

STILL LEFT BEHIND

FOR-HIRE VEHICLE PROVIDERS IN NEW YORK CITY CONTINUE TO
FAIL WHEELCHAIR USERS AND VIOLATE ACCESSIBILITY LAWS



“These companies are making billions of dollars when they go public on the stockmarket, but they’re still making excuses when it comes to serving people with disabilities fairly, in line with the law. It’s not only galling for people with disabilities to experience being left behind by these companies, but the discrimination represents a risk to the companies’ investors, many of whom take this stuff very seriously indeed, I would imagine.”

—Jessica Champagnie, New York City

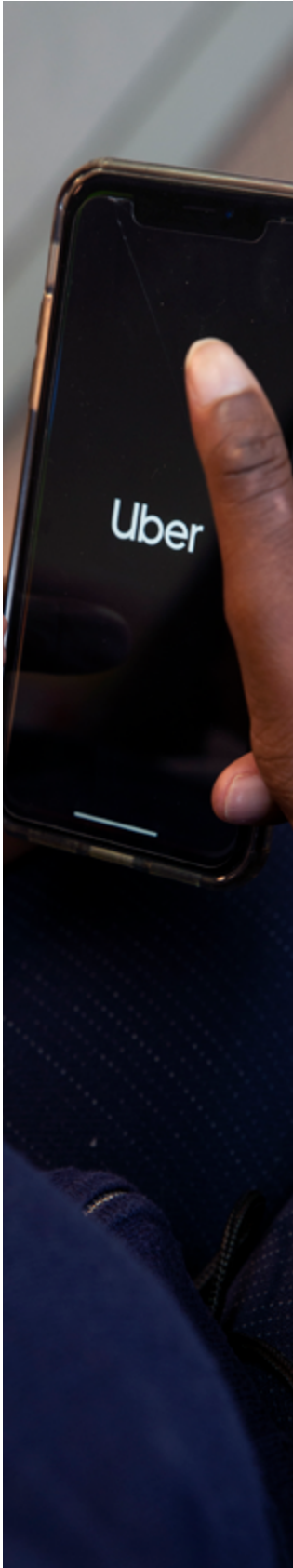


KEY FINDINGS

One year ago, New York Lawyers for the Public Interest (NYLPI) found that For-Hire Vehicle (FHV) services like Uber and Lyft failed to provide reliable service to people with disabilities who use wheelchairs. Since NYLPI published “[Left Behind](#)” in May 2018, new New York City Taxi and Limousine Commission (TLC) rules began requiring FHV companies to either dispatch a [minimum percentage](#) of all trips using wheelchair accessible vehicles (WAVs) or to respond to at least 60% of rider requests for WAVs within [15 minutes](#) on their own or by partnering with a qualified accessible-vehicle dispatcher.

- **Lyft** (which recently raised [\\$2.3 billion](#) in its initial public offering, and which currently faces [multiple class action lawsuits](#) for failure to comply with the Americans with Disabilities Act) failed to locate or provide a WAV vehicle in 38% of NYLPI’s new round of trials. When Lyft successfully located an available WAV, estimated wait times for WAVs were five times longer than for inaccessible vehicles. Moreover, only 24% of requested WAV rides showed an estimated wait time within the TLC’s benchmark of 15 minutes or less. Finally, Lyft’s app quoted higher prices for WAV rides than for rides in inaccessible vehicles in 47% of trials (53 instances), notwithstanding the specific prohibition in the [TLC accessibility rules](#) against charging more for wheelchair-accessible service.
- **Juno** (owned by rideshare company Gett, which has raised [\\$893 million](#) in venture capital) does not offer an on-demand WAV feature at all. [The company’s website](#) says that wheelchair users must book rides by telephone at least 24 hours in advance, notwithstanding the clear mandate in the [TLC accessibility rules](#) that require FHV companies to offer wheelchair users equivalent services to those of other users.
- **Uber’s** estimated wait times for WAVs are more than double those for inaccessible vehicles. Uber recently raised [\\$8.1 billion](#) in its initial public offering, and continues to dominate the NYC market for on-demand FHVs. Uber also faces multiple class action [lawsuits](#) related to access for people with disabilities.

