



THE SECRETARY OF TRANSPORTATION
WASHINGTON, DC 20590

December 5, 2016

Dear Colleague:

The U.S. Department of Transportation encourages innovation and welcomes the interest of Transportation Network Companies (TNCs) and other private entities in meeting the travel needs of riders through partnerships with transit agencies. I applaud the transit industry for embracing the use of innovations in technology and new mobility concepts to create a more traveler-centric mobility environment that empowers travelers to make smart mobility decisions that address their individual needs, while contributing to desirable system outcomes. With that in mind, I am writing to remind you of your obligation to ensure equity and access as you partner with TNCs and continue to develop relationships with other private entities that offer the potential to provide improved service at a lower cost.

At the Department, we believe it is important to balance technological innovation with the basic civil rights principles of equity and accessibility inherent in the provision of transit service. There are basic Federal requirements that apply to transit service, including partnerships with TNCs and service operated under contract or other arrangement or relationship with private entities. Some of these are conditions of eligibility for Federal assistance (Title VI of the Civil Rights Act of 1964), while others apply independently regardless of whether Federal funding is involved (the Americans with Disabilities Act (ADA) of 1990).

For example, TNC services typically rely almost exclusively on the use of a smartphone linked to a credit or debit card to arrange for service, which presents a significant barrier to lower income and limited English proficiency individuals who do not own a smartphone and/or who do not have a credit card or bank account. Given that communities of color are disproportionately low-income, each public transit agency has an obligation under Title VI to ensure that alternative methods of both payment and reservations are available. Most TNCs currently lack accessible vehicles for persons with disabilities, including those who use wheelchairs. When your agency enters into a covered partnership with a TNC, however, you must ensure that your service is accessible to and usable by persons along the full spectrum of disabilities, including both physical and intellectual disabilities.

Unlike many other requirements, the transportation requirements under the ADA apply regardless of whether Federal funding is involved. The specific provisions of the Department's ADA regulations vary according to type of service provided, such as whether it is fixed route or demand-responsive. Currently the majority of partnerships with TNCs involve demand-responsive service. As such, you should be aware of two important points.

First, under DOT ADA Regulations (49 C.F.R. section 37.77), public entities operating a demand-responsive service must either acquire accessible vehicles or otherwise ensure that such services provide equivalent service to persons with disabilities, including those who use wheelchairs and/or have intellectual disabilities.

The need for your transit agency to provide wheelchair-accessible vehicles could be met in a number of ways, such as requiring the TNC to provide a sufficient quantity of vehicles as a condition of entering into an agreement with the transit agency; entering into a separate agreement with another entity that is capable of providing accessible vehicles; or relying on accessible vehicles that are already part of the paratransit fleet.

Second, service is considered equivalent when persons with disabilities, including wheelchair users, are provided with the same level of service according to the following criteria (see 49 C.F.R. section 37.77(c)):

- 1) Response time;
- 2) Fares;
- 3) Geographic area of service;
- 4) Hours and days of service;
- 5) Restrictions or priorities based on trip purpose;
- 6) Availability of information and reservations capability; and
- 7) Any constraints on capacity or service availability.

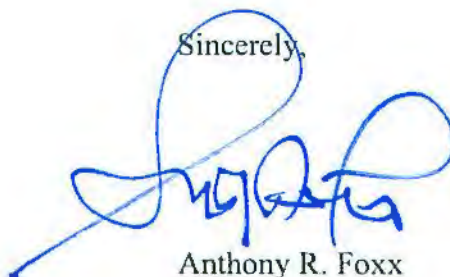
Some transit agencies have explored integrating TNCs into their paratransit service. The Department believes that TNCs have the potential to improve the provision of paratransit service, with the possibility of lowering costs while improving service to paratransit-eligible riders. Yet, it is important to emphasize that any such service improvements must benefit all paratransit riders. It would not be appropriate, for example, to offer real-time service to ambulatory paratransit riders, while leaving wheelchair users with next-day service.

Finally, it is important to ensure that TNC personnel are highly trained in professional and respectful interactions with persons with disabilities. All personnel should be familiar with requirements concerning the accommodation of service animals, for example, and personnel operating accessible vehicles must know how to operate boarding and securement equipment. Where TNCs are used to provide paratransit service, personnel should be familiar with the paratransit service criteria and the requirement to provide origin-to-destination service.

As long as all passengers are receiving service according to the service criteria or in the same manner, there is nothing to prevent transit agencies from engaging the services of TNCs—including for provision of paratransit services.

Once again, I commend the transit industry for embracing technology and innovation as a means to expand and improve the provision of transit services. As we embark on a new era in personal mobility, together we will ensure that our transportation system continues to provide effective mobility for all.

Sincerely,



Anthony R. Foxx