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L.A. pushing regulators to legalize ride-sharing services at LAX

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Luis Sinco / Los Angeles Times

Traffic moves past the Encounters restaurant at LAX. More than a year after airport police began cracking down on ride-hailing services picking up passengers in the terminal area, Los Angeles city officials are pushing regulators to legalize Uber and Lyft.

By Laura J. Nelson

May 5, 2015, 4:30 a.m.

Michelle Lee walked out of Los Angeles International Airport, pulling her suitcase behind her, and boarded a boxy yellow-and-black parking shuttle.

As other travelers rummaged through bags for car keys and parking stubs, Lee pulled out her iPhone and opened the Uber app.

The ride-hailing company's standard airport message ("No UberX available") vanished as the shuttle left airport property, revealing a swarm of cars idling nearby on Century Boulevard. The bus stopped at a parking garage, and Lee summoned a car.

"It just strikes me as backward that you can't get an Uber at the airport," Lee, 28, of West Hollywood said as she stood on the curb. "This system works OK, but it's annoying to go through the extra steps."

That may soon change. More than a year after airport police began cracking down on ride-hailing services picking up passengers in the terminal area, Los Angeles city officials are pushing regulators to legalize Uber and Lyft. In his recent State of the City speech, Mayor Eric Garcetti promised that travelers would be able to hail a ride "by the summer."

The change could ease the traveler experience at LAX, but it would also add a new wrinkle to the war between ride hailing and the city's 2,361 taxis. Some politicians have voiced concerns about the plan, saying Uber and Lyft picking up passengers at the airport could decimate the cab industry's last remaining revenue stronghold.

"If the consumer can get a better price, I think that's something they should have the option to do," Garcetti said in an interview. "People ... should be able to get where they need to go as conveniently and as inexpensively as possible."

The typical taxi trip from LAX to downtown Los Angeles is more than \$50, not including tip. A ride with Uber or Lyft is closer to \$30, except during high-demand periods when prices are higher. Some argue dynamic fare pricing puts cab drivers at a disadvantage, because taxi fares are set by city officials and cannot fluctuate.

Any commercial company can drop passengers off at LAX, but only licensed livery drivers, shuttles and cabbies can pick passengers up. Travelers can hail a more expensive Uber or Lyft car, operated by a licensed livery driver, but the companies' low-cost lines such as UberX are not allowed.

In a draft agreement dated April 27, Los Angeles airport staff members suggested charging a \$4 fee for each passenger who is dropped off or picked up using a ride-hailing service. Taxis pay a \$4 fee, assessed by airport officials and passed on to the rider, each time they pick someone up. Drop-offs are free.

The document also proposes a "geofence" along the LAX perimeter that would tell the airport when ride hail drivers entered, dropped someone off, picked someone up and left again.

Drivers would be required to wait in a nearby parking lot for fares and then would be restricted to the departure level for pickups and drop-offs, meaning passengers who arrive at LAX would have to go up to the second floor to catch a ride. Drivers would also be restricted from parking and waiting within two miles of the perimeter.

Abate Teferi, 59, a driver with United Independent Taxi, said he supports Lyft and UberX working at LAX as long as drivers comply with the same regulations as cabs. Taxi drivers must wait in line for fares at a nearby parking lot and typically can work only six airport days per month.

"We want equal treatment," Teferi said. "We want the same standard for them." That would include, he said, a requirement that UberX drivers carry commercial insurance and pick up passengers at a designated curbside space.

For the regulations to become official, the Board of Airport Commissioners must approve the plan, and the airport must approve a licensing agreement with each ride hail company.

Airport commissioner Jackie Goldberg said she would have "a hard time" voting for regulations that didn't include requirements for better insurance policies and a fingerprint-based background check of Uber and Lyft drivers.

If airport commissioners approve the regulations, several members of the Los Angeles City Council will consider using their veto authority to overturn the decision, Councilman Paul Koretz said.

"If everything were regulated the same for cabs and ride-sharing, it wouldn't be as much of an issue," Koretz said. "These companies dodge most regulations, so we should expect them to do that here, too."

How the policies would be enforced is not clear, and a Los Angeles World Airports spokeswoman did not return a request seeking comment on that question.

In an email, a Lyft spokeswoman said the company cheered the "leadership of LAX" for "coming back to the table and working toward giving residents and visitors transportation choice." Uber did not return a request seeking comment.

