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Small Passenger Services Review Submissions
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Submission – Small Passenger Services Sector Review

Introduction

Although I hold a leadership role as a blind person in the disabled community, this is a personal submission in my own name. I would be pleased to discuss it with an official from the Ministry of Transport. I will be submitting to the relevant select committee if a bill is introduced to Parliament.

As a blind person, I am a frequent user of taxis, using sometimes four or more taxis in a day. The essential points of my submission are:

- Transport should be viewed as an essential service in the community, and in that regard, given today's vehicle-centred urban environments, the rules need to ensure that vulnerable people and the transport disadvantaged have equitable access to transport so we can live, work, learn, play, and carry out our everyday activities throughout Society in much the same way as everyone else.
- I favour option 2. I believe that services that offer what might be described as spontaneous transport to individuals so they can carry out normal everyday transactions in the community should comply with specific rules that relate to this service being seen as an essential service. This distinguishes such services from other more specialised passenger transport services like wedding cars, luxury limozines, etc.
- To be clear, I will use the term "spontaneous transport" to describe what we would traditionally think of as a taxi service. However I also make the point that this includes the new age services like Uber, which currently (and I argue incorrectly) distinguish themselves from taxis. I use the duck analogy which I recall from reading a case at law school: "if it looks like a duck, quacks like a duck and acts like a duck, then it is probably a duck". I think the case I am thinking of involved a car being towed, and it was argued that because it was under tow, it wasn't really a car. However the Judge considered that whether a car is a car is really a practical question of function. I will be arguing that the Uber service is in every practical sense a taxi service and should be treated that way.
- Finally, I fully support innovation and competition in the spontaneous transport industry. But we need rules to protect those who are vulnerable, infrequent users, and even technophobes, so they too can have equitable access to transport as an essential service. We need competition but it must be on a level playing field.

A word about smart phone apps and other new technology. It is critical throughout this review that any emphasis on relying on new technology be accompanied by the

principle that any such technology must meet widely accepted accessibility guidelines. I cannot spend much time on this except to comment that while many smart phone apps are accessible, and most would be if the developer just followed some simple guidelines, the reality is that numerous apps are not accessible and cannot be used by blind and vision impaired people. I favour new technology but it must not be introduced in a way that puts whole sectors of the public at a disadvantage. Let it be there for those that like it but let it not be used to the point where those who cannot cope with technology are simply excluded from Society.

Question 1

I would tick all three factors but would add that transport must be seen as an essential service in the community to which everyone, especially the transport disadvantaged, must have equitable access, so we can live, work, learn, play and carry out our everyday activities throughout Society in much the same way as everyone else.

Question 2

All the features listed here are relevant, but I make the following comments.

Responsiveness to supply and demand is of course important, and spontaneous transport services must be viable. But we need to strike the right balance between that and transport being seen as an essential service that meets the needs of the whole community, including people with disabilities, people visiting a strange town, the transport disadvantaged, and casual and infrequent users of such services.

Question 3

I favour option 2 because I believe there needs to be a clear distinction between what I call spontaneous transport services and more specialised transport services. I could support option 4 if this distinction could be made within that option.

I disagree with the suggestion that options such as option 2 inhibit innovation. I agree that new services such as Uber are innovative, but what has really made them successful is that they have become established technically as hire services without having to meet the more stringent and costly requirements of a taxi service. Yet in every practical sense, they are a taxi service and the public uses them as they would a taxi service. We need to agree on rules that are necessary for a viable spontaneous transport service and then insist that all players meet those rules, including Uber and other new services.

I also make the point that we have in fact seen considerable innovation in the more traditional taxi service. Here are some of the new features I can think of that have been introduced in the last twenty years:

- Auckland Coop taxis has introduced a number of innovative ways for customers to book a taxi. One such service is the Autobooker or CabCall service, where a prearranged number can be entered to automatically book a taxi to a pre-specified address complete with arbitrary instructions. At one stage I had four separate such numbers, one for home, one for the Blind Foundation where I often visit, one for work and one for Auckland University when I was also studying.

- Another innovation is the ability to talk to an automated attendant and order a taxi to a known address without having to wait for an operator. Some people may not like that service but that can apply to a lot of new innovations; they don't suit everyone but they still meet the needs of enough people to be viable. I frequently use that service and you can even use it to book a taxi for a specified time later in the day.
- More recently, Auckland Coop Taxis introduced its own smart phone app, which offers features similar to services like Uber. You can book a taxi and see in real time that a taxi has been assigned to your job and where it is as it approaches.
- Even more recently, Blue Bubble has introduced its app which provides similar features.
- Facilities like EFTPOS and creditcards are now commonplace right in the taxi, obviously using radio technology.
- The Taxicharge card is a great way for frequent taxi users to pay for taxi fares in a wide range of companies and just pay one bill each month. This card has very much replaced the old taxi vouchers we used to use, but even those were an innovative idea at the time. Yes I could use a creditcard or EFTPOS card now and achieve much the same result. However most taxis charge like a \$2 surcharge when a creditcard is used. On a cheap fare like say \$10, that amounts to a 20% surcharge. The Taxicharge card however is a flat 8%, still not insignificant, but much cheaper for someone like me who racks up numerous small trips.
- There is now a voucher card system that makes it easy for someone to prearrange transport for one or more individuals to an event like a committee meeting. Auckland Council uses these cards to provide transport to members of its committees that don't have their own transport. These cards are disposable but can be preconfigured to allow a passenger to travel on a given day within specified parameters.
- Companies like Auckland Coop Taxis now use GPS technology to monitor the actual route a driver has taken. In a recent case I was able to get a refund of some of the cost of a trip that I thought was very expensive, after the company was able to show the driver had in fact taken a completely wrong route.
- Wellington Combined Taxis now sends a text when the taxi you have ordered is about to arrive. This is a great and simple innovation that is very helpful to a blind person because you then know not only that your taxi is about to arrive but what its taxi number is.

