

## **Taxicab Discrimination at LAX**

### **Follow-up Report on Council File 15-1284**

In September 2015, an arriving passenger at LAX was faced racial discrimination when attempting to secure a taxicab ride. When that incident came to light the following month, LAWA immediately began to investigate and develop a response that would prevent this type of incident from happening again.

Authorized Taxicab Supervision (ATS) provides taxicab management services at LAX, which includes managing the holding lot and taxicab stands in the Central Terminal Area, and performing dispatch operations. ATS also adjudicates all taxicab driver violations using a third party and uses a progressive “three strikes” approach when imposing penalties. In effect, ATS supervises the taxicab pickup operations and taxicab drivers at the airport.

In January 2016, LAWA amended the ATS operating agreement in an effort to eliminate the likelihood of future discrimination and to improve the disciplinary and complaint handling processes in general. This amendment focuses ATS on ensuring a discrimination-free environment for taxicab passengers at LAX.

The detailed timeline for the event and LAWA response is shown below:

#### **Taxicab Chronology**

- September 22, 2015   Glanville discrimination incident occurred
- October 19, 2015     LAWA learned of incident via letter from Mr. Glanville
- October 27, 2015     LAWA required that Authorized Taxicab Supervision (ATS) develop correction plan including discrimination and sensitivity training for 4000 drivers, and address other operational issues including long customer lines, lack of taxicabs, taxicabs double parked, etc.
- November 2, 2015     ATS held a disciplinary hearing concerning the complaint. At that hearing, the driver’s permit is revoked for one year.
- November 16, 2015    The driver appealed ATS’ determination to LADOT, and LADOT found for the driver, downgrading the incident to refusal of service for a short trip (i.e., low fare transaction) with a two-week suspension.
- November 17, 2015    LAWA conducted a “secret shopper” operation that included one of LADOT’s Transportation Investigators. LAWA was careful to make sure the taxi operators were not tipped off about the operation. African American officers in plain clothes requested taxicab rides from 39 drivers and encountered six refusals (12%). Five of the trip

refusals involved short trips to nearby destinations, such as the In N Out Burger restaurant on Sepulveda.

- December 22, 2015 A passenger notified Airport Police that he was refused transportation by a taxicab driver. Airport Police issued a citation to the driver for the refusal.
- January 14, 2016 LAWA staff presented to the BOAC an amendment which (1) strengthened the driver penalty provisions, making it abundantly clear that LAWA has zero tolerance for any form of discrimination; (2) increased LAWA oversight of the hearing and adjudication process and complaint handling, to require that complaints are turned over to LAWA within two business days; and (3) required that ATS pay monetary penalties for unsatisfactory handling and/or reporting of complaints.
- January 19, 2016 LAWA staff presented the amendment to the City Council IGTC&T Committee. At the same meeting, LADOT informed the Committee that their department also amended their rule structure to address discrimination, aligning it with LAWA's rule and penalty structure.
- February 2, 2016 LAWA staff presented the amendment to the City Council.
- March 1, 2016 ATS completed the discrimination and sensitivity training program for over 3,000 taxi drivers.
- April 12, 2016 LAWA conducted a second secret shopper operation. In evaluating a sample group of 32 taxicab drivers, all but one responded to the transportation needs/requests, resulting in a 3% refusal rate. This improvement likely resulted from improved enforcement and training that followed the initial operation.
- June 2, 2016 LAWA met with Mr. Glanville at LAX to discuss efforts by LAWA and the City to address the problem.
- August 23, 2016 LAWA conducted another secret shopper operation. Of 16 total taxicabs, there were no refusals.
- January 25, 2017 LAWA conducted another secret shopper operation. Of 17 total taxicabs, two refused for short trips. Both drivers were cited.

### **Ground Transportation Complaints**

Passenger complaints may come to LAWA in a number of ways. Passengers can communicate directly with LAWA via our website, app, email or telephone. These complaints not only relate to taxis, but also to TNCs (Uber & Lyft), FlyAway buses, and other modes. The LAWA website includes simple procedures for passengers to register

complaints. Under the terms of the amended agreement, ATS is to forward detailed complaints to LAWA. All complaints and responses are tabulated by LAWA staff.

All Ground Transportation providers at LAX are required to adhere to all federal, state and local anti-discrimination laws and policies. Each License Agreement includes

**Non-Discrimination In Use Of Airport.** There shall be no discrimination against or segregation of any person, or group of persons, on account of race, religion, national origin, ancestry, sex, sexual orientation, age, physical handicap, marital status, domestic partner status, or medical condition in the License, transfer, use, occupancy, tenure, or enjoyment of Airport or any operations or activities conducted on Airport. Nor shall Licensee or any person claiming under or through Licensee establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, subtenants, or vendees of Airport.

