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**Subject: Support for SB 868 with Amendments**

**To: Senate Finance Committee**

**From: Members of the National Federation of the Blind of Maryland**

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**Date: March 24, 2015**

**Proposed Amendments**

**Amendment 1:**

10.5-105

On page 9, after (II), which ends on line 22, add (III):

“SHALL ANNUALLY SUBMIT DATA, INCLUDING GPS LOCATION/ADDRESS, ZIP CODE, DATE, TIME, AND OPERATOR NAME FOR EVERY TRANSACTION IN WHICH AN OPERATOR OR COMPANY CANCELS A REQUEST FOR SERVICE.”

10.5–107. 9

(A) (1) IN THIS SECTION, “DISCRIMINATORY CONDUCT” INCLUDES:

(I)

**Amendment 2:**

Page 12, Line 15, strike (DOCUMENTED SERIOUS MEDICAL ALLERGY TO ANIMALS). Replace it with “MEDICALLY DOCUMENTED CONDITION THAT CONSTITUTES A DISABILITY UNDER THE AMERICANS WITH DISABILITIES ACT”.

**Amendment 3:**

Add the following language to the end of (I):

“THE OPERATOR WITH A MEDICALLY DOCUMENTED DISABILITY MUST NOT LEAVE THE PASSENGER UNTIL ANOTHER OPERATOR HAS ACCEPTED THE PASSENGER INTO A VEHICLE”.

**Amendment 4:**

At the end of B(3), add (4):

“SHALL ANNUALLY SUBMIT COPIES TO THE COMMISSION OF ALL WRITTEN OR REPORTED COMPLAINTS INVOLVING A PASSENGER WITH A DISABILITY AND SUMMARIZE ALL EFFORTS THAT THE COMPANY IS TAKING TO ENGAGE MAJOR REPRESENTATIVE DISABILITY ADVOCACY ORGANIZATIONS”.

In section 10.5–110, page 17, after line 7 add the following definition of accessibility:

**Amendment 5:**

“ACCESSIBILITY MEANS BOTH COMPLIANT WITH THE WEB CONTENT ACCESSIBILITY GUIDELINES (WCAG 2.0 AA) AND FULLY AND EQUALLY ACCESSIBLE TO AND INDEPENDENTLY USABLE BY INDIVIDUALS WITH DISABILITIES SO THAT THEY ARE ABLE TO ACQUIRE THE SAME INFORMATION, ENGAGE IN THE SAME INTERACTIONS AND ENJOY THE SAME SERVICES AS USERS WITHOUT DISABILITIES, WITH SUBSTANTIALLY EQUIVALENT EASE OF USE”.

**Amendment 6:**

On line 10, strike “WEBSITE”, and replace it with:

“ENSURE THAT THE COMPANY’S WEB-BASED TECHNOLOGIES AND MOBILE APPS ARE ACCESSIBLE TO THE BLIND AND VISUALLY IMPAIRED…”

**Amendment 7:**

At the end of line 11, add the following:

“THE TNC SHALL PROVIDE AN ANNUAL REPORT TO THE COMMISSION ATTESTING TO THE ONGOING ACCESSIBILITY OF THE WEB-BASED TECHNOLOGIES AND MOBILE APPS, GIVEN THAT THESE TECHNOLOGIES ARE SUBJECT TO FREQUENT UPDATES”.

**Reason for the Amendments**

A lack of transportation is one of the greatest challenges faced by blind people in Maryland. What little public transportation exists is often unreliable. The National Federation of the Blind of Maryland strongly supports the concept of transportation network companies because of the increased opportunities that they offer. We strongly urge the Senate Finance Committee to vote in favor of SB868, a bill to authorize the establishment of Transportation Network Services, but only with our amendments. These amendments will offer greater protection to all passengers but especially passengers with disabilities. These additional protections are needed to prevent discrimination on the basis of disability and to ensure that disabled passengers are not excluded from these transportation services.

Amendments one and four will require transportation companies to provide data to the Public Service Commission. Amendment one, which requires companies to send the GPS location, address, date, time, and operator name for every transaction in which an operator or company cancels a request for service will not be burdensome to the companies because they already have this data. Sending cancellation records to the Commission will enable the Commission to see if disabled passengers are being targeted by the company or by drivers because they may need additional assistance. Since drivers rate passengers this type of discrimination could easily become very prevalent. California has a similar provision in its law.

The requirement in Amendment four for companies to submit complaints involving a passenger with a disability to the Commission is also intended to protect passengers with disabilities. Precedents already exist for requiring this type of data. For example, the Federal Aviation Administration requires all airlines to submit similar data.

The remaining amendments will specifically improve access by blind persons to transportation network company services. While we appreciate that the law requires drivers to take passengers with service animals, these provisions need to be strengthened. The language that we have suggested concerning driver’s allergy to animals comes from federal law and will reduce specious claims of allergies. Requiring the operator to stay with the passenger until another operator has accepted the passenger into a vehicle is a necessary safety protection for the passenger. Amendments five, six and seven will ensure that blind persons will be able to request the services of transportation network companies. Merely stating that websites should be accessible to the blind is not enough. The law needs a definition of accessibility, which we have suggested in Amendment five, in order to measure whether accessibility actually exists. Since passengers can request services through phone apps, as well as websites, the scope of accessibility needs to be broadened. Accessibility is a constant requirement because web-based technologies are continually updated. Requiring companies to report on accessibility is the only way to ensure that it will be maintained.

SB868 is a good bill. The Senate Finance Committee will make it a better bill by adopting the amendments suggested by The National Federation of the Blind of Maryland. Transportation network company services must be available to all of the public, including the blind.