

Rapid Research Report

What do riders and drivers need to understand regarding the ADA before riding with or driving for a rideshare company?

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EXECUTIVE SUMMARY

This report will examine what both riders and drivers of rideshare apps, like Uber and Lyft, need to know about rideshare companies and the Americans with Disabilities Act (ADA). For riders with disabilities, this report will address their rights under the ADA and the accessibility programs that Lyft and Uber offer. For drivers, this report will cover the rights of drivers with disabilities and the responsibilities of all drivers who work for rideshare companies. Rideshare companies form a unique area of discussion with respect to the ADA. Entities that provide public transportation are strictly subject to the ADA. Private entities that provide transportation to the public, like taxi companies, are also subject to the ADA. However, the ADA does not apply to the cars of private individuals and does not necessarily always apply to app-based companies that do not have physical places of business.¹ As discussed subsequently, both Uber and Lyft have tried to argue that the law should categorize them as technology companies, rather than transportation companies.² This unique category creates a complex landscape for litigation under the ADA against rideshare companies.

As many readers will know, Uber and Lyft are ridesharing companies that allow people to use the apps in two ways: (1) individuals can request a ride using the app; and (2) individuals can apply to work as a driver and provide rides. Both companies initially launched in San Francisco in 2009 and 2012, respectively.³ By 2025, Uber and Lyft operate across the United States and in several places worldwide.

Each company has a complex history with regard to accommodating disabilities. In the past ten years, both companies created wheelchair accessible vehicle programs that provide rides in vehicles that accommodate motorized wheelchairs. These programs are only available in particular cities. Both companies also have policies regarding service dogs and other disability-related needs and allow riders to self-identify as having a particular disability if desired. Nevertheless, riders with disabilities have reported discrimination on both apps. For example, people who use wheelchairs or service animals have stated that they have seen drivers cancel rides, charge cleaning fees for service animals, or refuse to allow a rider and her animal in the car.⁴ With respect to drivers, the law typically sees drivers for rideshare companies as

independent contractors of the companies, not employees.⁵ This classification means that drivers have autonomy as to how much they want to work; however, drivers also lack the typical automatic protections of the law for employees, including those available under Title I of the ADA.⁶

INTRODUCTION

This section will provide an overview of the ADA and transportation and the way in which Uber and Lyft have argued against ADA liability. This section will also discuss disagreement in federal courts regarding how Uber and Lyft should be categorized with respect to the ADA.

The ADA and Transportation

Under Titles II and III of the ADA, public transportation entities and private entities that serve the public must provide accessible services for riders with disabilities.⁷ Under Title II, public entities providing fixed route transportation must have a variety of features, including: allowing adequate time to board a vehicle, providing equipment and features that allow for mobility devices, announcing stops visually and audibly, making priority seating and signs, training drivers and operators, and allowing service animals, among many other requirements.⁸ If a public entity contracts with a private entity to provide transportation services, the public entity must make sure that the private entity complies with all ADA requirements.⁹

Under Title III, if a private entity provides transportation services to the public, the entity also must make sure its services are accessible.¹⁰ Private entities providing transportation can include airport shuttles, private buses, and taxis, among other services.¹¹ Taxi services must accommodate service animals, mobility devices, and other disability-related needs under the ADA.¹² The ADA does not require private taxi services to purchase accessible vehicles in order to have accessible vehicles in their fleet, if they purchase only new or used sedans or used vans.¹³ If that is the case, the taxi driver must help people with disabilities to enter and exit the vehicle, if needed, and otherwise accommodate disabilities, like service animals, but the company is not

violating the ADA if a person with a disability cannot access the taxi with a particular mobility device, like a motorized wheelchair.¹⁴ However, if a private taxi company decided to purchase or lease a new vehicle that is not a car, like a bus or van, the ADA requires that vehicle to be accessible unless the taxi company can provide the equivalent service without the vehicle.¹⁵ Furthermore, if a public entity contracts a private taxi service for transportation, the public entity must ensure that the taxi service meets ADA requirements.¹⁶ For example, an airport that contracts a private taxi company to run an airport shuttle that operates on a fixed route that serves the public must have an accessible van.¹⁷

