

UNITED SPINAL^{NOW}

FHVs (including Uber) Sue the City

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Disability advocates were not naïve enough to believe that Transportation Network Companies (TNCs) like Uber, Lyft and Via, black car services and livery vehicles would willingly comply with the Taxi & Limousine Commission's (TLC) new accessibility regulations.

The TLC regulations would have eventually made these companies use accessible vehicles for 25 percent of their rides regardless of whether passengers used wheelchairs. That would create a critical mass of accessible TNC vehicles, black cars and liveries to meet demand.

TLC Commissioner Meera Joshi attempted to force accessible service on the for hire vehicle (FHV) industry despite its opposition.

Months ago, the FHV industry banded together at a public hearing and received an exemption from the regulation, provided it could deliver rides to wheelchair users 60 percent of the time within 15 minutes and 90 percent of rides in under 30 minutes at the end of the first year of operation.

After watching TNCs destroy the yellow cab industry (which disability advocates had forced to become accessible), it seemed odd to see Uber banding together with black car and livery operators to ask for this exemption since there is no question that Uber has hurt those businesses and intends to dominate those markets, as well.

Apparently, when perpetuating inaccessibility, even the most ardent competitors stand united. After they got the exemption, they retreated to their own camps.

Black car and livery operators sued the TLC saying it does not have the authority to require them to provide accessible services. In 2001, the TLC promulgated a rule requiring FHVs to provide equivalent services to people with disabilities, including wheelchair users.

The FHV industry has never complied with the rule and, at the public hearing, wheelchair user after wheelchair user testified about the hardships created by inaccessible FHV service.

United Spinal Association and Disabled in Action, represented by New York Lawyers for the Public Interest and Mobilization for Justice, filed an amicus (friend of the court) brief in the FHV case against the TLC, seeking to hold the industry accountable and to inform the court of the position of the disability community.

Weeks after the black car and livery industry filed suit against the TLC opposing access, Uber, Lyft and Via did the same. The TNC suit stresses the irrationality of requiring 25 percent of all trips to be in accessible vehicles. Disability advocates say the TLC arbitrarily picked that number. It would not have been arbitrary to require 100 percent access. It would have been fair.

Why does the FHV industry dislike the proposed regulation even though it got the exemption and demonstration project privileges it requested? The TLC wants the FHVs to comply with its regulation if the demonstration project does not meet the arrival time standards suggested by the FHVs.

This was too much for the companies. The industry, which has been held to virtually no standard of accessibility for 20 years, suggested its own standard and then sued because it might be held to it.

It is important to point out that not a single entity involved in these suits voluntarily provided accessible service. None of the companies involved provide equivalent service for wheelchair users.

The handwriting was clearly on the wall, (yellow cabs lost their lobbying and litigation fights). None of the companies currently suing and saying "We have a better way of providing access, just don't hold us to it," used this so called better way until the law required them to act. Demonstration projects could have been commenced years ago, voluntarily. Uber, Via and Lyft, relative newcomers to the industry, have fought access all over the country or provided substantially curtailed services compared to that available to the public.

The struggle continues...