

UPDATE ON THE AVAILABILITY OF WHEELCHAIR ACCESSIBLE VEHICLE SERVICE IN THE COMMONWEALTH – Public Comment

February 21, 2019

IRRC Testimony of

Liam Dougherty, Policy & Project Coordinator

Liberty Resources, Inc.

My name is Liam Dougherty and I am the Policy & Project coordinator at Liberty Resources, Inc. (LRI), the Center for Independent Living serving the disabled community in the greater Philadelphia area. I am a long-time Philadelphia resident with a disability, and a lifelong disability rights advocate and activist. Consistent with its mission, the availability of accessible, reliable and affordable transportation is an integral component of independent living for thousands of Seniors, People with disabilities and Veterans living in the Philadelphia area. To supplement SEPTA's fixed route and paratransit services, the availability of wheelchair accessible taxis, Uber & Lyft is of great importance to me and many other members of our disabled community. Our access is a civil right under the Americans with Disabilities Act, the City Fair Practices Ordinance and the state's Human Relations Act. LRI applauds the IRRC for holding this important Public Hearing on accessible wheelchair service in Pennsylvania.

For Cities of the First-Class like Philadelphia, the state law under SB 984 mandates that "[TNCs] shall make an aggregated minimum of 70 wheelchair-accessible vehicles [WAVs] available in the city". What does "available" mean when we are talking about a "gig-economy" service where people can work for Uber for 3 hours and then never again, and mega-billion-dollar, for-profit corporations like Uber & Lyft operate business models that seek to evade regulatory oversight as much as possible? Under SB 994, the Philadelphia Parking Authority is required to oversee and regulate all TNC service operations operating in Philadelphia county. The PPA cannot collect its own data about TNCs and accordingly must seek WAV data from Uber & Lyft, the very companies they are seeking to regulate. Under SB 984, PPA is also required to conduct an annual review of the TNC data, to determine if additional WAVs must be implemented to meet the ridership demand of the disabled community. However, neither Uber or Lyft will share their ride data with the PPA or anyone else.

Over the past 18 months, LRI has requested TNC WAV data from PPA many times (see attached unanswered letters). We have also sought this information from the state Auditor General office and the City Controller's Office as part of the respective PPA audits that they are conducting. But to date, TNC operations and ridership data in Philadelphia remains a mystery to the riding public, regulators, and the PPA.

Another noted shortcoming of WAV service in Philadelphia is the monitoring of rider complaints involving TNCs which was non-existent until just recently. After hearing this, the PPA responded that they have not received any complaints about a lack of TNC WAV services on their complaint line. It took me, the person sitting before you right now, to inform the PPA that the complaint line information was missing from Uber & Lyft electronic receipts, and thus could not be accessed by the riding public. I brought this up at a board meeting, and despite concerns from the board, PPA complaint information still does not always appear on Uber or Lyft receipts. I can also attest, that quality of service provided by TNCs widely varies from good to bad, especially with the type of WAV that arrives when requested from acceptable, comfortable lift-equipped minivans to unacceptable, large, commercial sub-contracted ambulance/medical transport vans with an uncomfortable ride.

As you may know, the PPA has been enmeshed in many other problems, from bribery to avoid a city audit, instances of sexual abuse among its top officials, and its ongoing failure to make WAV accessibility in Philadelphia a sustainable and efficient service. The Taxi and Limousine Division of the PPA has seen a dramatic budget cut of \$5.6 million under because of the unregulated proliferation of TNCs operating in the city. TNCs have virtually put the traditional Taxi system, including accessible WAV Taxi service out of business. The PPA lacks the will, the resources and the focus to regulate this much-needed WAV service.

In my role as Policy and Projects Coordinator at Liberty Resources, I can opine with great conviction that inadequacy of the PPA, compounded with the ambiguity of the legislation, have failed the Philadelphia disability community. The Pennsylvania legislature has tried to fix an iPhone by giving a screwdriver to a monkey. To solidify and build on recent (albeit limited) improvements, our legislators must take steps to improve the regulatory requirements and enforcement of wheelchair accessible taxi and TNC

service in Philadelphia and across the Commonwealth. Our citizens with disabilities, Seniors and our disabled veterans deserve better. Like any other industry, we cannot count on private, for-profit companies to regulate themselves in the public's best interest.