Rideshare companies, like Uber and Lyft, have argued that they do not meet the definition of a public transportation provider or a private taxi service under the language of the ADA.¹⁸ Private entities that are primarily in the business of transporting people and whose business affect commerce are considered subject to Title III of the ADA.¹⁹ However, Uber and Lyft do not categorize themselves as transportation providers. Instead, they self-label as technology companies and have argued that they are not subject to the same regulatory standards under the ADA.²⁰ Nevertheless, many courts have disagreed with this categorization and consider Uber and Lyft to meet the definition of a company that is “primarily engaged in the business of transporting people.”²¹ Disability-rights organizations have filed numerous lawsuits against Uber and Lyft in an attempt to ensure that they are subject to the requirements of the ADA.²²

Plaintiffs across the United States have argued that Uber and Lyft have violated section 12182 and section 12184 of the ADA, both of which fall under Title III of the ADA.²³ Section 12812 prohibits public accommodations and private entities that operate public accommodations from discriminating on the basis of disability.²⁴ Section 12184 states that private entities that are “primarily engaged in the business of transporting people and whose operations affect commerce” may not discriminate based on disability.²⁵ In the context of sections 12182 and 12184, people with disabilities have alleged that Uber and Lyft are private entities that operate public accommodations and/or provide public transportation and have discriminated against people with disabilities.

Circuit Split Regarding Rideshare Companies

As readers may know, federal courts in the U.S. are divided into federal circuits that cover various states. When a U.S. Circuit Court of Appeals rules on a particular issue, that rule is binding on all federal courts within the circuit in which those courts sit. The states that the Rocky Mountain ADA Center serves are located within the Eighth, Ninth, and Tenth Circuit Courts of Appeals.²⁶ Specifically, North Dakota and South Dakota are located in the Eighth Circuit, Montana is located in the Ninth Circuit, and Colorado, Utah, and Wyoming fall under the Tenth Circuit.²⁷ Therefore, a case from the Ninth Circuit would be binding on Montana but would not be binding on North Dakota or South Dakota. The practical meaning of this hierarchy is that different states may be subject to different interpretations of the ADA, which is the case regarding rideshare companies.

With respect to the ADA and rideshare companies, there are two main avenues for liability. Plaintiffs can argue that Uber or Lyft are places of public accommodation, or plaintiffs can argue that the companies are private companies engaged in the business of transportation. With regard to the first theory of liability, there is disagreement among federal circuits as to whether the ADA applies to technology companies that do not have physical places of business open to the public.²⁸ As readers know, the ADA applies to places of public accommodation. The ADA defines places of public accommodation as, “physical locations where goods or services are offered to the public.”²⁹ However, Uber and Lyft do not offer services from a particular location. Instead, private drivers use a digital platform and their own vehicles to provide services and receive payment from the companies. The question then is whether Uber and Lyft can be considered public accommodations. The Ninth Circuit considers whether there is a connection between a physical location and an online service to determine if the ADA applies to an app-based business.³⁰ In *Erasmus v. Chien*, the District Court of California stated that the ADA must have “some connection between the good or service complained of and an actual physical place.”³¹ Therefore, individuals with disabilities in Montana, a Rocky Mountain state in the Ninth Circuit, would need to demonstrate a connection between a rideshare company and a physical place open to the public. The Eighth and Tenth Circuits have not directly ruled on the issue of ADA accessibility in this context, making it uncertain

how courts would respond to the issue in North Dakota, South Dakota, Colorado, Utah, and Wyoming. Uber and Lyft have both argued that they are not public accommodations and therefore not subject to the ADA under this theory of liability.³²

Because there is unsettled law on whether Uber and Lyft are considered public accommodations, plaintiffs can argue under the second theory of liability, namely that the companies are private entities primarily engaged in the business of transporting people. Both Uber and Lyft have argued that they should be categorized as technology companies, not transportation providers.³³ Lyft and Uber have both argued that they are not in the business of transportation, stating that they do not own fleets of company vehicles or set specific shifts for drivers.³⁴ Courts have concluded on both sides of this issue. For example, in 2021, then U.S. District Court Judge Ketanji Brown-Jackson rejected Uber's argument that it was merely a technology company and concluded that a disability rights organization had standing to sue the company under the ADA.³⁵ This theory of liability does not have extensive case law to support it; however, plaintiffs could still use it and many disability rights activists see it as a way to hold Uber and Lyft accountable under the ADA.