For an example of ride hail regulations already in play, Los Angeles can look to north. At San Francisco International Airport, UberX, Lyft and Sidecar drivers pay \$3.85 for each drop-off and pickup.

The airport also created a software program that records each time an Uber or Lyft driver enters airport property. The program has been licensed to the American Assn. of Airport Executives, a trade group, which plans to make it available for use by other airports, including LAX, by the end of this year.

Since last September, SFO has made \$3.5 million in fees from ride-hailing services, spokesman Doug Yakel said, compared with \$3.3 million from taxis over the same period.

Numbers like that are cause for concern among L.A. taxi supporters, who fear that more options for travelers will further erode taxi revenue. Los Angeles' nine licensed cab companies reported a 21% drop in trips in the first half of 2014 compared with the same period the previous year, the steepest decline on record.

The requirement that cab companies provide equal service to all Angelenos, including the disabled, is a public service worth protecting, Koretz said. City taxi officials in January approved a regulation that will require all cab companies to use an app that would allow passengers to hail rides via smartphone, similar to Uber or Lyft.

Even if airport pickups are approved, that may not be enough for some drivers, who complain that Uber's repeated slashing of per-mile fares makes it difficult to earn a living. The current rate, of 90 cents per mile, barely covers operating expenses, they say.

"Going to LAX is a bit of a hassle, and you're not paid any more to pick someone up," said Ryan Fleming, 30, of Lakewood, who drives for UberX part time. "If there were a premium associated with trips from LAX, it would behoove me to spend more time there."

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ADApting to change

The emergence of new technologies creates confusion for litigation under the ADA

By [Zach Warren](#) April 29, 2015

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On July 26, 1990, President George H.W. Bush signed the Americans with Disabilities Act (ADA) into law. Hailed as a landmark piece of legislation, the act aimed to ensure equal protection under the law for those with disabilities.

In the past 25 years, though, the world has become more technologically advanced. The law applies to brick-and-mortar businesses, but where does eBay fit in, or Netflix? Where are the regulations governing ADA compliance on websites? And how can companies introduce new technological innovations, such as touch-screen point-of-sale devices, while still following the law?

“When the ADA was enacted in the early '90s, I don't think anyone could have ever contemplated, 25 years later, how technology would have grown in leaps and bounds, particularly with the Internet,” says Joshua Stein, a member of the firm at Epstein Becker & Green. “As we look forward to the next 25 years of ADA compliance, it's not simply ramps and bathrooms and serviceanimal policies. It's accessible technology as well.”

Thus, in order to decrease potential liability, in-house counsel need to know both current trends in ADA litigation and where these trends will be heading in the future.

A moving target

The act attempts to be straightforward when it comes to defining what is covered. Section 12182 of the ADA stipulates, “No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges,

advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation.”

But the real life applications are not so clear cut. “The DOJ (Department of Justice) currently takes the position that you have to comply with the ADA as written to provide accessible technology, and their settlement agreements ... all presume that the ADA was written with its broad civil rights provisions already in place,” Stein says.

Because there are no specific regulations about new technologies, both plaintiffs and defendants are left to guess what the definitions of terms such as “full and equal enjoyment,” “place of public accommodation,” and others actually mean.

“As long as there's a gray area and no clear standards, any of these areas are a target to bring these lawsuits against companies,” says Michael Chilleen, special counsel at Sheppard Mullin.

Take the fight about website accessibility. Netflix faced lawsuits in Massachusetts and California from plaintiffs claiming that disabled people did not have full and equal enjoyment of content because of a lack of captions. In Massachusetts, Netflix lost its motion to dismiss in district court, with the judge ruling that the website was indeed a place of public accommodation. The 9th Circuit, however, disagreed, citing *Weyer v. Twentieth Century Fox*.

“We have previously interpreted the statutory term ‘place of public accommodation’ to require ‘some connection between the good or service complained of and an actual physical space,” the court wrote in a 2.5 page opinion. “Because Netflix's services are not connected to any ‘actual physical place,’ Netflix is not subject to the ADA.”

As Stein notes, this decision benefits Internet companies, especially California-based technology companies like Google, Facebook and eBay. But, of course, there is another side to the coin.

“Now you’ve got a very important national circuit court, and essentially you can read the converse: If there's a nexus between the goods and services you offer on the Web and your brick-and-mortar location, in the 9th Circuit, you’re covered,” Stein says.

