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NYLPI
JUSTICE THROUGH COMMUNITY POWER
INTRODUCTION

Three years after New York Lawyers for the Public Interest (NYLPI) began documenting the inaccessibility of the massive for-hire vehicle (FHV) industry in New York City, people who use wheelchairs and other people with disabilities continue to face long waits for accessible FHVs and taxis. In addition, as companies like Uber and Lyft have come to dominate the local FHV industry, prices have increased rapidly and steeply — and FHVs have become unaffordable for many people with disabilities, who are disproportionately low-income.

NYLPI’s new analysis of nearly 2,500 ride requests finds that the ride-hailing apps of Arro, Curb, Lyft, Uber, and Via have made some progress in incorporating wheelchair-accessible vehicles (WAVs) into their fleets, but compared with ride requests for inaccessible vehicles, large disparities remain:

1. Riders requesting WAVs continue to face a longer average estimated wait times (EWT) than those requesting inaccessible vehicles. Lyft quoted wait times that were 44% higher for WAVs than for non-WAVs. Similarly, Arro quoted 28% higher wait times for WAVs than non-WAVs, and Curb quoted 91% longer wait times for accessible vehicles.

Via — whose share of the NYC market has declined — showed major disparities in our tests. The app quoted estimated wait times for WAVs that were an average of 23.8 minutes longer than identical requests for non-WAVs. The New York Taxi and Limousine Commission (TLC) recently reported that Via was noncompliant with minimum response-time benchmarks for WAVs in June, August, and September of 2020.¹ Via quoted WAV fares as much as $17 higher than fares for identical rides in inaccessible vehicles, with fares for WAVs on average being $2 higher than fares for inaccessible vehicles — a practice specifically barred by TLC regulations.²
2. Overall, the five apps combined had an 83% “success rate” in locating both WAVs and inaccessible vehicles. However, the taxi apps Curb and Arro were unable to locate a vehicle for almost one in three (32%) of WAV requests.

3. For both WAVs and inaccessible vehicles, FHV rides are now significantly more costly than a medallion yellow or green taxi for the same route. For rides from four locations to Grand Central Station in Manhattan, taxi apps quoted an average price of $39, while FHVs quoted an average price of $53. Uber and Lyft’s fares were also significantly higher in June 2021 than in June 2019, when the average quoted price for 450 ride requests with the same pickup and dropoff points was $43.

COVID-19 has caused financial and health catastrophes for drivers in both the taxi and FHV industries, and for riders with disabilities who require accessible and affordable service. For individuals with disabilities who are largely unable to use New York’s inaccessible subway system, and for whom Access-A-Ride and the bus network are unreliable, FHVs are often the only way to dependably and efficiently reach their destinations. However, FHVs leave riders with disabilities confronting availability issues, long wait times, high fares, and inequitable fares. Correcting these systemic problems will ease a major transportation barrier for people with disabilities and should be an urgent government priority.

BACKGROUND

Over the past decade, New York City has promulgated regulations to improve the accessibility of its massive and largely inaccessible taxi and for-hire vehicle fleets. While these measures have led drivers and FHV companies to purchase more WAVs, supply still falls far short of providing fair access to transportation services for all New Yorkers.

NYLPI originally reported on disparities between WAV and non-WAV service in the 2018 report “Left Behind: New York’s For-Hire Vehicle Industry
Continues to Exclude People with Disabilities,” which revealed significant differences in the availability of vehicles and estimated wait times of two FHV providers, Uber and Lyft.³

Soon after, the TLC enacted regulations mandating that FHV providers either 1) increase the share of WAVs in circulation, or 2) affiliate with, and pass on WAV trip requests to, four TLC-approved WAV dispatchers: Uber, Via, Lyft, and Exit Luxury. By 2021, companies engaging in the second option were required to meet wait time requirements of less than ten minutes for 80% of their trips, and less than fifteen minutes for 90% of their trips.⁴

As of September 2020, WAVs comprised only about 2% of the total licensed FHV fleet — a modest improvement from 2018, when the TLC estimated that a meager 0.5% of FHVs in New York City were wheelchair-accessible.⁵

Following a 2011 lawsuit, TLC regulations also focused on improving taxi accessibility — but the percentage of accessible taxis still falls far short of the 50% mandate set in 2013 in a settlement agreement between disability rights organizations and the City.⁶ In November 2020, the TLC reported 3,565 (26%) WAVs in the yellow taxi fleet and a paltry 157 WAVs (3%) in the
much smaller green taxi fleet, which is only licensed to pick up passengers in the outer boroughs.