I could probably think of other innovations if I thought more about it. Perhaps there are good reasons for why many people like to be critical of the taxi industry, but it is simply unfair to perceive the industry as lacking innovation, even under the current rules.

Question 8

I agree something like the P endorsement is still required, but in my view a basic knowledge of English is essential. Please refer to my response to question 23.

Question 10

I support serious complaints being reported to the NZ Transport Agency for investigation. However I strongly urge the Agency to take this more seriously. In recent years my impression is that standards have slipped in the industry, and in part this is due to lack of enforcement by the authorities.

Question 11

I understand drivers can already refuse to take a passenger on grounds such as the driver feels their own security would be at risk. But there must be a clear requirement for drivers to exercise that choice in the context of delivering a service to the public. If challenged, a driver must be able to show he or she had good cause to reject the fare.

As someone who uses a guide dog, I have been rejected on several occasions. It doesn't happen frequently, but it does happen. In most circumstances, when this does happen, it is a breach of the Human Rights Act 1993 because it usually amounts to discrimination against me on the grounds of my blindness. It also arguably breaches the Dog Control Act which allows a guide dog to be in any place to which the general public has access.

It would not be appropriate for a driver to argue that they did not want to take me and my dog because they are afraid of dogs so genuinely felt their safety was at risk. Nor would it be appropriate for a driver to refuse on religious grounds. I would even argue that it may not be appropriate for a driver to refuse to carry a working dog on medical grounds. These people are delivering a service to the public and this privilege must be seen in that context. Some people just may have to accept that their own personal situation makes it unrealistic to work in the industry where they must serve the public.

Question 13

I agree all providers of spontaneous transport services should have in-vehicle cameras. I don't think this should be a requirement right across the industry, ie for the more specialised transport services such as luxury limozines wedding cars. In fact it seems to me that the fact that the consultation paper suggest this idea really indicates a flaw in option 4, which is that the whole industry can be held to the same set of rules. I would urge NZ Transport Agency to rethink this and realise that what I am calling spontaneous transport services must meet unique obligations that are different from other more specialised transport services.

Question 14

Following on from my response to the previous question, and focusing on spontaneous transport providers, I do not agree with exemptions for security cameras under the circumstances listed. People might argue there may be circumstances where these should not be required, but the whole reason for these cameras is to provide evidence in situations that, thankfully, only seldom occur. So just because there has been an exchange of photos etc, does that definitely ensure the driver is carrying the right passenger, or even that the passenger can know for sure that the driver is the right person? And what if one or the other is having a really bad day and just "loses it"? In the end there may be only two people in the vehicle, and if anything happens, it may just be one person's word against the other. Installation of a security camera is a small price to pay for independent objective evidence to protect both passengers and drivers.

Question 17

I agree with the idea that the fare, or the basis for the fare, should be agreed in advance. However please note my response to question 20 in which I support publication of a register of fares by providers of spontaneous transport services.

Question 18

I agree that by default, when providing a spontaneous transport service, the driver should take the route most advantageous to the passenger.

Question 19

I agree drivers should in general take the first offer and not be in a position to haggle with multiple customers to take what amounts to the best fare at the time. This will only mean vulnerable passengers will be forced to the back of the queue.

Question 20

I am strongly opposed to the suggestion that there no longer be a requirement for providers of spontaneous transport services to publish and register a schedule of fares. The emphasis here is on provision of spontaneous transport, where the passenger needs to go to one or more destinations either as soon as possible or at a pre-determined time, presumably to carry out some task or achieve a personal objective. As this is an essential service, people who need and actually rely on this service should be able to compare the fares published by the different providers and make the choice that suits them. It may be argued that when finding a taxi in a busy downtown area it is easy to just haggle with a driver on the grounds that if you don't agree you can just go to the next taxi. But imagine calling a taxi late at night to come home after going out to a family barbecue out in the suburbs. When the taxi does arrive, does the driver just demand say double or even more than the usual fare? What does the passenger do in that situation?

I can see the potential for considerable erosion of standards of transport as an essential service, particularly for vulnerable people and the transport disadvantaged, if this suggestion were to be carried out.