Please note, this report was updated at 6:25 p.m. on May 16, 2019. The original report contained information with respect to a fourth e-hail service, Via. Via has since provided us with updated information confirming that it provides wheelchair accessible service in New York City. We are currently evaluating this service.



METHODOLOGY

To assess the reliability and estimated response time of the two functioning WAV providers, NYLPI used the Uber and Lyft smartphone apps to request paired WAV rides and non-WAV rides, using the same starting and ending points for the requested trips.¹ For each request, NYLPI recorded whether the app was able to locate an available vehicle and the estimated waiting time for the vehicle, as provided by the app. For starting points, NYLPI used four major urban destinations: Kings County Medical Center (Brooklyn), Montefiore Medical Center (the Bronx), Pennsylvania Station (Manhattan), and John F. Kennedy International Airport (Queens). NYLPI used Grand Central Terminal (Manhattan) as the destination for all trips. From April 1, 2019 to May 6, 2019, NYLPI made a series of 224 pairs of ride requests (448 total trip requests) to and from these points, at various times of day and on varying days of the week.

The study evaluated only the estimated availability and wait times provided by Uber and Lyft's apps. As even the FHV providers themselves [have admitted](#), these estimates often [vary substantially](#) from actual wait times, and maps displaying ostensibly available vehicles often include "[phantom cars](#)" that are not actually there, incentivizing use of the platform by creating the appearance of abundant available drivers. Moreover, estimated wait times are accurate only if the closest drivers choose to accept a user's ride request. The potential misleading effects of this method of calculation are most likely exacerbated for WAV requests, since WAVs are fewer in number and sparsely dispersed (e.g., the nearest WAV to Montefiore may be five minutes away, but if that WAV's driver is unwilling to take a long trip to Midtown Manhattan, the actual wait time for the next-closest WAV could be considerably longer).

¹ Uber advertises a feature called "UberWAV," an add-on to its smartphone app that people with disabilities can purportedly use to obtain fully accessible vans with certified drivers that can accommodate motorized wheelchairs and scooters. Lyft advertises a similar service called "Access Mode." Juno does not offer any on-demand WAV service.

RESULTS

1. Uber and Lyft are far less reliable for wheelchair users than for other customers, and wheelchair users must wait substantially longer for a ride.

Uber's app located a WAV in 108 of 112 different paired attempts (a 96% "success" rate), while Lyft located a WAV in only 70 of 112 attempts (a 63% "success" rate). Both Uber and Lyft located inaccessible vehicles 100% of the time.

There was a significant disparity in estimated wait times between WAV requests and identical route requests for inaccessible vehicles. For ride requests in which an available WAV was located, the average estimated wait time for a WAV was 8.9 minutes, versus a mere 2.5-minute estimated wait for inaccessible service.