RIDERS

This section will discuss the challenges that riders with disabilities face when using rideshare apps. According to 2022 statistics from the U.S. Bureau of Transportation, people with disabilities rely on rideshare apps more than individuals without disabilities.³⁶ Nevertheless, riders have reported challenges with Uber and Lyft related to drivers' failure to accommodate a rider's disability or disability-related needs. Riders with disabilities report discrimination based on their use of folding wheelchairs, and service animals, how long it takes them to get into an Uber or Lyft vehicle, and the lack of accessible vehicles for motorized wheelchairs and larger mobility devices.³⁷ For example, a California resident named Robert Silva is often unable to successfully get an Uber or Lyft ride because of his folding wheelchair, which he uses after losing a leg in a car accident.³⁸ A Denver resident named Amber Sherrard, who is blind, often has Lyft and Uber drivers refuse to accommodate her guide dog.³⁹ This section will explore

challenges that people with disabilities face with respect to mobility devices, app policies, and service dogs.

a. Expansion of Wheelchair Accessible Services

Riders with disabilities have reported discrimination from rideshare companies based on their use of mobility devices, including wheelchairs. In 2020, Lyft settled a case in which the complainants alleged that the company had discriminated against riders with foldable wheelchairs or walkers.⁴⁰ Complainants in the case had disabilities and used wheelchairs or other mobility devices.⁴¹ They alleged that Lyft drivers had refused them rides on multiple occasions because of their wheelchairs.⁴² The settlement agreement stipulated that Lyft would revise its policies regarding mobility devices, communicate its policies to drivers each quarter, and provide an educational video for drivers regarding how to accommodate mobility devices.⁴³ Furthermore, Lyft stated that it would create a complaint procedure for riders to report when drivers discriminated against them based on a mobility device.⁴⁴ As discussed in more detail subsequently, both Uber and Lyft have created Wheelchair Accessible Vehicle (“WAV”) programs in certain cities. The WAV programs allow drivers who have a vehicle that can accommodate a fixed-frame mobility device to provide rides for users with larger mobility devices and users of the standard non-accessible rideshare services.⁴⁵ However, Lyft and Uber only offer WAV programs in certain cities, as discussed in more detail below.

In *Crawford v. Uber Technologies Inc.*, three individuals with disabilities who use motorized wheelchairs sued Uber under the ADA in California.⁴⁶ The plaintiffs, Scott Crawford, Stephan Namisnak, and Francis Falls, argued that Uber chose not to offer wheelchair accessible vehicles in Jackson, Mississippi and New Orleans, Louisiana, where they lived.⁴⁷ The plaintiffs brought three claims under section 12184 of the ADA.⁴⁸ First, plaintiffs claimed that Uber effectively screened out riders with mobility disabilities from enjoying particular transportation services.⁴⁹ Second, plaintiffs argued that providing UberWAV in these two cities was an appropriate reasonable modification to accommodate their disability-related needs.⁵⁰ Third, plaintiffs claimed that Uber had purchased a new van that was not wheelchair accessible and did not provide the same service to people with disabilities as it did to people without disabilities.⁵¹

Uber made four main arguments against plaintiffs' complaints in *Crawford*. First, Uber argued that the ADA did not apply to the company because it is a technology company rather than a company primarily engaged in transporting people.⁵² Second, Uber argued that plaintiffs' request was not a cognizable reasonable modification under the ADA.⁵³ Third, Uber argued that providing UberWAV in these two additional cities would constitute a fundamental alteration to the company's services.⁵⁴ Fourth and finally, Uber argued that even if the request was a proper reasonable modification request, it was nevertheless unreasonable.⁵⁵ Uber's "fundamental alteration" argument relied on the idea that the company would have to use a commercial fleet operator which would be a "substantial deviation" from its business model.⁵⁶

