

REPORT &
RECOMMENDATION
REGARDING
GRANTING UBER
AUTHORIZATION TO
PICK-UP TRAVELERS
AT LOS ANGELES
INTERNATIONAL
AIRPORT AND
LA/ONTARIO
INTERNATIONAL
AIRPORT

The Report addressed a January 2015 management request that the Committee determine the extent of concern within the disability community regarding Uber providing transportation services to the public at LAWA airports

LAWA ADA
Access Advisory
Committee



Los Angeles World Airports
ADA PROGRAM



Los Angeles World Airports
ADA PROGRAM

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities. Alternative formats in large print, braille, audio, and other formats (if possible), will be provided upon request.



Los Angeles
World Airports

June 2, 2015

Gina Marie Lindsey
Executive Director
1 World Way, Los Angeles World Airports
Los Angeles, California 90045

LAX

LA/Ontario

Van Nuys

City of Los Angeles

Eric Garcetti
Mayor

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Commissioners**

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Beatrice C. Hsu
Matthew M. Johnson
Dr. Cynthia A. Telles

Gina Marie Lindsey
Executive Director

**RE: UBER AUTHORIZATION TO PICK UP TRAVELERS AT LAX AND
LA/ONTARIO AIRPORT**

Dear Ms. Lindsey,

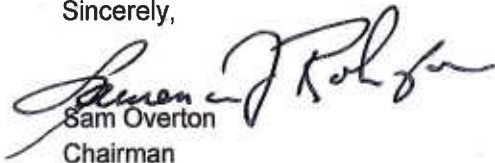
Enclosed please find subject report which addresses a January 2015 management request that the Committee determine the extent of concern within the disability community regarding Uber providing transportation services to the public at LAWA airports.

Two public hearing were held by the Committee in which public input was requested from the disability community. Public hearing announcements were distributed to the disability community through Independent Living Centers, disability organizations, and the City's Department on Disability.

Input was given by individuals with different disabilities. In addition, Mr. Eyal Gutentag, General Manager, Uber Los Angeles, and key staff, were kind enough to make time from their busy schedules to participate at both public hearing dates.

The Committee will be happy to answer any questions or provide clarification management may have regarding this report.

Sincerely,



Sam Overton
Chairman

LAWA ADA Access Advisory Committee

Encl.

SO:hl

Cc: LAWA Board of Airport Commissioners
LAWA ADA Committee
Steve Martin
Jacqueline Yaft
Eyal Gutentag



LAWA ADA ACCESS ADVISORY COMMITTEE

Report and Recommendation Re Granting Uber Authorization to Pick-Up Travelers at Los Angeles International Airport and LA/Ontario International Airport

May 20, 2015

INTRODUCTION

In early January 2015 LAWA's ADA Access Coordinator, Larry Rolon, passed a request from LAWA management (Management) on to the ADA Advisory Committee (Committee) requesting the Committee to determine the extent of concern within the disability community regarding Uber providing transportation services to the public at LAWA airports. That request also contained some guidance on the nature of the information sought which included: 1) how the company (Uber) complies with 49 CFR 37 (transportation services for individuals with disabilities); 2) the level of disability related training Uber drivers receive; 3) Uber policies on transporting service animals; 4) in vehicles capable of transporting persons in wheelchairs, the extent of training of drivers for securing wheelchairs and the extent of inspection to ensure properly functioning equipment; 5) how disability related complaints are addressed; 6) the nature of disability requests received and the outcome of those complaints; 7) and, any other pertinent information. The Committee's responses to most of these questions follow as well as additional information. Some of the issues raised by Management could not be determined.

The Committee organized a public hearing inviting Uber, community members with disabilities and organizations that represent or assist persons with disabilities. The initial hearing was held on January 21, 2015. A transcript of the oral proceedings is available. Because the Committee believed the turnout for the first hearing was not well attended by persons with disabilities, the Committee scheduled a second hearing on February 18, 2015, and redoubled efforts to get information to persons with disabilities requesting the attendance and participation. The February 18 hearing was better attended. A transcript of the oral proceedings at the second hearing is available. Uber attended both hearings with multiple representatives and provided some information to Committee members. Prior to the public hearings, Uber was provided a copy of the topics upon which Management wants information.

