

TE HUNGA HAUĀ MAURI MŌ NGĀ TĀNGATA KĀTOA



Submission on the future of small passenger services consultation document

12 February 2016

About us

CCS Disability Action is a community organisation that has been advocating for disabled people to be included in the community since 1935. We provide support to over 5,000 people with disabilities and their families and whānau each year. Our support focuses on breaking down barriers to participation. We receive a mixture of government and private funding.

We have a national network of access coordinators, who work with local government and transport operators to create a more inclusive society. We also run the Mobility Parking scheme. As of June 30 2015, this scheme supported more than 122,000 people to more easily access their local towns and facilities.

Our fully owned subsidiary, Lifetime Design Ltd, advocates for and provides universal design guidelines to improve the accessibility of New Zealand housing, which will benefit all people throughout their life. Lifetime Design Ltd is run as a social enterprise.

Our governance has strong disabled leadership.

Our advocacy is evidence-informed, honest and responsible.

What unites and drives our organisation are common values. We believe that the community should value and include disabled people. When the community and government do not include disabled people – it creates disabling barriers.

The importance of small passenger services to disabled people

People with disabilities are significantly more likely than non-disabled people to use a taxi. In a recent New Zealand survey, 19% of people with disabilities reported using a taxi at least once per week, compared with 8% of people without disabilities¹. This is unsurprising because disabled people typically have less access to private vehicles than non-disabled people, mainly because of affordability issues (Office of Disability Issues and Statistics New Zealand, 2009, p. 11). Disabled people typically have lower personal incomes and some require expensive modifications to vehicles in order to use them.

It is vital that disabled people, particularly those with accessibility needs, have good access to public and private hire transport. The New Zealand Government has an obligation under Article 9 of the Convention on the Rights of Persons with Disabilities to ensure disabled people have equal access to transport and technology (Convention on the Rights of Persons with Disabilities). With the aging population the number of disabled people who need to use small passenger services will only increase. We note that issues around accessibility and the continued operation of the Total Mobility Scheme were raised numerous times during the workshops on this review, but appear absent from the consultation document.

The impact of changes in small passenger services on disabled people

Changes to traditional small passenger services due to technology including the rise of transport-related apps offer both risks and opportunities for disabled people (Lapowsky, 2015). Internationally the evidence so far is mixed with both positive impacts and negative impacts. In some cases, transport-related apps have driven down the price of accessible transport and have resulted in better service, such as in Toronto where Uber teamed up with a local company to provide wheelchair accessible transport (CBC News, 2016).

¹ Data from the upcoming Kiwi Transport Survey due to be released on 28 February.

In other areas, transport-related apps appear to have led to fewer wheelchair accessible vehicles. In San Francisco the introduction of transport-related apps coincided with the number of wheelchair friendly cabs dropping from 100 in 2013 to just 64 in 2015 (Willingham, 2016). Transport app companies have also not always taken responsibility for their drivers discriminating or abusing disabled customers (Strochlic, 2015).

Overseas, transport app companies have claimed to be not covered by anti-discrimination laws because they do not provide a service directly. In three American court cases, Uber has claimed the Americans with Disabilities Act does not cover them because they are a technology company, not a transport company. Uber has also claimed in those cases that it has no responsibility for the actions of its drivers or the vehicles they use (Strochlic, 2015).

We fully support more competition in small passenger services, but there are risks that drivers working for companies that operate beyond regulations (or perceive themselves as beyond regulations) will be even more likely to discriminate against disabled people than existing taxi drivers. Disabled people are already discriminated against in the current regulated taxi system (Bootham, 2015).

We also note that some of the safety areas that will be deregulated in Option 4 have the potential to increase risk for vulnerable passengers. The safety of vulnerable passengers, including disabled people who are vulnerable to abuse, discrimination or exploitation, in the proposed less regulated system should be carefully monitored.

Discrimination and demand for wheelchair accessible transport

Demand for wheelchair accessible transport (particularly for people with non-collapsible mobility aides) is less elastic than overall demand for transport. People who require wheelchair accessible transport have fewer transport alternatives than people who do not. This makes them more likely to be price-

takers rather than price-makers. As a result, they often have to accept poorer service or higher fares (CBC News, 2016).