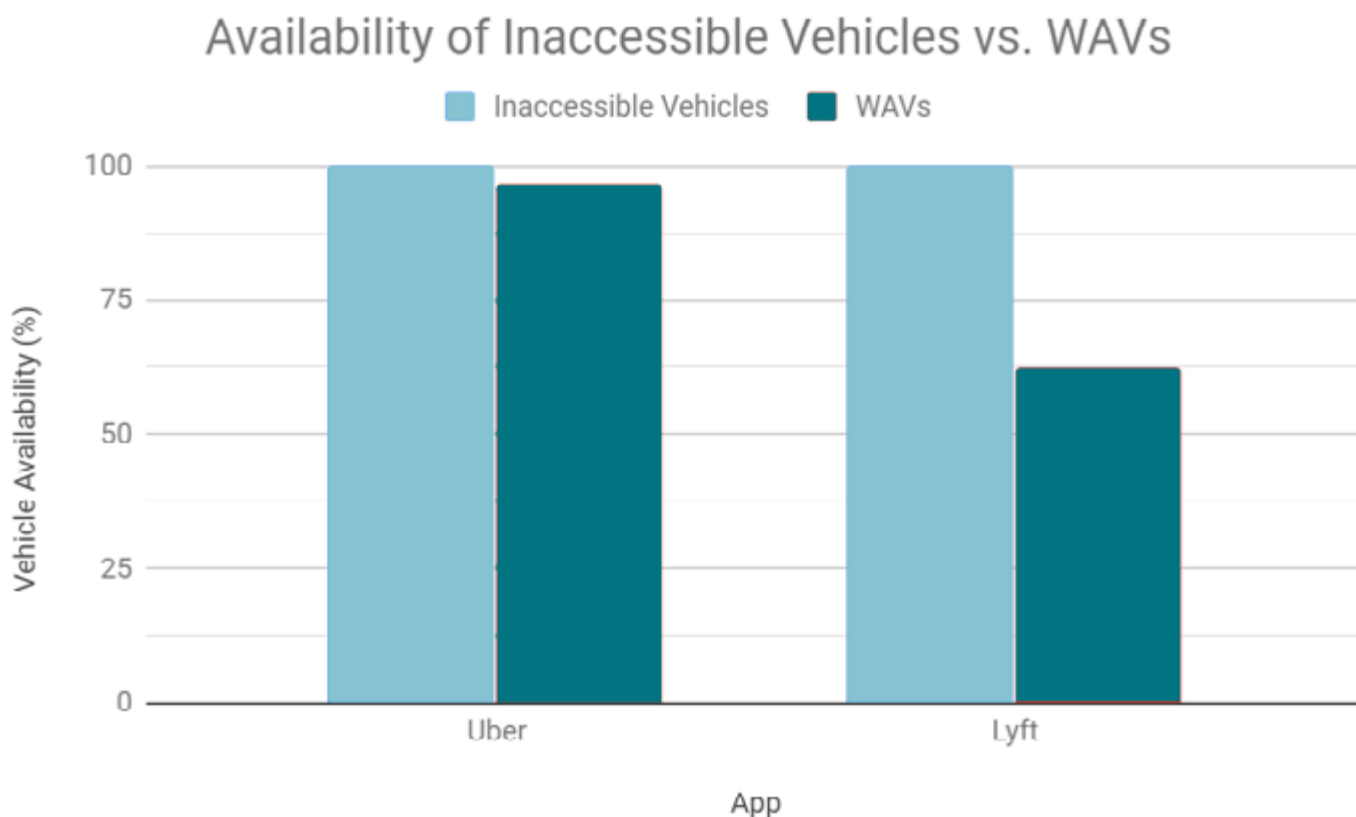


Figure 1 — Success rate in locating available vehicles

Wait Time for Inaccessible Vehicles vs. WAVs

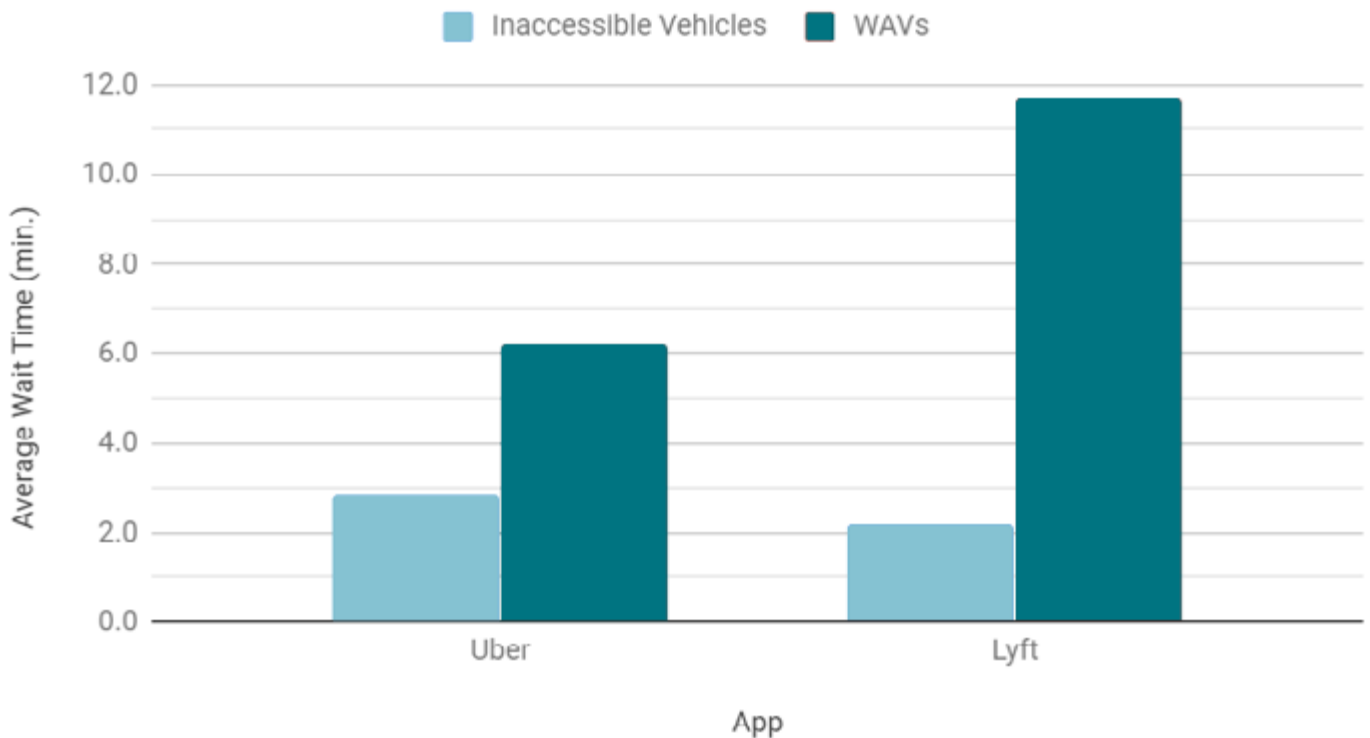


Figure 2 — Estimated wait times for available vehicles

As illustrated by the screenshots below, there is an enormous disparity between the number of available inaccessible vehicles and the number of WAVs, with the [most recent data](#) showing a paltry 105 of 107,435 FHV's licensed in the City being accessible.