The ongoing COVID-19 pandemic has caused major disruptions in the taxi and FHV industries. Drivers have seen their debt burdens soar as a result of steep dips in ridership, on top of the cumulative effect of loans taken out when the price of medallions was at an all-time speculative high. One result of this severe economic dynamic is that Uber and Lyft now dominate the market. As of June 2021, these companies made up 84% of the combined FHV and taxi market.

As greater transit demand has returned to New York City since the onset of the COVID-19 pandemic, the availability of accessible vehicles is especially important for people with disabilities. Given the abysmal state of subway accessibility — with only approximately 25% of stations accessible — individuals with disabilities are largely limited to above-ground transportation services. There, riders with disabilities face sometimes impossible choices between a dysfunctional Access-A-Ride paratransit system, a bus network that does not work for many people, or a hired vehicle. While taxis and FHVs are often one of the few options for accessible transportation, they disadvantage riders with disabilities with a combination of high fares and excessive wait times.

**METHODOLOGY**

To assess the reliability and estimated response time of WAV providers, we used smartphone ride-hailing apps to make “paired ride” requests — requesting both WAV rides and non-WAV rides within moments of each other, and using the same pickup and dropoff points for each paired ride request. Five apps were used in the study: Arro, Curb, Lyft, Uber, and Via. Uber, Lyft, and Via are ridesharing platforms supplying private FHVs, while Curb and Arro are platforms dispatching rides using New York City’s taxi fleets.

We used four high-traffic destinations as pickup points for ride trips: Kings County Hospital Center (Brooklyn), Montefiore Medical Center (the Bronx),
Pennsylvania Station (Manhattan), and JFK International Airport (Queens). Grand Central Terminal (Manhattan) was entered as the destination for all trips. For each route, we requested paired rides (WAV and non-WAV) sequentially from each of the five ride-hailing apps, at various times of day and days of the week so that for each app, we requested the same routes at the same times of day and days of the week. Between June 10 and June 28, 2021, we placed 1,220 matched pairs of ride requests (2,440 total trip requests) to and from these points, so that each app received a set of 244 total paired ride requests for nearly identical routes and times.

For each paired request, we recorded vehicle availability, estimated wait time, and price as quoted by the app. While these platforms offered only one WAV option, some offered multiple non-WAV options, such as shared rides, private rides, and luxury rides. For comparisons between WAVs and non-WAVs — since WAVs were only available, if at all, for “standard rides” — NYLPI recorded data for the standard private ride for non-WAVs.

The study evaluated only the estimated availability and wait times provided by the apps. As FHV companies have themselves stated, these estimates may 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. For example, Curb sometimes displayed EWTs of one minute for rides that were also marked as “unavailable,” casting doubt upon the validity of its estimates.

Moreover, estimated wait times are accurate only if the closest drivers in fact choose to accept a user’s ride request. The potential for apps to overstate vehicle availability is likely even greater for WAV requests, since WAVs are fewer in number and sparsely dispersed (e.g., at an outer-borough location the nearest WAV 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 would be longer, and potentially considerably longer).

Ride-hailing apps do not all provide directly comparable wait time estimates. While Curb and Arro consistently display EWT, Uber does not always display
EWT, but does consistently display estimated dropoff time (EDT); Lyft and Via consistently display both. Therefore, to examine waiting disparities between WAV- and non-WAV ride requests, NYLPI compared EWTs for the apps that provide them, and verified these findings by comparing EDTs for all apps that provide them.

