



**DISABILITY RIGHTS**  
PENNSYLVANIA

Disability Rights Pennsylvania  
1315 Walnut Street, Suite 500  
Philadelphia, PA 19107  
(215) 238-8070 (Voice)  
(877) 375-7139 (TDD)  
[www.disabilityrightspa.org](http://www.disabilityrightspa.org)

**Independent Regulatory Review Commission Public Hearing for  
An Update on the Availability of Wheelchair Accessible Vehicle  
Service in the Commonwealth  
February 21, 2019  
Harrisburg, Pennsylvania**

**Testimony of Disability Rights Pennsylvania (DRP)  
Presented by: Dynah Haubert, Esq.  
Assistive Technology Project Director**

Good Morning Chairman Bedwick, Vice Chair Mizner, and Members of the Commission.

Thank you for the opportunity to comment on Availability of Wheelchair Accessible Vehicles in the Commonwealth. As you are aware, Disability Rights Pennsylvania (DRP) is the organization designated by the Commonwealth to protect the rights of and advocate for Pennsylvanians with disabilities. Accessible transportation is key to the ability of Pennsylvanians with disabilities to participate in employment, education, and community life. Yet, accessible transportation is absent or inadequate throughout most of the Commonwealth.

For non-disabled Pennsylvanians, transportation network companies (TNCs) such as Uber and Lyft have increased the availability and convenience of transportation by a huge margin in just a few years. Pennsylvanians who use wheelchairs, however, have not seen a similar increase. Throughout the vast majority of the state, such users are entirely unable to use TNCs. In the Philadelphia area, where wheelchair accessible

**Protecting and advancing the rights of people with disabilities**

vehicles (WAVs) are generally available through TNCs, users still have far from an equal experience.

## TNCs

In the Philadelphia area, DRP has seen positive changes in the availability of WAVs through TNCs. However, the service is often poor and the experience still far from equal to that provided by the rest of TNCs' services.

DRP has not heard any reports of experiences with the availability of WAVs through TNCs throughout the rest of the Commonwealth. Given that the current regulations do not require TNCs to ensure provision of WAVs themselves (only to "[direct] the passenger to an alternative provider with the authority and ability to dispatch a wheelchair-accessible vehicle to the passenger," despite that such providers rarely exist), people with disabilities who need a WAV are very unlikely to be able to use TNCs at all in the rest of Pennsylvania. We remain concerned that this creates a disparate system where people with disabilities who need a WAV remain unable to access TNCs in much of the Commonwealth. Most citizens can easily utilize these services, while people with disabilities must continue to struggle with lack of transportation (often having to plan trips days in advance through traditional and limited services such as paratransit systems, or facing a lack of transportation entirely).

Before Act 164 of 2016, people with disabilities in the Philadelphia area who needed WAV transportation were often shut out entirely from using Uber or Lyft. Today, the apps generally show WAVs available around the clock in the Philadelphia area. However, the actual availability and user experience varies greatly. This often correlates with pickup area or time of day, but issues can happen any time in any place.

Concerns with WAV service in the Philadelphia area include the following:

- Wait times for WAV vehicles are always longer, often several times longer, than wait times for inaccessible vehicles.
- Riders frequently wait much longer for their WAV than the wait time displayed on the app.
- A driver will accept a ride, then ignore the request or cancel the ride. This is a frequent occurrence at night or when the pickup is outside of Center City and can result in a rider being stranded.
- A driver will accept a ride, then contact the customer through the app's messaging function and tell them that their actual ETA to pick up the customer is longer than the time shown on the app.
- Discrepancies in price or applicability of promotions to WAV service.
- WAV rides cannot be scheduled using the scheduling function that Uber and Lyft offer to schedule future rides with inaccessible vehicles.
- Problems with availability for rides originating at Philadelphia airport.
- Some drivers are unaware of how to properly secure a wheelchair or operate the vehicle's lift or ramp.

It is not clear how customers can report these or other issues to the TNCs, PUC or PPA.

DRP encourages IRRC to expand upon § 57A11(c)(1) of Act 164 ("A combined class, comprised of each transportation network company operating in the city, shall make an aggregated minimum of 70 wheelchair-accessible vehicles available in the city by June 30, 2017.") This requirement alone does not ensure that those vehicles will be available to WAV users on a reliable basis with reasonable wait times. Other jurisdictions are increasing the number of WAVs available by requiring a percentage of the fleet to be WAVs. This is one potential option to increase the availability of WAVs through TNCs.

DRP strongly encourages adoption of a requirement regarding wait time for WAVs. Given frequent reports of significant discrepancies between estimated wait time displayed on the app and actual wait time, wait time should be measured from actual user experience (from time a WAV is

requested to time the WAV arrives at the requested pickup location). Regulatory requirements regarding average and maximum wait time for WAVs through TNCs could constitute a significant step toward equality for people with disabilities.

TNCs are required under § 57A11(c)(2) of Act 164 to report “the programs and best practices the transportation network company has implemented to improve the accessibility of service to individuals with disabilities, including the availability and use of wheelchair-accessible vehicles[,]” by December 31 of each calendar year. DRP requests that these reports, and information about any response by PPA, be made available.

### Taxis

DRP is not aware of developments in accessibility of medallioned taxis. At one time it appeared that efforts were being made to increase the number of WAV taxis in Philadelphia. Since the advent of TNCs in Philadelphia, however, this progress has effectively, if not entirely, halted.

We appreciate the opportunity to comment on this important topic. Accessible transportation is a key part of disabled Pennsylvanians’ ability to participate in society.

Contact: Dynah Haubert, Esq.  
Assistive Technology Project Director  
Disability Rights Pennsylvania  
1315 Walnut Street  
Suite 500  
Philadelphia, PA 19107  
215-238-8070 ext. 207  
[dhaubert@disabilityrightspa.org](mailto:dhaubert@disabilityrightspa.org)