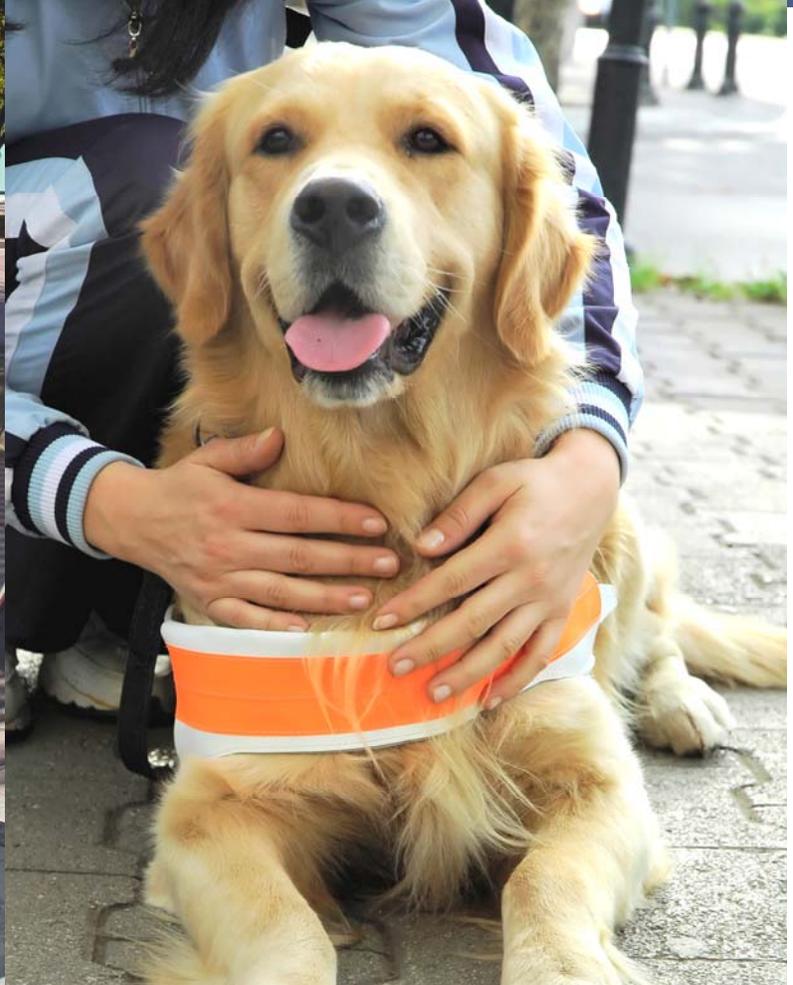


No Dogs Allowed

Discrimination by D.C. Taxicabs against
People who use Service Dogs



A Report by the Equal Rights Center,
The Washington Lawyers' Committee for Civil Rights & Urban Affairs,
and Hogan Lovells



WASHINGTON LAWYERS' COMMITTEE
FOR CIVIL RIGHTS AND URBAN AFFAIRS

Hogan
Lovells

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September 2010

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Executive Summary

More than 55 million individuals in the nation have some sort of disability; 2.5 million of these individuals are blind. For twenty years, people with disabilities have been protected nationwide from discrimination and have been guaranteed the same right to enjoy and participate in daily public activities and services as individuals without disabilities.

The Americans with Disabilities Act (ADA), enacted in 1990, requires that public accommodations make modifications in their rules and policies for those with disabilities to allow for equal service. In the District, the D.C. Human Rights Act mirrors these protections. Both of these laws apply to taxi-cab services.

After receiving complaints from ERC members and collaborative partners who are blind or use service dogs and have experienced refusals of service by D.C. taxi cabs, the ERC launched an investigation into taxi discrimination against individuals who use service dogs. In the spring of 2010, the ERC conducted 30 tests in the District, encompassing 15 zip codes and 3 of the District's quadrants. Each test included two individual "testers," one with a service dog and one without, who stood on the same side of a District Street and attempted to hail a cab. **In 60% of these tests, the blind tester with a service dog was subjected to at least one form of discriminatory treatment.**

The results of this investigation demonstrate both the taxicab industry's lack of knowledge of their legal obligations to serve individuals with service dogs and the need for more rigid enforcement of these laws. Many of the tools needed to address his discrimination are already in place with the D.C. Human Rights Act and D.C. Municipal Regulations.