November 29, 2018

Rebecca Rhynhart, City Controller
Office of the Controller
1230 Municipal Services Building
1401 John F. Kennedy Boulevard
Philadelphia, PA 19102-1679

Re: Your Correspondence Dated October 23, 2018

Dear Rebecca,

While it is important to ensure that the School District receives all funds owed to it by the PPA, our main focus remains **the disability community**. Our previous letter mentioned School District funding because it is attached to the PPA's ability to monitor accessible transportation by Uber and Lyft. Proper enforcement is essential to the riders in our city with disabilities. Members of our community have frequently found a total lack of the accessible transportation mandated by SB 984. The PPA has been contacted numerous times about this problem, but repeatedly fails to provide any kind of oversight.

We request that you assess the PPA's systems that monitor quantitative data from the ridership of Wheelchair Accessible Vehicles provided by Uber and Lyft, as required under state law. Proper enforcement is the only way to ensure riders like me have access to the transportation that is guaranteed to us.

The attached article features LRI board member Theresa Yates and mentions the state requirement, as well as Uber's refusal to provide data.

Thank you for your efforts to investigate this important issue; we look forward to your response.

A handwritten signature in black ink that reads "Thomas H. Earle".

Thomas Earle, Esquire
Chief Executive Officer
Liberty Resources, Inc.

A handwritten signature in black ink that reads "Liam Dougherty".

Liam Dougherty
Policy and Project Coordinator
Liberty Resources, Inc.



Philadelphia's Center for Independent Living

June 4, 2018

Eugene A. DePasquale
Auditor General
Commonwealth of Pennsylvania
Department of the Auditor General
Harrisburg, PA 17120-0018

Re: Philadelphia Parking Authority Regulatory Oversight of TNCs

Dear Mr. DePasquale,

This is a follow-up to a letter we previously mailed you on August 24, 2017. It has come to our attention that the Philadelphia Parking Authority ("PPA") has and continues to be unable to monitor/regulate the operations of Transportation Network Companies ("TNCs") like Uber and Lyft, as required under state law, because these TNCs refuse to provide any ridership data to the PPA. Without the ability to monitor TNC operations in Philadelphia, these companies have free reign to disregard obligations that were conditional to the legality of their operation.

SB 984, passed last year, mandates that "[TNCs] shall make an aggregated minimum of 70 wheelchair-accessible vehicles available in the city by June 30, 2017." When the PPA is asked how they monitor this figure, they admitted that they were not allowed access to the data TNCs provided.

The bill goes on to mandate, "[TNCs] shall pay to the authority [PPA] an assessment amount equal to 1.4% of the gross receipts from all fares charged to all passengers for prearranged rides that originate in the city. . . . The State Treasurer shall distribute 66.67% to a school district of the first class and 33.33% to the parking authority".

At a public board meeting, the PPA claimed that **TNCs are not providing fare data and are instead self-reporting, leaving the PPA unable to monitor compliance.** As part of the ridership data collected, the disability community would also like to know the number of wheelchair accessible vehicles ("WAVs") rides provided during each quarter, or at least annually, to determine if additional WAVs are necessary to meet the transportation needs of the disabled community in Philadelphia county.

For-profit companies should not be allowed to self-regulate their compliance, and to ensure that TNCs are following legal parameters, an independent,

separate entity must be given access to operational data. The disability community—as well as the School District of Philadelphia—look forward to your response.

Thank you for your prompt assistance with this important public interest matter.