The recently updated LAX Ground Transportation Rules and Regulations also include the following:

**Compliance with Law**

Operators shall, at their sole cost and expense, comply and cause their Drivers, employees, agents, contractors and licensees to comply with all Laws, including, but not limited to, the California Public Utilities Code, the California Vehicle Code, the Los Angeles Municipal Code, the Los Angeles Administrative Code and any others that are applicable. Airport rules and regulations, when legally permissible, shall take precedence over any other existing code, rule or regulation.

***Immediate suspension of Operator and/or vehicles will result from violations of safety and non-compliance with laws, including anti-discrimination laws, and/or operating authority revoked by the CPUC.***

LAWA has enhanced its an online, mobile-friendly Ground Transportation Comment Form <http://www.lawa.org/LAXTransportComments.aspx> available to the public. The form is accessible directly and has a link connection on each webpage for each ground transportation mode (e.g. Airline Connector, Courtesy Shuttles, Taxis, TNCs, etc.). In addition, the TNCs (Uber and Lyft) have a direct link to this form posted on their app, both on the information page for drivers as well as the page for the customer.

**Taxi Complaints**

From January to April, 2016, all ATS employees and all 3,000+ taxi drivers attended a 3.5 hour class taught by experts in discrimination, ADA-related issues, sexual harassment, and special needs animals; specifically LAPD trainers who taught from material that is used to teach LAPD officers. They were then tested (at the end of the class) and re-tested if they failed. Rosters were logged.

Per the First Amendment to the contract with Authorized Taxi Supervision (ATS), ATS must submit to LAWA a monthly report describing the complaints adjudicated. The reports include a description of the complaint, the investigation, the actions taken to resolve the taxi driver violation, and the adjudication process.

For the period January-December 2016, ATS reported 269 complaints received as follows:

INCIDENT TYPES/CATEGORIES	TAXI
Cruising LAX	2
Discourtesy	30
Illegal On The Stand	46
Illegal Pickup	12
Non-Professional driver	42
Offering Bribe	6
Overcharge	18
Referred To Shuttle	7
Refused Load	100
Speeding	5
Unauthorized Entry	1
<b>Total Reported</b>	<b>269</b>

Of the complaints, six (6) were categorized as discrimination, including three ADA-related, and three implied as race-related. One ADA complaint and three race complaints are confirmed to have led to driver suspensions. The other two ADA complaints were related to the lack of a readily available ADA-accessible taxi and LAWA worked with ATS and provided additional training to improve the availability of ADA-accessible vehicles.

Total taxi complaints received represents 0.014% of total dispatched taxi trips. Total taxi discrimination complaints received represent 0.00034% of total LAX dispatched taxi trips.

### **Transportation Network Companies (TNCs) Complaints**

Similarly, since commencing operations, the TNCs have been required to submit monthly reports listing all ADA complaints received. In September 2016, the reporting requirements were expanded to include all discrimination complaints. For the period January – December 2016, the following complaints were reported as received by the TNCs. (Reporting in total both to LAX and from LAX)

	Lyft, Inc	Rasier-CA, LLC (Uber)
<b>Discrimination-ADA</b>	0	20
<b>Discrimination-Race</b>	0	23
<b>Discrimination-Gender/Sexual Orientation</b>	0	4
<b>Discrimination-Religion</b>	0	2
<b>Total Reported</b>	0	49

Rasier-CA, LLC has responded that, for each incident, the Driver-partner account has been actioned on, meaning the company has contacted the driver to further understand the situation and informed them of ADA and /or anti-discrimination policies as outlined in

the company's Community Guidelines. Rasier-CA, LLC confirmed that severe and /or repeated instances of this type of trip feedback can result in the partner losing access to the Uber platform.

Uber's reported numbers represent 0.003-0.007% of monthly trips completed.

Furthermore, per TNC License Agreement Section 10.3, LAWA also has the ability to have the TNC remove the driver from the TNC platform and access to LAX pick-ups for non-compliance.

**10.3**...*If LAWA notifies the Licensee that Licensee's TNC Driver was operating in violation of the CPUC, DMV, City and/or Airport Rules and Regulations and/or other city, state, and federal rules and regulations, then Licensee shall cancel the TNC Driver's and corresponding TNC Vehicle's right to operate at the Airport, within forty-eight (48) hours from LAWA's issuance of a notice to Licensee of such violation.*