Question 21

Transport is an essential service in the community. People looking to access spontaneous transport services have the right to know that the vehicle they are about to get into is a genuine provider of that service. Signage should not only be required and to comply with clear rules, but this must be enforced. It occurs to me that it might be an offence for someone to falsely display a sign that creates the impression that the vehicle is a genuine provider of spontaneous transport when it is not. In that case, and I think it should certainly be an offence, it might be harder to establish if such an offence has been committed if there are no clear rules defining the signage that genuine vehicles should carry. The whole idea of requiring signs is that the public can easily tell that this is a genuine taxi, a genuine provider of spontaneous transport. Without such rules, a vehicle could look authentic at first glance but may in fact be masquerading as a taxi.

Regarding braille signage, I am aware of and fully support submissions from Blind Citizens NZ, the Blind Foundation and the Braille Authority of New Zealand Aotearoa Trust, and I don't need to repeat all the arguments here. The one point I would emphasise is the right of a person to identify the vehicle before they get into it. Braille signs allow me as a blind person to satisfy myself of this fact. If I do know through some sort of technology the number of the taxi that has been assigned to my job, the braille sign means I can also check before I get into the vehicle that it is the right taxi.

As a blind person, I am an avid user of technology. The new apps have a lot of potential, but I strongly point out that the apps currently available do not help me to identify that the vehicle I am about to get into is the right one.

Question 22

I absolutely insist that drivers providing spontaneous transport services must be able to demonstrate area knowledge. I have already commented that standards have slipped in the industry, perhaps because they are not being enforced. Drivers may be able to go to an address by GPS, but in my own experience I have had incidents in which a driver did not know the address of the Auckland Town Hall, and other venues that you would think every driver would know. Now I sure don't know the address of the Town Hall, except it is somewhere up the top of Queen Street, so when this did happen, at least the driver was able to get that information from the office. But had that not been the case, we would have been in a difficult situation.

Passengers are often visitors to a town, or to New Zealand. They may know where they want to go in broad terms, e.g. the Town Hall, the hospital, a local pharmacy, a local church, or some other destination that ought to be well known. But they may not know the address. Or the passenger may just want to be taken somewhere to get something good to eat. The driver may not need area knowledge but at least the service operator must have area knowledge which the driver must be able to tap into if he or she is to be only guided by GPS.

Question 23

I am adamant that drivers providing spontaneous transport services must be able to at least speak basic English. As in the previous question I have already commented that standards have slipped in the industry, perhaps because they are not being enforced. I have had instances that have been quite scary. In one situation, I was in a taxi and I realised the driver had not turned where he should have. As he continued to drive along the Great South Road, I tried to tell him we had gone the wrong way. It seemed he could not speak English at all, so his approach was to say nothing and keep driving. In the end, I had to phone the company to ask them to contact him over the communications system to take care of the situation. Well at least I did have a mobile phone. I can only wonder what I would have done if that was not the case.

In another case I needed to go to a block of shops at a particular address. I gave the address and the driver took me there, but he needed to drive into the carpark in front of the shops. It was very difficult to explain that I needed him to go into the car park in front of the block of shops as he did not understand that term.

These incidents should not have happened under the current rules. But clearly they would happen if this requirement was removed. Furthermore, in that case I would probably not have grounds to complain because if it is allowed in the rules then such

incidents would be my problem. There are many cases where a spontaneous transport trip is not just a trip from A to B, and would be difficult or impossible if the driver did not have a basic command of English.

Question 26

It is very important that providers of spontaneous transport services are required to provide a 24/7 service. This comes from the idea that transport must be seen as an essential service in the community, and it should not just be left entirely to the market.

Removing this requirement would allow operators to cream off the more profitable transport activities and leave the less profitable activities to chance. If there is no requirement in the rules for service providers to provide a full 24/7 service, it is easy to see how this would lead to transport at times of low demand becoming a very specialised market or disappearing altogether. It is easy to see how those people who rely on such transport being available might end up being subject to a kind of curfew where they would know if they go out, for instance in the evening, they will have to get home before the point where it might be impossible for them to get transport home.

Yes retaining this rule probably does mean that people who travel at times of high demand would end up subsidising transport for people who travel at times of low demand, but frankly, it is not unusual in life for some activities to subsidise other activities. But any person might one day need transport at some time when demand is low, so they would then benefit from the service being available. Again I must simply keep emphasising that transport is an essential service in the community.

Question 27

While there may be room for some simplification of the rules, in the end we need to differentiate between those services that provide spontaneous transport for individuals in the community and the more specialised transport services. These should be differentiated by function, rather than by rules such as how the customer connects with the service.

Question 29

I have nothing more to add other than to again emphasise that I hope NZTA will see the provision of spontaneous transport as an essential service that everyone should have equitable access to, including the vulnerable, the transport disadvantaged, people with disabilities and even technophobes. I embrace the use of new technology but not at the expense of usability. Even putting my own needs aside, I can well imagine my elderly mother may one day need to phone a taxi? Is she going to get out her smart phone? No, she doesn't have one.

We must develop rules that differentiate services by their real function and not by the technology they use. If it looks like a duck, quacks like a duck and acts like a duck, then it is probably a duck. If the public treats a service like a taxi, then it is really a taxi. Let's set the rules so taxis are really taxis and let them compete on a level playing field.