RESULTS

1. VEHICLE AVAILABILITY

Overall, the apps had a similar rate of success in locating an available vehicle for WAV and non-WAV service. However, success in finding a WAV varied widely among apps, ranging from 100% for Lyft to only 57% for Arro. While Via had a higher success rate for WAV requests than non-WAVs, riders face much higher waiting times with this app [see next section below].

<table>
<thead>
<tr>
<th>Service</th>
<th>Total Attempts</th>
<th>Non-WAV Successes</th>
<th>WAV Successes</th>
<th>Non-WAV Success Percentages</th>
<th>WAV Success Percentages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lyft</td>
<td>244</td>
<td>243</td>
<td>244</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>Via</td>
<td>244</td>
<td>214</td>
<td>238</td>
<td>88%</td>
<td>98%</td>
</tr>
<tr>
<td>Uber</td>
<td>244</td>
<td>212</td>
<td>211</td>
<td>87%</td>
<td>87%</td>
</tr>
<tr>
<td>Curb</td>
<td>244</td>
<td>177</td>
<td>177</td>
<td>73%</td>
<td>73%</td>
</tr>
<tr>
<td>Arro</td>
<td>244</td>
<td>171</td>
<td>140</td>
<td>70%</td>
<td>57%</td>
</tr>
<tr>
<td>Total/Average</td>
<td>1220</td>
<td>1017</td>
<td>1010</td>
<td>83%</td>
<td>83%</td>
</tr>
</tbody>
</table>

2. WAIT TIME DISPARITIES

Over the past two years, the TLC has phased in rules requiring that FHV services either ensure that a minimum of 10% of trips provided by each
company are in WAVs, or ensure that at least 80% of WAV requests are fulfilled within fifteen minutes by an affiliated provider.\textsuperscript{13} In May 2021, the TLC found that the largest app-based FHV service, Uber, was compliant with the new wait time requirements, and that after failing in the first month Lyft came into compliance.\textsuperscript{14}

However, NYLPI found that across apps, users requesting a WAV continue to experience longer wait times than those requesting an inaccessible vehicle.

On average, riders requesting a WAV from Arro, Curb, Uber, and Lyft would have to wait two minutes longer than those requesting an inaccessible ride. With outlier Via added in to the data, the additional waiting time for a WAV (over 1,220 paired ride requests) is eight minutes.

\begin{table}[h]
\centering
\begin{tabular}{|l|c|c|c|}
\hline
Service & Avg Non-WAV Dropoff & Avg WAV Dropoff & Difference \\
\hline
Uber & 44.6 & 46.4 & 1.8 \\
\hline
\multirow{4}{*}{Avg Non-WAV Wait Time} & \multirow{4}{*}{Avg WAV Wait Time} & \multirow{4}{*}{Difference} \\
\hline
Arro & 6.9 & 8.8 & 1.9 \\
\hline
Curb & 1.9 & 3.6 & 1.7 \\
\hline
Lyft & 5.2 & 7.7 & 2.3 \\
\hline
Via & 9.8 & 33.6 & 23.8 \\
\hline
\end{tabular}
\end{table}
AVG. DIFFERENCES IN ESTIMATED WAIT TIMES
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AVG. DIFFERENCE IN ESTIMATED DROP-OFF TIME

Lyft                  Uber          Via
Average non-WAV EDT   Average WAV EDT
3. FARE DISCREPANCIES

Among apps, Lyft quoted the highest prices for its vehicles, at $60 per ride averaged across tests, while Uber quoted an average fare of $56 per ride (for the same mix of routes, dates, and times of day) and Via quoted an average overall fare of $43. Prices for the taxi apps were lower, with an average of $40 quoted by Curb and $38 quoted by Arro.

TLC rules, along with City, explicitly require that providers charge the same prices for accessible and inaccessible vehicles, and NYLPI’s tests largely indicated compliance with this provision. However, in 166 of 244 paired requests (68%), Via quoted higher prices for WAVs compared to identical non-WAVs, averaging $1.90 more per ride for WAVs than non-WAVs. In some cases, wheelchair-users requesting a ride from Via faced substantially higher fares: Via quoted a $144 fare for a non-WAV, and a whopping $183 for the same ride in an accessible vehicle.