UBER'S PRESENTATION

Uber's presentations focused on describing its service and defining its view of the relationship with its authorized drivers. Essentially, Uber contends that its authorized drivers are independent contractors.¹ Uber contends that it is not a transportation provider, but rather, it provides electronic links to connect a potential rider with a driver using his or her own vehicle and it acts as a payment service. It contends it has an overall company policy that prohibits discrimination of any kind including discrimination against persons with disabilities. It claims it communicates its anti-discrimination policy against

¹. After the hearings concluded, at least one news article indicated that Uber and some of its drivers or former drivers are actively engaged in litigation concerning the status of drivers as Uber employees or independent contractors. The Committee is not aware whether the courts have yet decided this issue.

persons with disabilities and other disability related standards to new drivers when they apply to be Uber drivers. Uber sends its policy to new drivers by email. Uber cannot verify whether a driver reads and understands the policy. Apparently, Uber sends similar communications to the drivers quarterly, again with no verification that the drivers read or understand the information. There is no additional training on what any of Uber's non-discrimination policies mean and how they are applied in any given situation. Uber drivers are not generally trained on how to tie-down a wheelchair for transportation. As discussed below, there may be a limited number of vehicles with tie-down capabilities and drivers that have the knowledge as to how to tie-down a wheelchair and secure its occupant for transport.

New drivers are background checked by a third-party contractor for Uber. Apparently, Uber checks motor vehicle records quarterly and criminal records on an undisclosed schedule. Uber claims that all vehicles used by its drivers are safety checked initially and, thereafter annually. Uber drivers are required to have minimum California driving insurance. Through orders from the California Public Utilities Commission, Uber is required to have a \$1,000,000 insurance coverage in addition to that of its driver's.

At both hearings Uber spent a good deal of time addressing what it claims are programs to encourage and enhance the transportation experience of persons with disabilities. Uber contends that it has two programs to assist persons with disabilities one called UberWAV and the other named UberASSIST.

UberWAV consists of using "non-emergency medical" transportation vehicles to transport wheelchair users. These vehicles are usually mini-vans or

full-size vans. Uber claims it has 10 of these vehicles available within the City of Los Angeles. Uber admits it has no similar vehicles to serve Ontario Airport. This service, it claims, is available in Los Angeles, San Diego, San Francisco and five other communities outside of California. Non-emergency medical transportation vehicles are generally used to transport mobility-limited, non-driving persons from their residence to hospitals, clinics and medical offices for appointments. The cost when used in this fashion is usually billed to medical insurance, perhaps with a co-pay. Most of these vehicles are emblazoned with "Non-Emergency Medical Transportation" or some similar description on the sides and sometimes the front and rear of the vehicles. No information was provided as to how many Uber patrons with disabilities have been transported generally or specifically for drop-off at LAX utilizing UberWAV.² Apparently, this service cannot be used to transport persons with disabilities to or from Ontario Airport. Committee members generally expressed discomfort with UberWAV because it had only a small number of vehicles available compared to the geographic area served by LAWA and because the fares are closer to what these services bill insurance companies for their service and are very high and not at all comparable to other Uber fares. There is serious concern that those riders needing van transportation cannot afford to use the service at all. Due to costs, UberWAV may not be a viable transportation option for persons with disabilities. Additionally, no information was provided to explain what Uber

². One person with a mobility disability complained, essentially, about the stigma attached to using vehicles identified as non-emergency medical transport for non-medical transportation.

would do if all 10 special vehicles were already engaged in trips to or from medical facilities.

The UberASSIST program is, according to Uber representatives, intended to train some Uber drivers in how to assist senior citizens and other persons with disabilities into a vehicle and teach the driver to stow any equipment such as walkers, folding wheelchairs, etc. The assistance may also include guiding a blind person to a vehicle and assisting them to enter it. According to Uber's representatives, it is available in four cities including San Diego, but not Los Angeles County or anywhere in the Inland Empire. Uber asserts that UberASSIST will be available in Los Angeles within six months from the first public hearing (June 2015). It is important to note that when and if the program starts, Uber does not intend to train all of its drivers in assistance techniques. Uber admits that in other areas, only approximately 20% of its drivers opt-in for training for UberASSIST.

COMMENTS BY PERSONS WITH DISABILITIES

The largest support for approving Uber to pick up passengers at LAWA airports came from persons with vision impairments or those who advocate for them, with one exception. An email from Mitch Pomerantz, a vision impaired individual who uses a guide dog, and who is the former ADA Coordinator for the City of Los Angeles, adamantly opposed authorizing Uber to pick up at the airport. One person with a disability who uses a wheelchair for mobility enthusiastically endorsed Uber airport service, admitting that he has never used Uber. Another person with a disability and wheelchair user expressed great concern over the cost of the UberWAV service and its affordability for persons

with disabilities. The public comments lead to the conclusion that Uber service is supported generally by persons with vision impairments and the opinion of persons who are mobility impaired wheelchair users is divided.

PRELIMINARY COMMENTS BY ADVISORY COMMITTEE MEMBERS

At the conclusion of the hearings, the Chair requested preliminary opinions from committee members to help in drafting this report. Overall, the support for Uber to obtain permission to pick up fares at the airports was ambivalent. The concerns of the committee members centered on the following: the cost of Uber and particularly UberWAV; training of drivers in ADA compliance and how to serve individuals with disabilities day to day; wait time for persons with disabilities; the lack of complaint tracking; vehicle safety; adequacy of insurance coverage; the inadequacy of on-going criminal background checks after the initial background check; and, the lack of universal driver training on how to assist persons with disabilities.

