingham, AL available at: <http://paratransitwatch.blogspot.com/2010/12/alabama.html>.
- ⁵ The Flexible Alternative to MetroAccess, Washington Metropolitan Area Transit Authority, <https://www.wmata.com/service/accessibility/metro-access/Abilities-Ride.cfm>.
- ⁶ See Gregor D. Erhardt et al, "Why has public transit ridership declined in the United States?" Transportation Research Part A: Policy and Practice, Volume 161, July 2022. <https://www.sciencedirect.com/science/article/pii/S0965856422000945>, and Mi Diao et al, "Impacts of transportation network companies on urban mobility," Nature Sustainability, February 1, 2021. <https://www.nature.com/articles/s41893-020-00678-z>
- ⁷ San Francisco Municipal Transportation Agency, Taxis and Accessible Services Division, "TNCs and Disabled Access," April 26, 2019. https://www.sfmta.com/sites/default/files/reports-and-documents/2019/05/tncs_and_disabled_access_report.pdf. And
- ⁸ Samantha Liebman, "All-electric push sparks concerns about for-hire vehicle accessibility," *Spectrum News NY 1*, December 22, 2023. See <https://ny1.com/nyc/manhattan/transit/2023/12/22/amid-electric-vehicle-push--riders-worry-of-a-wheelchair-rideshare-accessibility-shortage>
- ⁹ DREDF is currently serving on an Advisory Committee for the World Resource Institute's Electric School Bus initiative which aims to electrify all school buses by 2030. See <https://www.wri.org/initiatives/electric-school-bus-initiative>.
- ¹⁰ Waymo One Help, "Accessibility Features: Wheelchair-Accessible Features," 2023. <https://support.google.com/waymo/answer/9566824?hl=en>