RECOMMENDATIONS

In a city which is home to one million individuals with disabilities, and which welcomes an estimated 9.7 million more annually as visitors, equal access to affordable and reliable transportation remains a partly fulfilled promise, at best. The implications are deeply serious, especially as individuals with disabilities face huge disparities in employment, and more than twice as many people with disabilities live in poverty compared to people without disabilities.

Faced with these alarming statistics, New York City has the power to provide pathways to upward mobility to individuals with disabilities through transportation. Transit is fundamental in connecting residents with disabilities
to economic opportunities; the New York City Transit Authority has reported that almost three-fifths of those who ride public transit are commuting to and from places of employment.18

For people with disabilities, a lack of accessible transportation fuels major employment disparities, with only a 20% employment rate among working-age adults, compared to 75% for those without disabilities.19 Investing in public transit will provide greater access to work, education, healthcare, and civic and social life for people with disabilities — and will also boost the economy, with every dollar infused into public transit shown to yield an estimated $4 in economic returns.20

After more than a year of economic recession and COVID-related shutdowns, the City has an opportunity to revitalize its infrastructure and greatly improve accessibility. It can help do so with a combination of enforcement and incentives to ensure that drivers of accessible for-hire vehicles are compensated fairly for their investment and public service, and so that people with disabilities are fairly served.

The City therefore should take the following steps:

1. **MONITOR FOR ANY DISPARITIES IN SERVICE FOR RIDERS WITH DISABILITIES, STRICTLY ENFORCE EXISTING RULES, AND COLLECT AND PUBLISH DATA ON WAV SERVICES.**

For more than ten years, the Taxi and Limousine Commission (TLC) has collected and published data on pickup and dropoff locations for every taxi and FHV trip, and on fares for taxi trips only.21 Unfortunately, these data do not indicate whether a trip is in a WAV or in an inaccessible vehicle. Since implementing accessibility rules for the FHV industry in 2019, the TLC’s reporting has focused on providers’ compliance with a mandate that they either provide a minimum percentage of trips in WAVs, or meet minimum response-time targets for WAV service.22
The TLC should immediately commence monitoring and strict enforcement of its rules, and should monitor for any disparities in the pricing of WAV services and the estimated and actual response times between WAV and inaccessible services provided by taxi and FHV companies. It should also broaden data collection and reporting to include whether each taxi and FHV trip is in a WAV, in order to enable both the agency and the public to better track the extent of these services.

To boost driver and company compliance with accessibility requirements, the TLC should also mandate that all apps include the 311 number on their interfaces, which allows riders to easily file complaints related to accessible service. Such a measure would not only increase accountability, but also boost data collection efforts, by better informing the TLC of regulation violations and other service inadequacies.

2. PLACE A MORATORIUM ON LICENSES FOR NEW INACCESSIBLE VEHICLES UNTIL THE INDUSTRY PROVIDES EQUAL SERVICE FOR PEOPLE WHO USE WHEELCHAIRS.

Until true parity for people with disabilities is achieved, the City should issue new licenses only for wheelchair-accessible vehicles. London, which began such a process in the 1980’s within its taxi industry, has boasted a fully wheelchair-accessible taxi fleet since 2000.23

3. PROHIBIT SURGE PRICING FOR WAVS

The City should prohibit FHVs from applying surge prices (higher fares during periods of high demand) to WAVs, which makes these rides even more unaffordable for many people with disabilities who do not have access to other transportation. Portland, Oregon enacted such a policy, and Los
Angeles has proposed one.\textsuperscript{24} Notably, extra earnings from surge prices for drivers are typically much less than the FHV company’s share of the extra fare revenue, and are often not transparent to drivers or riders.\textsuperscript{25}