The judge in *Crawford* rejected Uber's first argument and stated that Title III of the ADA does not require a company to own vehicles to qualify as a private business or taxi service that is a covered entity, concluding that Uber is indeed a covered entity under the ADA.⁵⁷ The judge also rejected Uber's second argument and concluded that the plaintiffs' request that Uber provide UberWAV in their cities was both a cognizable modification under section 12184 of the ADA.⁵⁸ Furthermore, the judge rejected Uber's third argument and concluded that the modification would not qualify as a fundamental alteration to Uber's services because Uber had created UberWAV programs using various strategies in other cities.⁵⁹ Furthermore, even if Uber had to use a commercial fleet operator, the court concluded that it would not interfere with the company's business model of "providing on-demand rides to people who request them via Uber's app."⁶⁰ However, the judge's analysis turned on the question of whether the modification was reasonable, and the judge ultimately concluded that it was not.⁶¹ The judge considered cost, feasibility and other factors and concluded that the plaintiffs did not provide sufficient evidence to demonstrate that the mechanisms plaintiffs' proposed to bring UberWAV to Jackson and New Orleans were feasible.⁶² *Crawford v. Uber* is a District Court case in the Ninth Circuit, meaning that federal courts in Montana would consider the judge's reasoning in this case but are not bound to follow it. Courts in other Rocky Mountain states could turn to this case for persuasive authority. Practically speaking, the decision in *Crawford* means that plaintiffs are unlikely to be able to require Uber or Lyft to develop wheelchair accessible services in particular cities under the

theory of reasonable modification, unless potential plaintiffs can develop a new argument to demonstrate that it is feasible.

In October 2024, plaintiffs in a class action lawsuit in New York lost a similar case against Lyft in *Lowell v. Lyft, Inc.*⁶³ In *Lowell*, a federal judge concluded that Lyft had not violated the ADA by refusing to offer its WAV services in the region in which plaintiffs lived.⁶⁴ Lowell and the other plaintiffs argued that Lyft failed to provide reasonable modifications and failed to remove transportation barriers in existing vehicles under the ADA. The court concluded that plaintiffs' desire for Lyft to expand its services was not a reasonable modification request, but instead "a demand that Lyft modify the services that it offers on its platform in all [r]egions" and would in fact alter Lyft's services.⁶⁵ The court concluded that plaintiffs also did not successfully demonstrate how Lyft's failure to offer services was a barrier, as defined in the ADA.⁶⁶ *Lowell* is not binding on any Rocky Mountain states, but the court's conclusions lend further support to the idea that people with disabilities cannot use the ADA to require Uber or Lyft to expand WAV services.

Contesting In-App Waiting Time Fees

In 2021, the U.S. Department of Justice sued Uber for discrimination against people with disabilities rooted in the company's wait time fees.⁶⁷ At the time, after an Uber driver arrived at a location, the company required a rider to get into the car within two minutes to avoid long wait times for a driver.⁶⁸ If more than two minutes elapsed, the app automatically began collecting fees based on how long the driver had to wait for the rider to get into the car, regardless of whether a rider had disabilities or not.⁶⁹ Lyft imposed similar fees for long wait times. As a result of the suit, Uber allowed riders to self-certify that they had a disability and riders with disabilities could request a refund for any wait time fees they incurred.⁷⁰ Lyft offers a similar refund service that states: "[r]iders with a disability who need more time to board a vehicle, or those who frequently accompany riders with disabilities who need more time to board a vehicle can request a refund or submit a waiver for wait time fees if their disability impacts their ability to board a vehicle within 2 minutes of the driver's arrival at the pickup location."⁷¹

Disability rights advocates could argue that disclosing their disability and needing to request a refund after incurring a fee are both added burdens for people with disabilities that riders without disabilities do not have.

Accommodation of Service Animals and Assistance Animals

Riders who use service animals report frequent problems with rideshare apps. Riders like Denver resident Amber Sherrard, referenced above, frequently have drivers refuse to allow their service dog in the car, causing them delays in getting to work and other commitments.⁷² In addition to wait-time fees, Uber and Lyft also charge a fee if a rider requests a ride and does not show up to take the ride within two to five minutes of the ride's arrival, depending on the type of vehicle the rider requested. Suzette May, a Texas resident who is blind, has had drivers wait for those full five minutes, at which point the app automatically considers the rider a no-show, and tell May that they are unwilling to accommodate her service dog.⁷³ Both Uber and Lyft have policies regarding service animals that are discussed in more detail below; however, riders still report ongoing challenges with their service animals. Ride denials are clearly discriminatory in nature; but these denials also put added logistical barriers up for people with disabilities who need to use rideshare companies to get to work, appointments, or other commitments.⁷⁴