Regulation station

The Netflix lawsuit and suits covering websites, point-of-sale devices, and other new technology signal confusion surrounding the ADA. Luckily, there may be clarity on the horizon in the form of emerging regulations.

“This is the 25th anniversary; it's been a rallying point,” Stein says. “This has been something that has allowed people to focus their message.”

In February, the U.S. Access Board issued a notice of proposed rulemaking to update its public-sector website regulations, largely adopting the World Wide Web Consortium's Web Accessibility Initiative. The DOJ is expected to propose similar regulations for the private sector soon.

“These standards are much more results-driven than, ‘You must do A-B-C-D to get to a point,’” Stein says. “They’re more, ‘You need to have these services available to individuals with disabilities, and must provide X, Y and Z access.’ While they have suggestions, how you get there is more performance-based.”

Given that the Access Board's regulations are only at the comment stage, and that the DOJ's regulations have been postponed several times in the last five years, immediate relief may not be forthcoming. Chilleen is also skeptical at the prospect of new laws governing technology with the ADA.

“Federal legislation in my experience takes a long time,” Chilleen says. “Before they do anything, they want to usually see how courts are going to deal with the issue and how it plays out in practical terms.”

That leaves lawyers in a gray area—which Chilleen notes is the worst place to be when it comes to litigation risk.

“Any time there are proposed or new regulations, that's when the trend hits,” Chilleen says. “So if there are new proposed regulations for timeshares, there's a rash of ADA lawsuits before the regulations become clear. Or, if they're recently enacted regulations, you'll see a rash of lawsuits before companies are able to fully comply.”

Saving yourself

Of course, counsel mustn't sit by as the tsunami of ADA suits approaches. One way to be proactive with this litigation is to think like the plaintiff's bar, Chilleen says. “It's a matter of watching the new regulations, the proposed regulations, DOJ opinions, and the DOJ settlement agreements, and monitoring what areas in which the DOJ is trying to enforce the ADA.”

He adds that getting lawyers involved in the innovation process is wise, educating both the research and development team and the company at large about the benefits and dangers concerning the ADA.

“They think they're compliant; there's no reason for them to think necessarily that they're noncompliant if there are no specific guidelines covering those types of devices,” Chilleen adds. “And then they may be surprised when the plaintiff's bar argues that the general language of the ADA considering effective communication with the disabled requires them to be accessible despite a lack of clear standards.”

Stein agrees, saying that involving those who can spot issues early is crucial. And, he says, it doesn't require a complete change in the company's way of thinking.

“Much like it's easier to design a building accessibly on paper, it's always easier design a website accessibly or make sure your touchscreen has a braille keypad or audio jack than it is to go back and do this all after you've been sued,” Stein says.

Plus, it's important to tackle these issues now, because, as Chilleen explains, they're not going away any time soon. “Back in 1990, a lot of people thought that within 10 years, [ADA lawsuits] would be gone, and here we are decades later and the cases keep going,” he says. “And with new technology, it has become even stronger. I think that unfortunately it's not going to go away, and businesses will have to worry about it for a little time longer.”

Disability-Friendly Transportation Hard To Come By

By Jon Schmitz, Pittsburgh Post-Gazette/TNS

May 1, 2015



Lyft cars line up in a parking lot in Homestead, Pa. A new report from the National Council on Disability finds that alternative taxi services like Lyft and Uber are not doing enough to meet the transportation needs of people with disabilities. (Connor Mulvaney/Pittsburgh Post-Gazette/TNS)

While progress in improving transportation for people with disabilities has been evident in the past decade, persistent barriers remain, the National Council on Disability reports.

“Much has happened in the last decade. More people with disabilities are riding public transit than ever before and yet, in many areas, significant barriers to ground transportation for Americans with disabilities remain pervasive,” said chairman Jeff Rosen in a statement.

The report will be formally released on Monday as the national council, which advises the president, Congress and other federal agencies on disability policy, meets in Pittsburgh, part of a series of events marking the 25th anniversary of the federal Americans with Disabilities Act.

While the report praises the gains in public transit, it singled out the nascent alternative taxi industry for failing to do enough to accommodate individuals with disabilities.

“Taxi alternatives like Uber, SideCar, Lyft and others could open up exciting business opportunities and provide much-needed travel options for passengers with disabilities,” said Marilyn Golden, senior policy analyst for the Disability Rights Education and Defense Fund, authors of the report.

