



**JUSTICE THROUGH
COMMUNITY POWER**

**Testimony of Christopher Schuyler, Senior Staff Attorney
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To the New York City Council, Committee on Transportation:
Oversight Hearing on Shared Mopeds and E-scooters; Consideration of Int. No. 2061
(October 27, 2020)**

Shared mopeds and e-scooters (hereinafter referred to synonymously as “shared mopeds”) are an innovative solution to the “last mile” problem – the challenge for commuters of getting to and from the bus or subway.¹ At this nascent stage for this emerging technology, people with disabilities cannot be left without a ride, as they so often are.² Not only do disability laws require accessible travel options for people with disabilities, it’s also just good business; people with disabilities want to use shared mopeds and thus provide a ready market.³ The Committee on Transportation must mandate that shared moped companies provide accessible options for people with disabilities. Int. No. 2061, which would “require the Department of Transportation to establish procedures by which shared moped organizations may apply for approval to operate shared moped fleets,”⁴ should be amended to include language encouraging the Department of Transportation to provide accessible transportation options.

Transportation equity

Until recently, e-bike programs such as Citi Bike led the charge on “micromobility.”⁵ Now, shared mopeds, which are “dockless” and thus remove the need for the user to “dock

¹ <https://www.fastcompany.com/90450211/e-scooters-are-leaving-people-with-disabilities-behind-lime-wants-to-fix-that>.

² <https://www.govtech.com/fs/transportation/Companies-Launch-Accessible-E-Scooters-for-Disabled-Users.html> (“While new mobility services have grown dramatically over the past few years, ... people with disabilities have mostly been excluded from these modes and sometimes face additional accessibility barriers because of them. *See also*” oftentimes our population gets completely dismissed when it comes to any new technology.”).

³ <https://www.fastcompany.com/90450211/e-scooters-are-leaving-people-with-disabilities-behind-lime-wants-to-fix-that>.

⁴ <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4624902&GUID=DE68AB78-4014-4FBD-9A97-A332C7B643C9&Options=&Search=>. *See also* Summary of Int. No. 2061.

⁵ <https://www.dictionary.com/e/tech-science/micromobility/>.

a bike or scooter at a specific fixed location,” are carving out their place.⁶ By serving as another solution to the last mile problem, shared mopeds can help address the transportation equity issues impacting marginalized groups, including people with disabilities, who often live the farthest from public transportation options,⁷ and live below the poverty level at rates disproportionate to those without disabilities, especially in New York City.⁸ As city programs in San Francisco and Chicago have already acknowledged, shared moped accessibility must be prioritized to combat long-standing transportation inequities.⁹

Market demand and user safety

Not only would making shared mopeds accessible help achieve transportation equity, it would also satisfy a market demand and encourage safe usage in doing so. A recent survey, conducted by a leading shared moped company, learned that people with disabilities use shared mopeds **even if** accessible options are not provided – putting themselves at great risk.¹⁰ The survey collected information from 18,000 users and learned that 8% of their total users self-identify as people with disabilities.¹¹ And considering 15% of the general population have disabilities, that 8% figure is likely on the low end.¹² Clearly, there is market demand for accessible products, and providing them would allow people with disabilities to more safely enjoy shared mopeds.

Accessible shared mopeds

Several shared moped companies currently produce accessible shared mopeds, with features that include seats, wider standing platforms, larger wheels, a third wheel, and the list goes on.¹³

⁶ See Committee Report at 8, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4624902&GUID=DE68AB78-4014-4FBD-9A97-A332C7B643C9&Options=&Search=>.

⁷ “Service Denied: Accessibility and the New York City Subway System,” Office of the New York City Comptroller Scott M. Stringer, 2-3 (July 2018), https://comptroller.nyc.gov/wpcontent/uploads/documents/Service_Denied_072018.pdf.

⁸ <https://www.osc.state.ny.us/files/reports/osdc/pdf/report-7-2020.pdf> (“34 percent of working-age people with disabilities live in poverty in New York City, a higher share than in the nation (26 percent) and New York State (30 percent), and more than twice the share for those without disabilities in New York City (14 percent).”).

⁹ <https://www.sfmta.com/blog/adaptive-scooters-people-disabilities>; <https://chi.streetsblog.org/2020/06/12/ behold-the-new-citywide-scooter-pilot-rules-9-companies-enter-3-companies-leave/> (“the pilot will also look at ‘whether scooters can be a safe and effective mobility option for the long-term in Chicago and in particular whether scooters can improve mobility for communities that face disproportionate transportation, health and economic barriers.’”).

¹⁰ <https://www.fastcompany.com/90450211/e-scooters-are-leaving-people-with-disabilities-behind-lime-wants-to-fix-that>.

¹¹ *Id.*

¹² *Id.*

¹³ <https://www.fastcompany.com/90450211/e-scooters-are-leaving-people-with-disabilities-behind-lime-wants-to-fix-that>. See also <https://www.sfmta.com/blog/adaptive-scooters-people-disabilities>. For photos of accessible shared mopeds, see https://images.fastcompany.net/image/upload/w_596,c_limit,q_auto:best,f_auto/wp-cms/uploads/2020/01/i-1-90450211-lime-

Other accessibility requirements

Shared moped companies must also develop features for people with disabilities who share the road. For example, Chicago required that shared mopeds emit “low sounds to alert visually impaired people to their presence.”¹⁴ Shared moped companies must also develop app interfaces that are accessible, as San Francisco and Chicago have insisted upon.¹⁵