CONCLUSIONS SPECIFIC TO MANAGEMENT'S CONCERNS

As noted at the beginning of this report, Management listed specific areas of concern for the Committee to consider, the following responds to these concerns based upon the facts known and disclosed during the public hearings:

- *How Uber complies with 49 CFR 37 (transportation services for individuals with disabilities):* This is essentially a legal question beyond the scope of the Committee's expertise. Management should discuss this issue with their advisors.
- *Level of disabilities related training Uber's drivers receives:* In the best light, the training on ADA compliance for drivers and disability civil rights is

minimal. The Committee believes it is far below the levels of training generally accepted by LAWA for any other vendors. In as much as Uber believes it has no obligation to train its independent contractor drivers other than sending the initial email to a new driver with a similar email sent quarterly. It may be problematic for LAWA to impose a greater training requirement, unless LAWA under takes responsibility to train the individual drivers.

- *Policies on Service Animals:* Uber's representatives consistently stated that any discrimination against riders with service animals is against corporate policy and any offending driver will be terminated from the program. Nevertheless, there is ongoing litigation in California over discrimination by Uber drivers regarding service animals. The LAWA ADA Coordinator can supply additional information to Management on the pending litigation.
- *If a vehicle is capable of securing a person in a wheelchair, how is proficiency inspected and maintained:* Uber did not provide any information about accessible vehicles with tie-down capabilities owned by its independent contractor drivers. Uber did inform the Committee that the UberWAV program uses non-emergency medical transport vehicles specifically to transport individuals in their wheelchairs and have tie-down capabilities. Uber stated that training of drivers for tie-down proficiency is the responsibility of the owner of the non-emergency medical transport vehicles as an independent contractor.

- *How are disability related complaints handled and what kind of disability related complaints have they received, and how were they addressed:*
Uber claims that complaints regarding service or treatment of disabled riders receive the highest priority. Uber claims that it can follow the complaints and produce a computer report but failed to provide one to the Committee. Uber apparently does not generate reports to follow complaints and outcomes, although it has the capability to do so.

OTHER CONSIDERATIONS BEYOND THE SCOPE OF THE TASK ASSIGNED THE COMMITTEE

- The Committee recommends that Management seek legal advice on its ability to enter into an enforceable agreement with Uber that can control the conduct of Uber's independent contractor drivers.
- Consider the impact of Uber's inability to provide accessible ride service for persons with disabilities at Ontario Airport.
- Consider how Uber plans to provide equal access for persons with disabilities when the vehicle sent in response to a rider call cannot accommodate the individual, a service animal or the rider's equipment.

The advisory committee approved this report by voice vote on May 20, 2015.

Respectfully submitted,

LAWA ADA Access Advisory Committee

By

Sam Overton
Chairperson

ENCLOSURES TO THE REPORT

1. Letter from Mr. Eyal Gutentag, General Manager, Uber Los Angeles to Committee Chairman Overton dated May 20, 2015
2. Written public comments received by the Committee
3. Public Notice for January public hearing
4. Public Notice for February public hearing
5. Article Uber: Disability Laws Don't Apply to Us, by Nina Strohlic, Daily Beast, May 21, 2015.
6. Transcript of January 2015 public hearing is online at <http://www.lawa.org/ADA.aspx>
7. Transcript of February 2015 public hearing is online at <http://www.lawa.org/ADA.aspx>

May 20, 2015

Sam Overton
Chairperson
Los Angeles World Airports (LAWA) ADA Access Advisory Committee
1 World Way
Los Angeles, CA 90045

Dear Mr. Overton,

Thank you for the opportunity to meet with you and your committee members earlier this year to discuss the draft TNC NonExclusive License Agreement ("TNC Draft Permit"). Drivers who provide TNC services requested through the Uber app ("TNC Drivers" or "partners") do so under the terms of the Class P Transportation Network Company permit granted to Uber's subsidiary RasierCA, LLC ("Rasier"). At the current time, no driver that uses the Uber technology platform is able to pick up from LAX except under the California TCP permit system. Uber Technologies Inc. ("Uber") appreciates the commitment of LAWA to finalizing the TNC Draft Permit so that TNC Drivers can also pick up riders at LAX to the benefit of the City, the Airport, travelers, and residents alike. We also appreciate the consideration that the LAWA ADA Access Advisory Committee has given to this important topic.