There is limited case law on the obstacles that riders who have service animals face, because both Uber and Lyft require users to agree to an arbitration provision when users sign up for the apps.⁷⁵ If enforceable, arbitration provisions usually require individuals to waive their right to a jury trial and to instead resolve the dispute outside of court through private dispute resolution. Courts have found both Uber and Lyft's arbitration provisions to be valid and enforceable in certain cases.⁷⁶ Riders can nevertheless get relief through the arbitration process. For example, a California resident named Lisa Irving received over \$324,000 in damages and an additional sum in attorney's fees after Uber drivers had refused her service dog several times.⁷⁷ The National Federation of the Blind also secured a settlement and monitoring agreement with Uber and Lyft based on discrimination related to service animals.⁷⁸ However, the organization claimed that discrimination against riders with service animals nevertheless continued.⁷⁹

UBER AND LYFT'S ATTEMPTS TO IMPROVE ACCESSIBILITY

Based on the litigation discussed above, Uber and Lyft have attempted to make various changes to their services to better accommodate people with disabilities. This section will explore the changes the companies have made with respect to accessible vehicles, in-app accessibility, and service animals.

Wheelchair Accessible Vehicle Programs

Both Uber and Lyft require drivers in all vehicles to allow riders to bring foldable wheelchairs, walkers, and other mobility devices into vehicles during rides; however, not all Uber and Lyft vehicles are fully accessible for motorized wheelchairs or other larger mobility devices.⁸⁰ As briefly discussed above, both Uber and Lyft have created WAV ride programs that accommodate motorized wheelchairs; however, neither company offers these services in any state that the Rocky Mountain ADA Center serves. Drivers for WAV programs must have a vehicle that can accommodate a motorized or fixed-frame wheelchair or larger non-foldable mobility device. Typically, WAV vehicles have ramps, lifts, and securement equipment to secure devices inside the vehicle.⁸¹ Both companies offer WAV services at the same payment rate for riders as non-WAV rides.⁸²

According to Uber, all drivers with UberWAV offer a wheelchair-accessible vehicle and have completed a third-party Passenger Service and Safety “PASS” certification, or similar certification.⁸³ The Uber website specifically states that “fast, flexible rides” exist “when and where WAV is available” and states that Uber WAV is only available in select markets.⁸⁴ Currently, Uber WAV is only available in Chicago, New York City, Philadelphia, and Washington DC.⁸⁵ Some cities, like New York City, have local laws or regulations that require a WAV option; however, this is not the case across the country.⁸⁶ Riders with UberWAV may bring as many companions as there are seats with seatbelts in the car, just as riders in generic Uber vehicles may, and riders do not need to pay for the additional companions.⁸⁷ To request a WAV ride, a rider uses the Uber app as they would otherwise but selects “WAV” when requesting a ride.⁸⁸ Riders do not need to certify that they use a mobility device, so theoretically any rider could request a WAV ride. Beyond requiring a PASS or similar certification, the

Uber website does not list any other training that it requires of drivers other than noting that drivers should “ask before handling wheelchairs.”⁸⁹ Outside of UberWAV, Uber states that drivers are “expected to accommodate riders using walkers, canes, folding wheelchairs, or other assistive devices.”⁹⁰

In 2019, Lyft created a similar WAV program that allows riders to request rides that can accommodate fixed-frame wheelchairs, including motorized wheelchairs and scooters.⁹¹ Rides in this program are called “Wheelchair Rides” and Lyft currently offers the service in Boston, Chicago, Dallas, Los Angeles, New York City, Philadelphia, Phoenix, Portland, San Francisco and Toronto, Canada.⁹² Lyft offers the services in some cities by choice or because of an economic incentive, whereas in other cities, local regulations require Lyft to offer WAV services as a condition for doing business in that city.⁹³