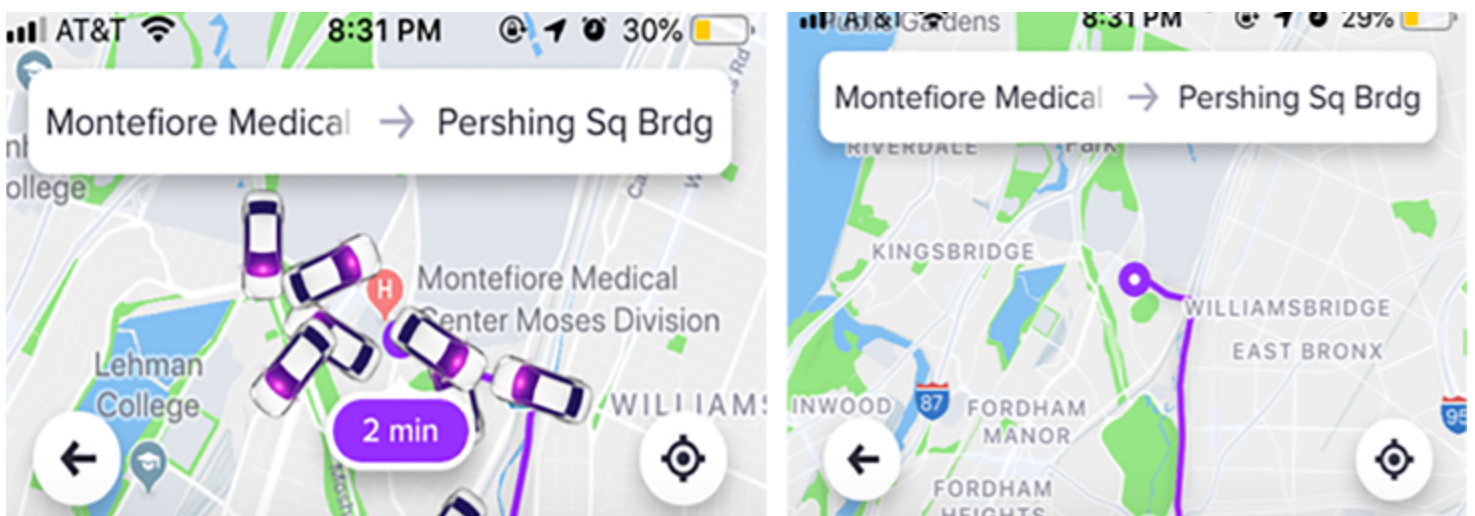


Figure 3 — Disparity between availability of inaccessible vehicles vs. WAVs



“I’m discouraged by the longer wait times for wheelchair accessible vehicles because too often the disability community is still overlooked and unequal. There are times I’ve had emergencies and I’m not near an accessible subway or bus, and I need to be able to get a ride just as quickly as anyone else.”

—Jessica de La Rosa, New York City



“We’re still not where we should be in terms of equal access in New York City. And even when we can request a wheelchair-accessible ride, we have to wait longer than other people, and we don’t even know whether a vehicle will be available.”

—Valerie Joseph, New York City

3. Lyft quoted higher prices for WAV services than for inaccessible rides for dozens of requests.

In 43 of 112 paired ride requests, Lyft quoted a substantially higher price for a WAV ride than for an identical, inaccessible ride. For example, there was a \$4 differential for an identical trip from the Bronx to Manhattan, apparently due to a discount offered only to non-WAV users.