Uber has reviewed the Report and Recommendation Re Granting Uber Authorization to PickUp Travelers at Los Angeles International Airport and Ontario Airport ("Committee Report") and we're writing to you to reiterate Uber's commitment to leveraging technology to increase the mobility, efficiency and freedom of all riders and drivers with accessibility needs, as well as to provide clarity on some specific points in the Committee Report.

Overview

Uber is a technology company that develops software. Rasier licenses the software to independent contractor partners who use the software to source ride requests in exchange for a fee paid to Rasier. The Licensing Agreement requires that partners comply with all laws when operating on the Uber platform and all partners, as business owners, are expected to comply with all state, federal and local laws governing the transportation of riders with disabilities. We provide tools and information to help partners understand these laws and regulations, including a video on accommodating riders with disabilities. A partner's violation of the laws governing the accommodation of riders with disabilities, including with respect to the use of service animals, constitutes a breach of the parties' Licensing Agreement.

Accordingly, service animals must be accommodated in compliance with accessibility laws. Additionally, partners are expected to accommodate riders using walkers, canes, folding wheelchairs or other assistive devices.

Any report of discrimination will result in temporary account deactivation while we review the incident. Confirmed violations of the law with respect to accommodation of riders with disabilities may result in permanent loss of access to the Uber platform.

Enclosure (1)

Accessibility Products and Features

ACCESSIBILITY

Uber has leveraged its technology to partner with wheelchair accessible transportation providers in multiple pilot programs across the country, including the city of Los Angeles. These pilot programs are being closely evaluated to design a best-in-class national program.

In Los Angeles, UberWAV is comprised of commercially licensed partners that are operating non-emergency medical transport ("NEMT") vehicles as well as vans modified for wheelchair accessibility. Currently, the majority of vehicles operating on UberWAV are NEMT vehicles. However, we are working to increase the number of wheelchair accessible vans on the platform. All partners operating wheelchair accessible vehicles on the platform are trained to properly secure wheelchairs in those vehicles. While Uber does not currently offer the UberWAV product around Ontario Airport, Uber is committed to exploring the feasibility of the product in the greater Los Angeles area. In addition to the UberWAV product, all partners on the Uber platform are able to accommodate folding wheelchairs.

Uber also operates a product called UberASSIST. This product is designed to provide additional assistance for members of the community with different accessibility needs. With UberASSIST, our top partners receive specific training on the necessary knowledge and safety requirements of people with different accessibility needs and can accommodate folding wheelchairs, walkers, and collapsible scooters. We encourage all eligible partners to opt in to receive this training and operate on the UberASSIST product.

The UberASSIST training is created in partnership with third-party Disability organizations, including Open Doors who trains United Airlines flight attendants on accessibility, and covers the following topics: defining disability, disability rights legislation, people-first/ appropriate language and its value, common courtesies and how to assist people with disabilities (including reduced mobility, hearing loss, vision loss, deaf-blind, cognitive, speech/language, psychiatric, and medical), technical aspects of assistance (proper mechanics for lifting, etc), transfers (proper technique related to transferring in), wheelchair and scooter breakdown demonstration, and the value of following the spirit of the law rather than simply the letter of the law. Proper understanding of the training is measured via a quiz that partners must pass before being able to operate on the UberASSIST product. While UberASSIST is not currently available in the Los Angeles area, we are looking to bring this product to the market in the near future. Feedback from the American Association of People with Disabilities and United Cerebral Palsy indicated a preference for a concentrated group with specialized training that would have a higher frequency of trips with riders requiring mobility assistance, given their previous experiences with transportation providers who did not regularly assist passengers with mobility needs not retaining knowledge from prior accessibility training.

As with all Uber products, pricing and availability are determined by local market conditions, including pricing and supply of Wheelchair Accessible Vehicle products.

BLIND & VISIONIMPAIRED

With VoiceOver iOS compatibility, the Uber app provides a safe and reliable transportation option for the visually impaired community. Riders can enable VoiceOver by going to their iPhone's General Settings and tapping the Accessibility tab. VoiceOver can be used in connection with a wireless braille display, and is available in all Uber cities and

languages. The Uber app is fully VoiceOver iOS compatible and uses every feature of the iPhone. Uber has partnered with LightHouse SF and regularly engages with blind users on app usage and functionality. In addition, Uber has a vision-impaired technology consultant who evaluates app releases for vision-impaired compatibility and advises our engineering team on additional product features for the app.

DEAF & HARD OF HEARING

With various text prompts and visual features, audio is not needed for full functionality of the Uber app. The ease of requesting a ride and getting picked up is hassle-free for any rider. Assistive technology such as visible and vibrating alerts can help riders use the Uber the app easily. In addition, Uber's technology creates flexible economic opportunities for deaf and hard-of-hearing partners, who use technology to communicate with their passengers. In-app features, such as the ability to enter one's destination, ensure effective communication from the rider to the driver partner.