Sincerely,

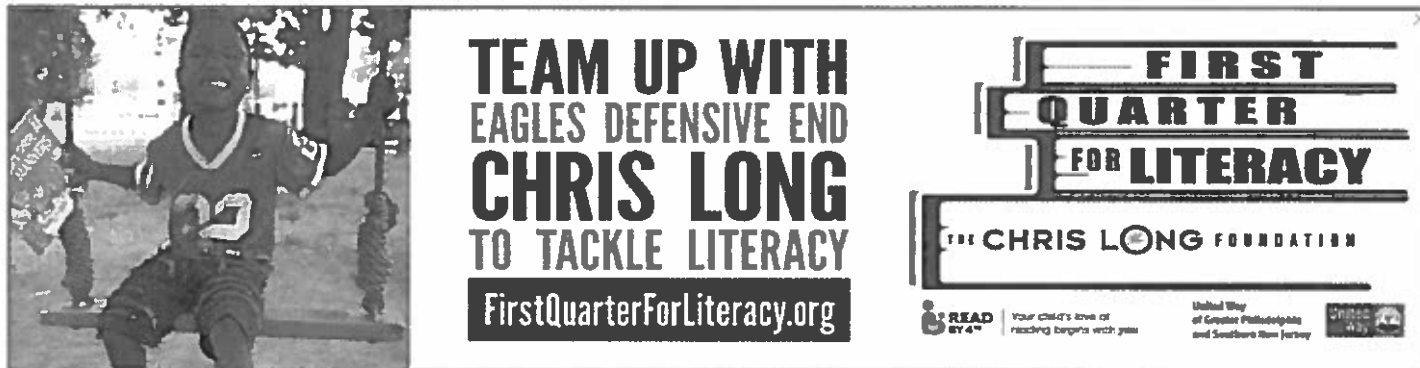


Thomas Earle, Esquire
Chief Executive Officer



Liam Dougherty
Policy and Project Coordinator

Cc: Mayor Jim Kenney
William Hite, Superintendent Philadelphia School District
Derek Green, City Councilman
Helen Gym, City Councilwoman
Jaimie Santora, State Representative
Disabled in Action of Pa, Inc.



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TRANSPORTATION

Uber adds wheelchair accessible rides in Philadelphia

by Jason Laughlin, Posted November 21, 2018



CLEM MURRAY / STAFF PHOTOGRAPHER

Uber is allowing riders to hail vehicles run by a national paratransit company, to increase the number of wheelchair-accessible vehicles available in Philadelphia.

Since July, MV Transportation vehicles have been taking requests for rides through the San Francisco-based tech company's platform. Uber won't say how many wheelchair-accessible vehicles are now operating in the Philadelphia region, saying only that there now is three times the volume of service and that the average wait time in the city is

slightly more than 12 minutes. The state requires a minimum of 70 wheelchair-accessible vehicles operating in Philadelphia between Uber and Lyft.

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The contract allowed MV Transportation to also offer service through Uber in New York City, Boston, Washington, Chicago, and Toronto. MV Transportation is expected to begin partnering with Uber in Los Angeles and San Francisco in 2019.

"We are invested quite heavily in this," said Uber's Malcom Glenn, who leads efforts to improve the company's accessibility in underserved communities. "In the first year, we are likely to spend tens of millions of dollars on this."



Under the contract, MV Transportation recruits, pays for, and puts drivers through the training needed to be eligible, Glenn said. Uber continues to allow other drivers with accessible vehicles to provide service to customers in wheelchairs.

The improved service has been noticed. "The last couple of times I rode Uber, my wait was under 10 minutes," said Theresa Yates, who uses a wheelchair. "Previously I had to wait 15 to 20 minutes."

She noticed speedier service on a recent trip to Magee Rehab. On another trip to Montgomeryville to get repairs to her wheelchair, she had no trouble taking an Uber there, but the return trip was complicated when a driver didn't show up for 20 minutes and didn't respond to calls, she said. She canceled the ride, she said, and ordered another without trouble.

She uses Uber at most two times a month, she said, when bus travel is impractical.

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Lyft, too, has partnered with private companies to aid disabled customers, specifically through a contract with a company that provides assistance to people who are blind or visually impaired, a spokesperson said.

Public transit for people in wheelchairs has been an ongoing challenge in Philadelphia. SEPTA's bus fleet is fully accessible for wheelchairs, but recently a woman in a wheelchair was unable to board a bus because a passenger wouldn't vacate the area where wheelchairs can be secured. There also have been complaints about drivers who won't stop when they see a person in a wheelchair at a stop.

SEPTA operates a paratransit service, but reservations for a ride must be made 24 hours in advance and travelers must accept a 30-minute window within which the ride may show up. In Boston, the Massachusetts Bay Transportation Authority contracted with Uber and Lyft to supplement its paratransit services, but Uber's contract with MV Transportation represents a step beyond using a public transit agency as a middle man. Uber does not intend to compete with public agencies, Glenn said.

>>READ MORE: Should Philly follow Boston and remake paratransit with ride hailing?

"We look at MV as a supplement to existing options," Glenn said.

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MV Transportation did not return a call for comment Tuesday, and it was not clear whether the company hired drivers or bought additional vehicles to fulfill the contract with Uber. According to Uber's statement, the company operates in 30 states, and in this region, it is one of three companies contracted to provide paratransit services for SEPTA. Its most recent agreement with SEPTA, which went into effect in September, was for nearly \$41 million for five years of paratransit services. SEPTA did not anticipate MV Transportation's contract with Uber would interfere with its own service.

Posted November 21, 2018 - 6:00 AM

Jason Laughlin | @jasmlaughlin | jlaughlin@phillynews.com



By |



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