In-App Accessibility

As discussed, both Uber and Lyft’s business models revolve around using each company’s app. Riders and drivers cannot use Uber or Lyft if they do not have the app installed on a mobile device (although someone else can request a ride for someone that does not have the app). Some features of the apps that are automatically included are helpful to riders with disabilities. For example, a rider can enter her destination in the app and does not have to verbally communicate where a driver needs to go. Similarly, a rider can share the details of their ride with others, like a care assistant, to ensure that they are transported safely or to notify a care assistant of their arrival at a destination. The apps allow riders and drivers to communicate both verbally and via text message, allowing riders with visual or auditory disabilities to use their preferred communication method. The apps provide visual and vibrating notifications, so a rider knows when a ride is nearby and when it has arrived. After receiving complaints, Uber and Lyft have made additional changes to their policies and practices to improve the experience of people with disabilities. The Uber app has a feature that allows riders to self-identify as blind, deaf, or as having a visual or auditory impairment or using a service animal.⁹⁴

Service Animals

Based on the cases and experiences described above, Uber and Lyft have implemented service animal policies that reference both state and federal law regarding disability. Riders with disabilities are allowed to bring their service animals in both Uber and Lyft rides.⁹⁵ Under the ADA and these policies, riders with service animals should only expect to answer two questions regarding their service animals: (1) is this animal required because of a disability; and (2) what work or task has the animal been trained to perform.⁹⁶ Riders should not expect to provide any documentation for their service animal to a driver.⁹⁷ As of February 2025, riders using Uber have the option to self-identify as individuals with service animals in the app, allowing drivers advance notice that a rider will be accompanied by a service animal.⁹⁸ Lyft offers riders the same opportunity to voluntarily disclose if they have a service animal traveling with them.⁹⁹

If a rider with disabilities who uses a service animal has a negative experience with Uber or Lyft regarding her service animal, she may file a complaint with either company.¹⁰⁰ The complaint might allow a rider to get a refund for the ride or some other kind of credit with the company. As discussed below, a complaint might also result in Uber or Lyft deactivating a particular driver's profile and disallowing that driver from working for the company.¹⁰¹ Uber states that any rider that has issues with ride cancellations, harassment, and improper cleaning fees related to service animals may report a complaint.¹⁰² Despite policies stating that drivers are subject to ADA requirements, riders with disabilities like Ms. Sherrard and Mr. Silva still report ride cancellations, cleaning fees, and other problems.¹⁰³

DRIVERS

This section will discuss the rights and responsibilities of individuals who drive for Uber, Lyft, and other rideshare companies. The section will discuss both what

protections drivers who have disabilities themselves may have under the ADA and how drivers must accommodate riders with disabilities under the ADA.

Independent Contractors or Employees?

Throughout the history of Uber and Lyft, the question of whether drivers are employees or independent contractors has been a contentious issue.¹⁰⁴ While this issue raises several questions, the main issue as pertinent to this report is whether drivers have protections under the ADA. Title I of the ADA provides protection against disability discrimination in the context of employment. For example, an employee may ask for a reasonable accommodation in the workplace for a disability-related need.¹⁰⁵ However, Title I does not offer protection to independent contractors. Broadly, whether an individual is an employee or an independent contractor involves a holistic view of whether an individual is closely financially and logistically intertwined with her employer or not.¹⁰⁶ Independent contractors typically have more control and autonomy in how, when, and where they work and typically use their own tools and materials to work. Employees, on the other hand, may have a more routinized work and pay schedule and use an employer's tools and materials. In February 2024, the Department of Labor codified the test that companies and courts use to determine if an individual is an employee or an independent contractor.¹⁰⁷ According to Uber, DOL's Final Rule does not impact how the company classifies drivers that work for the company.¹⁰⁸

Although the question of whether drivers are employees or independent contractors is up for debate, Uber and Lyft have always argued that their drivers are independent contractors.¹⁰⁹ Practically speaking, this means that rideshare drivers are not entitled to protections under Title I of the ADA. For example, a Lyft driver would not be entitled to a reasonable accommodation under the ADA. Nevertheless, drivers may adjust their work independently for their own disability-related needs if it does not impact their responsibilities as a driver for each company. For example, a driver who is not able to sit for long periods of time can self-regulate her schedule so that she has breaks to stretch her legs and walk around. However, these breaks would be unpaid and would reduce that driver's income-generating driving time. Furthermore, a driver would not be entitled to take a break during a rider's ride and Uber and Lyft would likely penalize the

driver for doing so because the driver is not entitled to do so as a reasonable accommodation.