Background Checks, Vehicle Inspections, and Insurance

BACKGROUND CHECKS

In compliance with the CPUC's requirements, we contract with independent, Third-party background check providers accredited by the National Association of Professional Background Screeners, to perform multilayered federal, state, and local criminal background checks spanning, at least, the past seven years. Rather than exclusively relying on a single, aggregated electronic database to search criminal history, the providers directly search both federal and state/local records, and visit physical county courthouses, when necessary, to confirm facts about a person's criminal history. These firms also crosscheck the National Sex Offender Registry and driving records obtained from state Departments of Motor Vehicles (DMVs). In addition to running background checks prior to activation, we also rerun motor vehicle record checks on a quarterly basis, and criminal record checks on a regular interval.

VEHICLE INSPECTIONS

We are required by the CPUC to ensure that all TNC Drivers have had their vehicle inspected by either Uber or a Bureau of Automotive Repair (BAR) certified mechanic prior to activation. Uber also requires all commercial partners to have their vehicle inspected prior to operating on the platform. These vehicle inspections are required annually.

INSURANCE

Because partners operating under Uber's TNC license are operating personal vehicles, they are required to have California driving insurance that meets the state minimums. In accordance with CPUC regulations, we carry \$1 million of liability coverage per incident during rideshare trips from the moment a driver accepts a trip to its conclusion. This policy is expressly primary to any personal auto coverage (however, it will not take precedence over any commercial auto insurance for the vehicle, or a driver's policy that specifically covers ridesharing). We have provided a \$1 million liability policy since commencing ridesharing in early 2013, and we are fully confident in the adequacy of the insurance coverage on the Uber platform.

Support

We are deeply committed to providing excellent and attentive support to all riders. In particular, Uber riders with accessibility needs have lauded the ability to provide real-time feedback within the app, via email, or through the website, with expedient responsiveness. Any reports of partners not complying with the law are escalated and thoroughly investigated. Furthermore, all accessibility issues, including refusal of service to people with disabilities and refusal of service animals, are treated as critical safety incidents and escalated to a team dedicated to handling critical support issues. In all cases, the issue is escalated and handled appropriately, often resulting in the partner's account being permanently deactivated.

Commitment to Accessibility

Uber has developed an advisory relationship with the American Association of People with Disabilities, in addition to relationships with other disability advocacy groups (e.g., Lighthouse SF, Open Doors) to continue to improve the Uber platform related to the mobility, efficiency and freedom of our riders and drivers with accessibility needs.

Riders with disabilities have lauded Uber's technology for increasing efficiency and freedom not possible with options requiring prearrangement; the ability to contact partners via text or call with any requests, questions or special instructions; its cashless experience that removes payment friction and increases rider and partner safety; serving all areas, including those traditionally underserved by existing transportation options; nondiscrimination policy in providing transportation services; user reviews; accepting riders with service animals; and the ability to provide real-time feedback via app, email and website.

Uber looks forward to continuing to work with the Airport, the ADA Access Advisory Committee, and the City on this important issue.

Sincerely,

Eyal Gutentag
General Manager, Uber Los Angeles

cc: Com. Sean Burton
Com. Valeria C. Velasco
Com. Gabriel L. Eshaghian
Com. Jackie Goldberg
Com. Beatrice C. Hsu
Com. Matthew M. Johnson
Com. Cynthia A. Telles
Steve Martin

From: Mitch Pomerantz [mailto:mitch.pomerantz@earthlink.net]
Sent: Wednesday, January 21, 2015 12:06 PM
To: ROLON, LARRY
Cc: 'Luis Herrera'
Subject: Uber at LAX

Mr. Rolon:

As an individual who is blind and a former guide dog handler – as well as the City's previous ADA Compliance Officer – I wish to express my strong objection to permitting Uber to be given special space at airports managed by the City of Los Angeles. There are several reasons for my position and I will outline them as follows:

In my former capacity, I worked closely with the City's Taxi Administrator and the Taxicab Commission. If someone with a disability was denied transportation by virtue of using a service animal, a complaint could be filed with the Administrator and in almost every instance, that complaint would be investigated and the driver sanctioned. Uber is not regulated in any way so that if a driver refuses to accept a passenger with a service animal (nowadays almost exclusively limited to dogs), that individual would need to track down an UBER office and lodge a complaint based on Title III of the Americans with Disabilities Act. I understand that such complaints have been addressed both positively and negatively, depending upon where the complaint has been filed.

Further, I am unaware that any of the private cars operated by UBER drivers are wheelchair accessible, meaning that severely mobility-limited persons are also unable to use the service. In both examples, guide dog handlers and wheelchair users are being discriminated against and the City should not permit any company to obtain a privileged position under such circumstances.