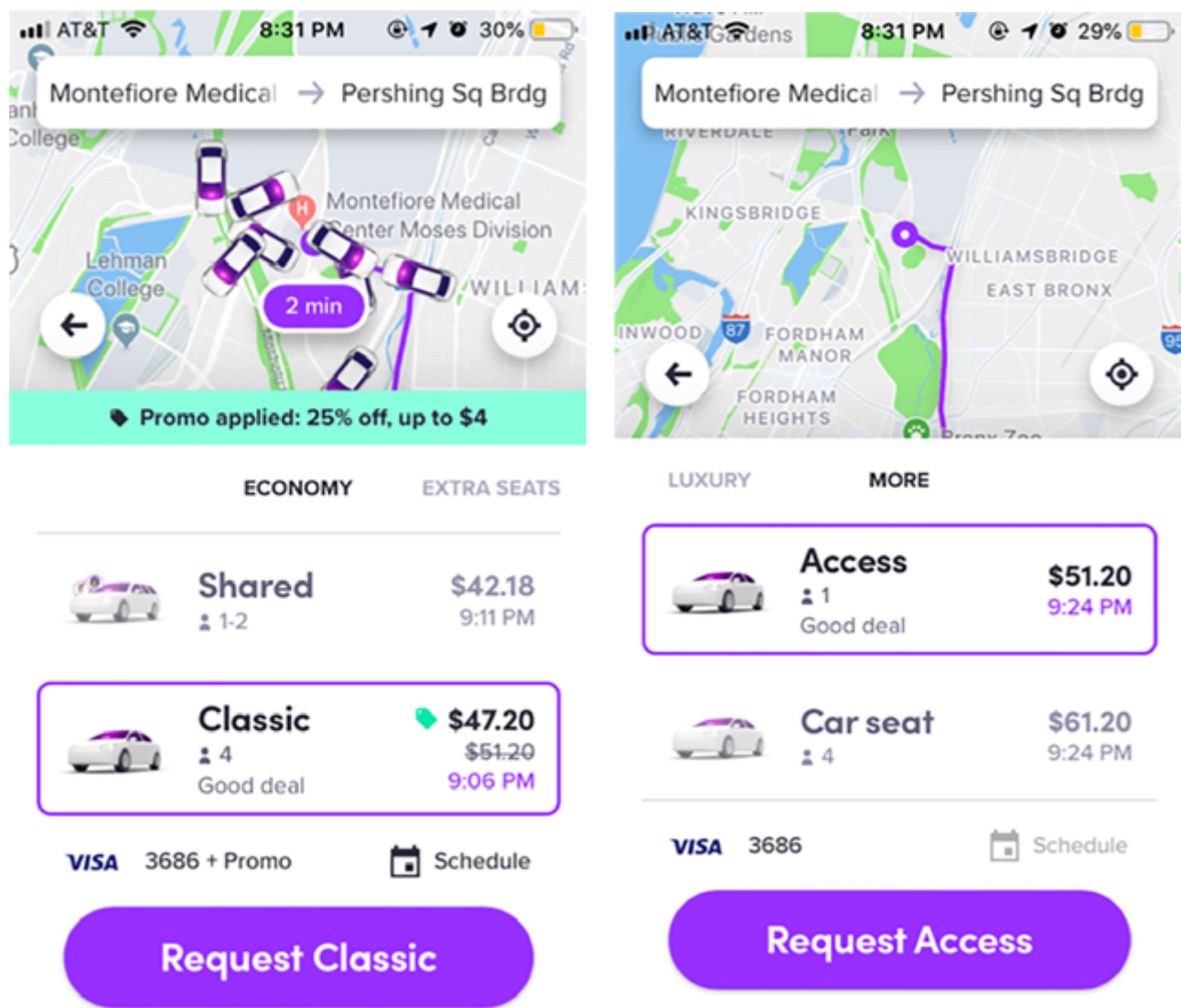


Figure 4 — Screenshots showing Lyft quoting a substantially higher price for a wheelchair accessible ride than for an identical, inaccessible ride

CONCLUSIONS

New York City's huge, well-financed FHV companies continue to operate few wheelchair-accessible vehicles, still leaving people with disabilities far behind. In response to protest and advocacy by the disability community, the TLC promulgated regulations mandating increased FHV WAVs. The FHV companies contested these regulations [in court](#). The resulting [settlement](#) mandates that by June 1, 2019 FHV providers fulfill 60% of WAV requests with a maximum 15-minute wait time — six times longer than the providers' current claimed wait times for their inaccessible vehicles.

The FHV industry is not even remotely serving the needs of people with disabilities. One of the three major companies do not provide WAVs at all. Of the two companies which provide WAVS, only one can be said to provide them reliably. And both of the WAV-providing companies require people with disabilities to wait up to five times longer for WAVs than people who do not have disabilities wait for inaccessible vehicles. The findings also point to multiple violations of the Americans with Disabilities Act and other federal, state and city accessibility and non-discrimination laws:

- Juno fails to provide wheelchair users in NYC with any on-demand service whatsoever.
- In dozens of ride requests, Lyft offered discounted prices for inaccessible vehicles, and did not offer those discounts to wheelchair users.
- Lyft failed to comply with the TLC rule mandating that at least 60% of WAV requests be serviced in 15 minutes or less.
- The average estimated wait times for WAVs for Lyft and Uber were up to five times longer than for inaccessible vehicles.

With fewer than one in four subway stations accessible, many New Yorkers with disabilities (including wheelchair users) must rely on taxis, Access-A-Ride, and, increasingly, the huge FHV industry to get around. While the multi-billion dollar FHV industry pursues ever greater capital and profits through Wall Street IPOs, it continues to leave New Yorkers with disabilities far behind, without any meaningful transportation options whatsoever.

ACKNOWLEDGMENTS

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