Need to encourage innovation

While currently available accessible shared mopeds meet the needs of some people with disabilities, others are left out. Some groups, including the Blind/visually impaired and people who use wheelchairs, have been all but ignored.¹⁶ Because the technology, with its potential for innovative solutions, is so new and unexplored, the Committee of Transportation and Int. No. 2061 should encourage dialogue between developers and people with disabilities, as was done in San Francisco and elsewhere.¹⁷ Input from community stakeholders would assist shared moped companies when designing products for people with disabilities. Continued innovation is essential; in order to meet the needs of a wider swath of people with disabilities, products will need to be developed which do not yet exist.¹⁸

Sidewalk accessibility

Shared mopeds are “dockless,” a feature that gives them market advantage over e-bikes. That very same feature, however, can cause and has caused issues for people with disabilities.¹⁹ Unlike e-bikes, which must be returned to a central fixed location – the dock –

[debuts-a-scooter-for-people-with-disabilities.jpg](#); https://www.sfmta.com/sites/default/files/imce-images/2020/spin_adaptive_scooter.jpg; https://images.fastcompany.net/image/upload/w_596,c_limit,q_auto:best,f_auto/wp-cms/uploads/2019/12/4-90446514-segway-is-back-with-a-24mph-people-mover-straight-out-of-wall-e.jpg.

¹⁴ <https://chi.streetsblog.org/2020/08/26/seated-e-scooters-are-coming-to-chicago-to-provide-an-option-for-people-with-disabilities/>.

¹⁵ *Id.*; <https://www.sfmta.com/blog/new-permit-and-pilot-program-san-franciscos-scooters>.

¹⁶ <https://www.fastcompany.com/90450211/e-scooters-are-leaving-people-with-disabilities-behind-lime-wants-to-fix-that>. *See also* <https://www.govtech.com/fs/transportation/Companies-Launch-Accessible-E-Scooters-for-Disabled-Users.html> (“For 40,000 blind and visually impaired people, none of us can enjoy the benefits, only the hazards.”).

¹⁷ <https://www.sfmta.com/blog/adaptive-scooters-people-disabilities> (“permittees were instructed to develop vehicles and corresponding services that are based on input from people with disabilities.”). *See also*

<https://www.govtech.com/fs/transportation/Companies-Launch-Accessible-E-Scooters-for-Disabled-Users.html>

(“I think the only way you can get our population represented is for any tech company to come and test with our participants, so they can see for themselves all the variables.”).

¹⁸ <https://www.fastcompany.com/90446514/segway-is-back-with-a-people-mover-straight-out-of-wall-e>.

¹⁹ <https://www.metro-magazine.com/10112338/e-scooter-video-depicts-how-sidewalk-use-impacts-people-with-disabilities>; <https://www.latimes.com/california/story/2019-09-27/disability-scooters-sidewalks-wheelchair-mobility>.

shared mopeds can be left anywhere. While they should be parked near the curb, out of the path of travel and away from buildings and transit stops, and leaving enough space for people using mobility devices to get by,²⁰ users often fall short of the ideal. Improper parking can cause dangerous obstructions for people with disabilities – and frankly any pedestrian rushing to and fro and momentarily losing sight of unsuspecting barriers. Those who continue to be excluded from full enjoyment of shared mopeds, clearly should not also face additional accessibility barriers because of them.²¹

Recommendations

We urge the Committee on Transportation to amend Int. No 2061, mandating that the Department of Transportation establish procedures which strongly encourage and incentivize shared moped companies to:

- Design and supply accessible shared mopeds;
- Design ancillary accessibility features which improve the experience users with disabilities, such as ADA-compliant app interfaces;
- Design features for people with disabilities sharing the road, such as devices which emit warning sounds;
- Design a plan for addressing issues of sidewalk accessibility caused by dockless shared mopeds; and
- Seek input from the disability community to advance innovation of accessible shared mopeds.

Thank you for the opportunity to discuss the importance of providing accessible shared mopeds for people with disabilities. It has been 30 years since the passage of the ADA – and countless more years since city and state non-discrimination laws have gone into effect – and still people with disabilities are frequently ignored by emerging technologies. Now, before this technology has taken root, New York City can choose to lead the way in including people with disabilities.

²⁰ <https://www.metro-magazine.com/10112338/e-scooter-video-depicts-how-sidewalk-use-impacts-people-with-disabilities>.

²¹ <https://www.govtech.com/fs/transportation/Companies-Launch-Accessible-E-Scooters-for-Disabled-Users.html>.

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About New York Lawyers for the Public Interest

For over 40 years, NYLPI has been a leading civil rights and legal services advocate for New Yorkers marginalized by race, poverty, disability, and immigration status. Through our community lawyering model, we bridge the gap between traditional civil legal services and civil rights, building strength and capacity for both individual solutions and long-term impact. Our work integrates the power of individual representation, impact litigation, organizing, and policy campaigns. Guided by the priorities of our communities, we strive to achieve equality of opportunity and self-determination for people with disabilities, create equal access to health care, ensure immigrant opportunity, secure environmental justice for low-income communities of color, and strengthen local nonprofits.

NYLPI's Disability Justice Program

NYLPI has a long history of advocating for New Yorkers with disabilities. NYLPI's Disability Justice Program has long fought for equal access to public transportation for persons with disabilities, and is a founding member of the Access-A-Ride Reform Group (AARRG!). Recent court successes include a landmark suit which resulted in improved access to paratransit services for people with disabilities who are limited English proficient. NYLPI, serving as amici curiae, also recently supported a New York Supreme Court case before the Appellate Division advocating for continued elevator installations throughout the subway system, in order to improve system accessibility for people with disabilities.