\section{4. INCENTIVIZE AND REWARD FHV OWNERS AND DRIVERS WHO OPERATE WAVS}

The City should mandate that FHV companies pay adequate incentives and bonuses to drivers to cover additional costs of providing accessible service and to increase the number of WAVs in circulation.

\begin{itemize}
  \item Since 2014, the City has disbursed $140 million to incentivize taxi owners and drivers to operate WAVs through a fund financed by surcharges on all taxi trips.\textsuperscript{26} However, other than a somewhat higher per-mile minimum wage rate for WAV drivers, there are no comparable incentives in place to encourage FHV drivers (who often own their own vehicle) to operate WAVs.\textsuperscript{27}
  
  \item To further increase the supply of available WAVs, the City should replicate the Taxi Improvement Fund by legislatively taxing FHV per-trip surcharges on trips and disburse payments for accessible vehicle purchases, retrofits, and operating costs from this fund.\textsuperscript{28}
  
  \item The City should also require FHV companies to provide operational incentives to WAV drivers. San Francisco’s Municipal Transportation Agency has suggested that major apps can be required to route more ride requests to WAVs during periods of low demand.\textsuperscript{29}
\end{itemize}

The City and State should encourage WAV operators to contract with publicly funded services, including the MTA’s Access-A-Ride paratransit service and Medicaid-funded ride services to and from healthcare appointments. Local government should ensure that WAV drivers and owners are adequately compensated for these services, at least the same as the taxi meter rate for comparable trips. This could create additional demand for WAV taxi and FHV services and help attract WAVs in outer-borough locations where they are most needed.\textsuperscript{30}
5. CONSIDER INCENTIVES FOR WAVS IN CONGESTION PRICING TOLLS

As the MTA implements congestion pricing for vehicles entering the Manhattan central business district — a policy essential to funding overdue accessibility improvements in the subway system — the agency should also evaluate exemptions or toll discounts for WAV taxis and FHVs, as recommended in some early congestion fee proposals.31 This may help incentivize drivers to own and operate WAVs, but it should be weighed against any negative effect such a policy would have on the availability of WAVs for hire in the outer boroughs.

6. INCREASE TAXIS AND FHVS IN OUTER BOROUGH LOCATIONS

Public agencies and the private sector should work collaboratively to ensure WAVs are readily available to riders throughout New York City, including in outer-borough communities where accessible taxis are especially scarce, as follows:

- Entities like the Port Authority, the NYC Health and Hospitals system, and hospital associations should work with taxi and FHV dispatchers to efficiently bring drivers to outer-borough hospitals, airports, shopping centers, and transit hubs, where there is often a high need for accessible transportation.

- The City should mandate that FHV companies make bonus payments to drivers who pick up additional WAV trips where they are most needed, just as these companies use the incentive of surge pricing bonuses to attract more drivers to locations with high rider volume.
7. INVEST IN WHEELCHAIR-ACCESSIBLE ELECTRIC VEHICLE TECHNOLOGY

Rapidly replacing gas-powered vehicles with electric vehicles — particularly for high-mileage vehicles like taxis and FHVs — is a critical step to reduce pollution in the City’s transportation sector, the second-largest source of climate emissions (after buildings). But to date, the design of many electric vehicles does not leave enough space for wheelchair accessibility, and the incorporation of these inaccessible vehicles into the taxi fleet could further diminish the availability of WAVs. As it did with previous taxi models (such as the Taxi of Tomorrow design competition) New York City should leverage the substantial purchasing power of its huge taxi and FHV industry to accelerate the manufacture of fully accessible electric taxis, rapidly install fast-charging stations throughout the City (including at taxi depots), provide taxi owners and drivers with cost incentives to switch to this far cleaner and more affordable energy source. Such rapid, large-scale investments in electric vehicles may be further enabled by federal infrastructure [HR3684] and budget legislation being debated in Congress this at the time of this report’s publication.
8. EXPAND DEBT RELIEF PROGRAMS FOR DRIVERS