However, court cases and news reports “show potential customers being routinely discriminated against because of service dogs and wheelchairs,” she said.

A synopsis of the report says: “Emerging transportation models like Uber, SideCar and Lyft have vigorously resisted regulations typically imposed on the taxicab sector, harming the taxi industry and evading requirements that serve the public interest, including deficits in service to people with disabilities. Uber openly claims it is not covered by the ADA.”

The report also took Amtrak to task, saying the passenger railroad “has lagged behind in meeting ADA requirements for its stations, platforms, train cars, reservations practices and communications access.”

Spokespersons for Uber, Lyft and the railroad could not immediately be reached for comment.

Other findings as detailed in the synopsis are that ridership on traditional fixed-route buses and rails by people with disabilities has grown far faster than use of specialized paratransit services. It said “great gains” have been made in best practices for paratransit in on-time performance, telephone wait times, no-show policies and eligibility standards “but they are often not implemented.”

The council report said minimal transit service in rural and remote areas “still creates serious barriers to employment, accessible health care and full participation in society.”

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The gap at the app: Uber’s practices fall short of written policy

by [Michael Keller@mhkeller&E](#). [Tammy Kim@etammykim](#)

Uber's global reach may be spreading, but the company is beset by criticism of its safety, privacy and accessibility practices. Evelyn Hockstein / Polaris

Editor's note: This post has been updated with Uber's comments below.

Uber, an app-based upstart in the taxi business, has quickly become a global brand and darling of venture capital, [valued at](#) more than \$40 billion. It is also seen as a bellwether of American labor: either an elegant model of convenient, part-time gigging, or the death of reliable, professional work.

In less than three years, according to [company research](#), Uber has recruited some 160,000 U.S. drivers to earn full- and part-time income off the app. These drivers [now outnumber](#) yellow cabs in New York City.

Al Jazeera America has followed the swift rise of Uber, especially its Uber X brand, which allows ordinary car owners to become taxi drivers. Uber [is popular](#) with riders but has been taken to task [over drivers' working conditions](#), [safety concerns](#) and [corporate misdeeds](#).

The casual-taxi corporation is also litigious: Last month it [filed a lawsuit](#) against the state of Texas and the city of Houston to keep documents related to public safety out of the hands of Al Jazeera America and the Houston Chronicle. In the course of our reporting, Al Jazeera had asked Houston for records that would reveal such basic information as how many Uber drivers applied for permits to work in the city. Uber [argues](#) that these are “trade secrets” and has successfully blocked their release until at least October. Meanwhile, it is [pushing hard](#) for permission to operate in the entire state of Texas and [has lobbyists](#) in 44 other states.

Uber says it puts technology to [use for “the greater good”](#) and poses a challenge to the secretive, [monopolistic taxi industry](#). Yet its objections to public disclosure suggest a gap between promise and practice.

A review of Uber’s written policies and public statements reveals a number of such discrepancies:

Access for disabled riders

Claim: Uber helps the disabled.

Reality: Uber refuses to transport people with service animals, [a lawsuit contends](#), and offers wheelchair-accessible vehicles in very few U.S. cities.

The company has a “zero-tolerance policy regarding all forms of discrimination.” When it comes to passengers with disabilities, Uber [notes](#) that it’s “unacceptable to refuse” service, that it “[expects compliance](#)” with all relevant laws and that “service animals [must be accommodated](#).”

PROFESSIONALISM & RESPECT

Uber maintains a zero-tolerance policy regarding all forms of discrimination, harassment or abuse.

Non-discrimination

It is unacceptable to refuse to provide or accept services based on a person's race, religion, national origin, disability, sexual orientation, sex, marital status, gender identity, age or any other characteristic protected under applicable federal or state law. This type of behavior can result in permanent loss of access to the Uber platform.

No aggressive behavior

It is disrespectful to make derogatory remarks about a person or group. Furthermore, commenting on appearance, asking overly personal questions and making unwanted physical contact are all inappropriate. We encourage you be mindful of other users' privacy and personal space. Violence of any kind will not be tolerated.

Human Kindness

Calm and clear communication is the most effective way to defuse any disagreement that may arise between you and another Uber user. Uber expects that all riders and drivers will treat one another with respect and courtesy.