And finally, Uber's own position is that its drivers are private contractors operating their own private cars. Why then should they be treated any differently than any other driver of a private vehicle on airport property? The rational answer is they should not be! I hope that the Airport's disability committee will take a similar position and recommend to the Airport Commission that Uber not be granted special locations within LAWA-managed facilities.

Mitch Pomerantz, ADA Consultant and
Retired City ADA Compliance Officer

Enclosure (2)

From: Richard Rueda [<mailto:rrueda@juniorblind.org>]

Sent: Wednesday, January 21, 2015 10:53 AM

To: ROLON, LARRY

Cc: Melissa Reskof

Subject: Re: ADA COMMITTEE MEETING - 21 JAN 15

Hi Larry, thanks for this note. Yes, the blind and visually impaired community is in favor of Uber. Our main concern is the assurance that Uber will not discriminate and refuse guide dog handlers rides and cancel them. There is a big court hearing of blind guide dog users at the Federal building and with Disability Rights Advocates on February 5 in San Francisco that I will be a part of. Had I known in advance of today's hearing a week sooner, I would have cleared my schedule to be there.

Best of luck and please keep us posted on the outcome of today's hearing.

Richard

Enclosure (3)



LOS ANGELES WORLD AIRPORTS CITIZENS ADVISORY COMMITTEE ON DISABILITIES

LAWA'S CITIZENS ADVISORY COMMITTEE ON DISABILITIES will be hosting a public hearing to solicit input from the disability community on UBER serving Los Angeles International Airport (LAX) and LA/Ontario International Airport (ONT) on **Wednesday, January 21, 2015, from 1:00 p.m. to 3:00 p.m.** at:

**Flight Path Museum
6661 West Imperial Highway
Los Angeles, California 90045**

Free parking is available at the Flight Path Museum.

If you wish to express an opinion on Uber operating at LAX and ONT and its possible impact on persons with disabilities, please attend the meeting. Your input will be incorporated into a report that will be submitted to LAWA management.

If you cannot attend the meeting, please send your written comments to:

LAWA Citizens Advisory Committee on Disabilities
c/o LAWA ADA Coordinator
1 World Way
Los Angeles, CA 90045

or by

FAX at: (424) 646-9205 **ATTN: LAWA ADA OFFICE**

E-mail : jrolon@lawa.org

Please make certain to include your name, fax number or e-mail address so that we may contact you if necessary. Deadline for written submissions is Monday, February 2, 2015.

*"Sign Language Interpreters, Communication Access Real-Time Transcription, Assistive Listening Devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability, you are advised to **make your request at least 72 hours prior to the meeting** you wish to attend. Due to difficulties in securing Sign Language Interpreters, five or more business days notice is strongly recommended. For additional information, please contact: LAWA's Coordinator for Disability Services at jrolon@lawa.org or (424) 646-5005 or via California Relay Service at 711."*

Enclosure (4)



LOS ANGELES WORLD AIRPORTS
CITIZENS ADVISORY COMMITTEE ON DISABILITIES

YOUR INPUT IS IMPORTANT TO US

LAWA'S CITIZENS ADVISORY COMMITTEE ON DISABILITIES is soliciting public testimony from persons with disabilities on UBER serving Los Angeles International Airport (LAX), and LA/Ontario International Airport (ONT), on **Wednesday, February 18, 2015, from 1:00 p.m. to 3:00 p.m.** at:

**Flight Path Museum
6661 West Imperial Highway
Los Angeles, California 90045**

Free parking is available at the Flight Path Museum.

If you wish to express an opinion on Uber operating at LAX and ONT and its possible impact on persons with disabilities, please attend the meeting. Your input will be incorporated into a report that will be submitted to LAWA management.

If you cannot attend the meeting, please send your written comments to:

LAWA Citizens Advisory Committee on Disabilities
c/o LAWA ADA Coordinator
1 World Way
Los Angeles, CA 90045

or by

FAX at: (424) 646-9205 **ATTN: LAWA ADA OFFICE**
E-mail : jrolon@lawa.org

Please make certain to include your name, fax number or e-mail address so that we may contact you if necessary. Deadline for written submissions is Monday, March 2, 2015.

*"Sign Language Interpreters, Communication Access Real-Time Transcription, Assistive Listening Devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability, you are advised to **make your request at least 72 hours prior to the meeting** you wish to attend. Due to difficulties in securing Sign Language Interpreters, five or more business days notice is strongly recommended. For additional information, please contact: LAWA's Coordinator for Disability Services at jrolon@lawa.org or (424) 646-5005 or via California Relay Service at 711."*



Photo Illustration by Sarah Rogers/The Daily Beast

05.21.15 5:15 AM ET



Nina Storchlic

Uber: Disability Laws Don't Apply to Us

Is Uber letting its drivers dodge The Americans With Disabilities Act?