Drivers with Disabilities

According to Uber, “hundreds of thousands of drivers with disabilities earn with Uber... anyone with a valid driver’s license is eligible to sign up to drive.”¹¹⁰ As discussed above, drivers with disabilities are not entitled to protections under the ADA; however, they can self-accommodate their own disabilities. Drivers with some disabilities may also make use of the accessibility features in each app to work as drivers. For example, according to Uber, thousands of drivers who are deaf or hard of hearing drive for the company.¹¹¹ The app provides flashing trip requests, text-only messaging, and other features that allow an individual with a hearing disability to work as a driver.

Theoretically, drivers who use mobility devices should not encounter additional challenges working for Uber or Lyft, because many rides do not require a driver to exit the vehicle unless a passenger needs help with luggage or a mobility device. However, it is possible that a driver with disabilities who is unable to leave the vehicle to help a rider could receive a lower rating or a negative review. According to Uber, a driver who receives ratings that are below the “minimum average rating in their city” could lose access to the platform as a driver.¹¹² Therefore, a driver with disabilities who receives negative reviews based on their inability to help a passenger load luggage may eventually be unable to use the platform as a result of negative reviews. As of the writing of this report, there is no discussion on the Uber or Lyft websites of how each company would handle this issue through the lens of disability discrimination.

Drivers who have service animals for their disabilities are entitled to drive with their service animals.¹¹³ Lyft recommends that drivers give riders advance notice of a service animal in case a rider has an allergy or discomfort with an animal.¹¹⁴ Similar to the use of a mobility device, it is possible that a driver who drives with a service animal could receive a negative review from a rider who is either unaware that the animal is a service animal or is aware and nevertheless discriminates against the driver.

Accommodating Riders with Disabilities

Drivers for rideshare companies should be aware of the rights of riders under the ADA, including the right to travel with a mobility device or service animal. When signing on to work for the companies, Lyft and Uber drivers are provided with limited training regarding how to accommodate riders with disabilities. In addition to the training, Lyft drivers must sign a “Terms of Service and Driver Addendum” in which they agree that they will not discriminate against riders with disabilities and will make reasonable modifications for riders who travel with service animals or foldable wheelchairs.¹¹⁵ As discussed above, Uber and Lyft offer wheelchair accessible services for riders through their respective WAV programs. Drivers who have wheelchair accessible vehicles can sign up for these programs to serve people who have mobility devices that require a specific vehicle.

Drivers for Lyft and Uber should know that they are required to accept riders with service animals and may not refuse a ride on the basis that someone uses a service animal. In its service animal policy for drivers, Lyft states that drivers are “required by the law and Lyft’s policy to always accommodate service animals” and drivers who improperly refuse a rider with a service animal could face immediate deactivation as a driver but only if riders complain to Lyft.¹¹⁶ Drivers may only ask two pertinent questions regarding service animals: (1) is this animal a service animal; and (2) what task is this animal trained to perform.¹¹⁷ Beyond these two questions, however, a driver may not inquire as to an rider’s service animal. Lyft specifically states that drivers may not refuse a service animal based on “allergies, religious objections, fear of [s]ervice [a]nimals, or any other reason not expressly authorized by the ADA.”¹¹⁸

CONCLUSION

As this report has demonstrated, much of the law regarding Uber, Lyft, and the ADA is unsettled. Despite attempts to make their services more accessible, both riders and drivers with disabilities continue to report discrimination and challenges in using the apps. Some people with disabilities have turned to alternative paratransit programs that are specifically designed for people with disabilities. Approximately 15 states and

Washington D.C. have further developed their paratransit programs by using Uzurv, a rideshare company that is specifically tailored to providing services for people with disabilities.¹¹⁹ Uber and Lyft face ongoing legal challenges based on the two theories of liability discussed above. If federal courts in the Rocky Mountain region conclude that the companies are technology companies and not providers of transportation, ADA protections for riders could diminish. Similarly, if Uber and Lyft continue to be able to categorize drivers as independent contractors and not employees, drivers will also continue to face a lack of rights under Title I of the ADA. Nevertheless, there are promising legal arguments to demonstrate that both Uber and Lyft are still subject to the ADA, outside of those two areas, and that riders and drivers are entitled to protection from disability discrimination.

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