Recently, the TLC introduced the Taxi Medallion Owner Relief Program, a $65 million package which would assist drivers in restructuring their debt with up to $29,000 in interest-free loans. However, drivers — who on average owe about $500,000 to medallion lenders — are adamant that they require deeper support to survive in the industry. If the traditional taxi industry continues to collapse as drivers exit or declare bankruptcy, the urgent shortage of accessible transportation will worsen, prices will continue to rise, and there will be less affordable transportation. The City should offer additional debt relief for medallion owners and drivers who invest in and operate WAV taxis, particularly in the outer boroughs. Federal government-backed community lenders can offer additional debt relief by providing drivers with low-interest, long-term loans.
APPENDIX: EXAMPLES OF FHV AND TAXI APP ACCESSIBILITY ISSUES

1. In 235 our of 244 test ride requests, Via displayed higher wait times for Wheelchair Accessible Vehicles. In 166 of 244 requests, Via displayed higher prices for WAVs than non-WAVs.

Ex. 1: Via wait time and fare disparities at Kings County Medical Center, Brooklyn
Ex 2: Via wait time and fare disparities at JFK Airport:

2. In 104 of 244 requests for a WAV, the Arro taxi-hailing app could not find an available vehicle.
3. In 79 of 244 ride requests, the Curb app displayed higher wait times for WAVs than for inaccessible taxis:

In 158 of 244 ride requests, the Uber app displayed later estimated dropoff times for WAVs than for standard Uber vehicles like Uber X and Uber XL:
ABOUT NEW YORK LAWYERS FOR THE PUBLIC INTEREST

Founded in 1976 by leaders of the bar, New York Lawyers for the Public Interest pursues equality and justice for New Yorkers. NYLPI works towards a New York where all people can thrive in their communities, with quality healthcare and housing, safe jobs, good schools, and healthy neighborhoods. In our vision, all New Yorkers live with dignity and independence, with the access and resources they need to succeed. NYLPI’s community-driven approach powers its commitments to civil rights and to disability, health, immigrant, and environmental justice. NYLPI seeks lasting change through litigation, community organizing, policy advocacy, pro bono service, and education. NYLPI has a long history of fighting for New Yorkers with disabilities since its founding, including for accessible transit. We won the first lawsuit under the Americans with Disabilities Act (ADA) for people who use wheelchairs to gain access to the observation deck of the Empire State Building. Recent court successes include a landmark suit which resulted in improved access to paratransit services for people with disabilities who are limited English proficient. In May 2018, NYLPI filed amicus briefs on its own behalf and on behalf of other disability rights organizations, supporting the right of people with disabilities to accessible For-Hire Vehicles, opposing the FHV companies’ resistance to modest City efforts to increase the number of wheelchair-accessible FHV rides.

Thank you to Swathi Kella for data collection and analysis underlying this report and to Caroline Steele for assistance in editing this report.

For more information, please visit us at nylpi.org and on Twitter at @nylpi.

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ENDNOTES


9 As of June 2021, there were approximately 499,000 ride-hailing trips per day and 94,000 taxi trips per day, up from a low of 144,000 and 8,000 respectively, during the height of the COVID pandemic.


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28 For example, California has enacted a surcharge on all trips provided by Transportation Network Companies (TNCs) to support accessibility improvements in both the TNC/FHV and Taxi sectors. See *TNC: Accessibility for Persons with Disabilities Program (SB 1376, Hill)*, CA.GOV, available at: https://www.cpuc.ca.gov/regulatory-services/licensing/transportation-licensing-and-analysis-branch/transportation-network-companies/tnc-accessibility-for-persons-with-disabilities-program#:~:text=Beginning%20on%20July%201%2C%202019.,vehicle%20(WAV).

For example, the NYC Department of Education is now using taxis to provide summer transportation for homeless students and students with disabilities: See Alex Zimmerman, *NYC to pay for summer school taxis for homeless students and those with disabilities after facing criticism from advocates*, Chalkbeat New York (Jun. 29, 2021), available at: https://ny.chalkbeat.org/2021/6/29/22556614/summer-rising-transportation-disability-homeless.