Sometimes it slips Kristin Parisi's mind that she's disabled. After 25 years in a wheelchair—the result of a car accident when she was 5 years old—her means of transportation no longer registers as abnormal.

"It's one of those things I forget—that I'm disabled—until someone tells me I am," the 30-year-old public-relations executive says.

That reminder came in early April, when she left her office in Boston on a rainy day to meet an Uber she'd ordered on her phone. When the driver pulled up in his Mercedes sedan he took one look at her and said, "No, no, no." He indicated her wheelchair. "That's never going to fit in my car." It would, Parisi replied—it fits easily into the trunk of her own compact car. After an extended argument, she gave up. She ended up getting a ride with a passerby and his teenage daughter.

A twice-weekly Uber customer of two years, Parisi was surprised by the slight. "The first incident was, I thought, a fluke," she says. Two weeks later, she ordered another car on Uber. The woman behind the wheel again told Parisi her chair wouldn't fit in the trunk. This time, Parisi didn't take no for an answer. She says she loaded herself and her chair into the back of the car without help from the driver, only to receive an earful of abuse for the entire trip to the airport.

Enclosure (6)

Parisi says the driver called her an “invalid” and said she “must not be a Christian” and needed to “develop thicker skin.” At the end of her ride, Parisi says the driver asked if she was going to give a bad review. “I said, ‘It has nothing to do with bad review, it has to do with illegal practice,’” she says. ““You have to understand what you’re doing is not only mean—it’s against the law.””

The Americans with Disabilities Act was voted into law in 1990 to ensure equal rights and prevent discrimination of people with disabilities. Under the ADA, transportation providers are required by law to accommodate wheelchair users if the equipment can fit in their car.

But Uber has launched a war to make itself exempt from the anti-discrimination law.

In three ADA-related cases over the past eight months, in California, Texas, and Arizona, Uber has been slammed with lawsuits that allege the company discriminates against blind and wheelchair-using passengers. The suits demand Uber abide by the ADA, but Uber claims that because it’s a technology company, not a transportation service, it doesn’t fall under the ADA’s jurisdiction.

Lawyers for Uber wrote: “Defendants deny that Uber offers a taxi service or that Uber has a fleet of drivers.”

“This was the worst transportation experience of my life,” Parisi wrote in a complaint to Uber after her second ride. “i’m humiliated.” She was refunded and sent away with a \$100 gift card, but has no plans to use it until Uber announces some changes. In her interactions, the company was apologetic, she says. But it’s not enough.

She says she told Uber, “You need to do something about this and do it publically. Say, ‘We see this as a problem and we’re not going to fight the public on this and do the right thing.’” Instead “what they’re doing is saying is, ‘We’re not a public service; the ADA does not apply to us.’”

An Uber spokesperson says the app “was built to expand access to safe, reliable transportation options for all, including users with visual impairments and other disabilities,” and the company’s non-discrimination policy “seeks to make transportation options available to all individuals.”

But activists say Uber and other ride-sharing applications like Lyft and SideCar, called Transportation Network Companies, have abused a gray zone they operate in between technology and transportation without clear federal regulation or oversight. The disability-rights movement is urging the courts and lawmakers to end the impunity.

“Uber’s arguments against [following the ADA] are the efforts of a private company to evade regulation, regulation which is there for the public good,

regulation that other companies offering similar services for many years have always been required to comply with," says Marilyn Golden, a senior policy analyst at the Disability Rights Education & Defense Fund in Berkeley, California.

Uber is currently in settlement negotiations in a suit brought by the National Federation of the Blind in California last September. The complaint outlines what it calls "systemic civil rights violations" committed by Uber against blind passengers who require guide dogs. It mentions 40 cases in which UberX drivers refused to pick up people with service animals, as well as instances of animal abuse, including one case where a woman's guide dog was locked in the trunk of a car.

"Uber representatives often respond to these complaints by denying responsibility for the discrimination," the filing reads. The practice, it continued, was a violation of both the ADA and state law, as Uber functions as a taxi service.

But Uber describes its drivers as independent contractors, and says it therefore is unable to control their actions. In its response to the complaint, lawyers for Uber wrote: "Defendants deny that Uber offers a taxi service or that Uber has a fleet of drivers." It added that Uber does not have the legal or contractual duty to control compliance with the law.

In December, the U.S. Justice Department weighed in, urging the court in a brief not to throw the case out because the allegation "goes to the very heart of the ADA's goals." The judge obliged, denying Uber's motion to dismiss the case in mid-April, and noting that the plaintiffs had a "plausible claim under the ADA and state law."

As the DOJ notes, the U.S. Code of Federal Regulations for transportation outlines that the ADA doesn't just apply to taxi services. The code's wording says it "ensures that, while a public entity may contract out its service, it may not contract away its ADA responsibilities."