Drivers and companies are often able to either price discriminate or availability discriminate with disabled customers (companies will sometimes underinvest in wheelchair accessible transport and drivers may prioritise picking up non-disabled passengers over disabled passengers because of perceptions of hassle and lower returns). In practice, the need for transport operators to protect their brand and reputation has not proven a strong enough incentive to stop discrimination against disabled passengers (Ministry of Transport, 2015, p. 21) (Bootham, 2015).

The Total Mobility Scheme and the small passenger services market

Private hire operators are currently under-responsive to the needs of disabled customers. Without offsetting support, disabled people are likely to experience a lower quality of transport service than non-disabled people. This will affect disabled people's quality of life and their ability to access the community, including employment opportunities.

The Total Mobility Scheme is designed to provide some of this offsetting support. A decline in traditional taxi services will affect the operation of the Total Mobility Scheme. If the Total Mobility Scheme does not adapt to the changing environment, the Scheme's effectiveness is likely to be greatly reduced. The Total Mobility Scheme cannot be seen in isolation from the wider small passenger services market, the Scheme is an integral part of the market.

The Total Mobility Scheme is due to be reviewed this year. This review will not be effective, however, if the overall regulation environment has already shifted without consideration for the Scheme. The Small Passenger Services Review needs to consider how regulation changes will impact on the Total Mobility Scheme and how to offset these changes.

In general, it is important government departments consider the needs of the 1.1 million disabled New Zealanders during their business-as-usual processes and general reviews (Statistics New Zealand, 2014). With an aging population it is not economically sustainable to place responsibility for the issues that affect disabled people solely on specialised support and disability-specific teams within government departments. General mainstream services and the government departments monitoring them need to become more accessible and responsive to disabled New Zealanders.

Braille requirements

Blind people and/or people with vision impairment report discrimination and exploitation from taxi drivers (Bootham, 2015). We note with concern the proposed removal of the current braille requirements. The Ministry of Transport has an obligation under Article 4.3 of the Convention to consult with disabled people about decisions that affect them (Convention on the Rights of Persons with Disabilities). In this case, we advise the Ministry to consult and carefully listen to the views of people with vision impairment and relevant organisations, such as the Blind Foundation, the Association of Blind Citizens and Deafblind NZ.

Unleashing innovation to ensure the changing passenger services market benefits everyone

Properly managed the increased competition in small passenger services may be able to benefit disabled people and in turn their families, friends and the communities they belong to. It will also help the government achieve its wider objectives, especially Better Public Service target 1, which aims to move people from income support into employment (State Services Commission, 2015). A lack of accessible transport is one of the barriers that stops disabled people from finding jobs as well as accessing their communities.

Currently, the Ministry of Transport does not appear to have adequately considered ways to ensure disabled people are able to benefit from the changing small passenger services market. There are a range of ways the

Ministry of Transport, the New Zealand Transport Agency and local government could both ensure disabled people are able to benefit as well as make sure the Total Mobility Scheme remains an effective policy instrument.

The emergence of increased innovation in transport services needs to be matched by greater innovation in the regulatory system. Possible options for the Ministry of Transport to investigate include:

- Requiring transport operators to run a minimum number of wheelchair accessible vehicles in a location. This could be done through a tradable quota system where each transport operator would be required to either have accessible vehicles itself (the number of accessible vehicles could be a portion of the actual size of the company's fleet or in the case of transport app companies, the average fleet size) or to pay another transport operator to provide their quota of accessible vehicles.
- Extending the Total Mobility Scheme to other small passenger services options, such as transport-related apps.
- Better and more independent managing of complaints against drivers and transport companies, including complaints against drivers working through technology companies. This could include giving passengers the ability to complain directly to the New Zealand Transport Agency and the Agency having the ability to investigate. The Human Rights Commission could also be given greater powers to investigate discrimination complaints in relation to transport operators. We are adamant that the incentive of protecting a company's brand will not be enough to prevent discrimination.
- Provide subsidies for drivers wanting to modify their small passenger service vehicle to be wheelchair friendly, including drivers working through transport apps.

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