Uber's claim that it's not a taxi company ties into an adjacent legal battle with its drivers that would force it to consider them as employees, rather than independent contractors. There's a class-action suit playing out in California court. And mandatory driver training or other measures to prevent disability discrimination could imply its drivers are employees and undermine Uber's ability to argue otherwise.

Instead, there's a voluntary training where drivers are told they must serve customers with wheelchairs or guide dogs. Uber's Code of Conduct notes that violating laws pertaining to transporting disabled riders "constitutes a breach of the parties' licensing agreement." And an Uber spokesperson says that reported discrimination typically ends with a driver's suspension or deactivation.

When asked about the training its drivers receive, a spokesperson for Uber used strong wording, saying that the company informs its drivers "about their obligation to comply with ADA requirements." Regarding whether or not Uber falls under the ADA's jurisdiction, the spokesperson said that it could not comment "due to pending lawsuits," and would not disclose the specifics of the suits it has been involved in.

States are also struggling to deal with companies like Uber and Lyft that exist outside the realm of regulation. Over the past few months, an act regulating transportation services has been introduced in at least a dozen state legislatures. But disability activists are concerned about a line it includes that they believe could exempt Uber from the need to comply with the ADA or confuse drivers about their responsibility to take wheelchairs that fit. It says: "If a transportation network company cannot arrange wheelchair-accessible transportation network company service in any instance, it shall direct the passenger to an alternate provider of wheelchair-accessible service, if available."

In a public Facebook post addressing this bill's introduction in Texas, Angela Wrigglesworth urged this be changed. "This is unacceptable to push aside legal and moral responsibilities to provide transportation for customers with disabilities," she wrote. "I have just as much of a desire and a right to ride in a readily available, fare-friendly Uber vehicle as anyone else."

Lawmakers are also urging for disability-focused regulations to be in place. In Massachusetts, the governor has introduced legislation to regulate Uber and Lyft as transportation services, and state Senator Thomas Kennedy, who is quadriplegic, has promised to submit a measure that would require a certain percent of cars be accessible to mechanized wheelchairs in each fleet.

Lawmakers in Connecticut are also working on regulations. "These companies need to be doing a much better job accommodating the needs of all people," state Senator Ted Kennedy Jr. told *The Boston Globe*. "This issue is not going away. It's a question of fairness and equality."

Though the ADA doesn't require drivers to accommodate motorized wheelchairs, ride-sharing programs may be contributing to a decline in the number of ramp vans.

Taxi services provide accessible vans in accordance to piecemeal local ordinances rather than a blanket federal law. With the rise in ride-sharing programs, disability activists note that drivers are leaving behind taxi companies with these ramp-outfitted fleets, and are instead taking their own cars on the road. In San Francisco, a quarter of the ramp taxis are sitting unused because of a lack of drivers.

"I get it, people are using their own cars," Parisi says. "But even if [Uber] invested in a few—this is a company that just got a valuation of \$50 billion—that would

be a really great thing for a company to do. That's a really great business decisions. I don't think anybody's asking for a handout."

Last year, Uber launched UberWAV, which is partnering with drivers in nine cities who own their own wheelchair-ramp vans to serve those in mechanical chairs. Uber also launched a service called UberASSIST at the beginning of the year. It uses drivers who are specially trained to assist seniors and people with disabilities (though not including ramp cars) and is in the midst of setting up across the country. But activists are worried that the separate program for people who should be legally accommodated into the main car fleet under the ADA will segregate disabled users.

Eric Lipp, the executive director of the Open Doors Organization, a disability travel network, said he had the same initial thought. But he was convinced by a need to ensure people with disabilities would get preferred access to the specialized drivers, and has been consulting with Uber to develop the ASSIST program.

"I think that many in the community do not understand that Uber has nothing against access and the ADA," says Lipp. "The big problem is that until the courts settle whether Uber is a software company or transportation company the disability community will just have to be patient and try to work with Uber, not against them."

But Golden, with the Disability Rights Education & Defense Fund, doesn't think Uber's going far enough with the ASSIST program. "We would like to see something like a robust version of uberASSIST in locations where it's not just a reaction to political pressure on Uber, but rather, to expand it to everywhere they operate because it should be done, politics aside," she says.

When Kristen Parisi was in high school, she says another student in a wheelchair was told by the administrators that he had to arrange his schedule to adapt to parts of the campus that were handicapped-accessible. It was shortly after the ADA was put into law, and Parisi's dad made the effort to inform this boy's mother that the school was legally obligated to provide him with full access to any classroom.

"My dad would say, 'If everybody did that, nothing would change for anybody, don't you want it to be better for the next person?'" Parisi says of sharing her story. "That was such a lesson—if I can help someone else I've got to do it."