A three pronged approach of (1) enforcement by the D.C. government, (2) mandatory training by taxi companies, and (3) compliance monitoring by public and private agencies are first steps in making the national capital more accessible to all.¹

¹The ERC's investigation utilized only testers who are blind and use service dogs. Service dogs are employed by a range of individuals, including people who are blind, people who are deaf, people with mobility disabilities, and people with epilepsy. Service dogs are also widely used by individuals with post-traumatic stress disorder, and the Army has recently allocated funds to promote the training and placement of such dogs to assist veterans.

Introduction²

More than 25 million individuals in the United States report having vision loss;³ approximately 2.5 million of those are legally blind. Nearly 13,000 people with vision loss live in the District of Columbia.⁴ In addition, more than 16 million people visit the nation's capital every year,⁵ some of whom also report vision loss. Taxicab service is an integral part of everyday life for both District residents and the many visitors who make an essential contribution to the health of the local economy.



Those with a visual acuity of 20/200 or less, or a visual field that is less than 20 degrees, experience a significant impairment that substantially limits their ability to see. For some, the center of the field of vision is obscured. In others, the peripheral vision is obscured, as though they are looking through a tunnel. Others have conditions that cause glare to produce rapid eye strain. Many people who are blind or who have low vision require the use of very thick glasses or very dark sunglasses to see. Some walk with another person who serves as a sighted guide. Still others use service dogs in order to accomplish daily tasks, such as safely crossing the street or getting to work. Many visually-impaired individuals face barriers to employment, transportation, public accommodations, public services, and

² A special thanks is due to those ERC members and collaboration partners with visual disabilities who consulted and advised the authors on this project with insight that far surpassed actual sight.

³ The term “vision loss” refers to individuals who report having trouble seeing despite wearing glasses or contact lenses, as well as to individuals who report that they are blind or unable to see at all. American Federation for the Blind, “Facts and Figures on Adults with Vision Loss.” <http://www.afb.org/Section.asp?SectionID=15&TopicID=413&DocumentID=4900>; American Federation for the Blind, “Facts and Figures on Children with Vision Loss.” <http://www.afb.org/Section.asp?SectionID=15&TopicID=411&DocumentID=4896>

⁴ American Federation for the Blind, “Statistical Snapshots; District of Columbia 2008 Prevalence Rates of Visual Loss,” <http://www.afb.org/Section.asp?SectionID=15&TopicID=384&DocumentID=5145> (Mar. 2010).

⁵ Destination DC, “2009 Visitor Statistics.” http://washington.org/images/marketing/2009_Visitor%20Statistics_FINAL.pdf

telecommunications by virtue of their disability.⁶

In 1990, Congress enacted the Americans with Disabilities Act (“ADA”) to ensure that individuals with disabilities are given equal access and enjoyment of public accommodations, notwithstanding their disabilities. The ADA prohibits discrimination based on disability within the United States. The law further requires public places and those providing services to the public to make modifications in rules and policies to provide an equal service. The D.C. Human Rights Act (“DCHRA”) insures that these protections are reflected in D.C.’s local law. The ADA and the DCHRA are fully applicable to all private taxi companies in the District. These laws require taxicab drivers to allow service dogs in their vehicles, and prohibit them from charging a surcharge, higher fare, or extra fee for transporting a service dog.

“Hailing a cab is extraordinarily difficult, especially with a big dog. Eventually I stopped attempting to hail cabs and now call to re-request them.”

- Stan Berman, ERC member
and service dog user

The Equal Rights Center (ERC), in collaboration with the Washington Lawyers’ Committee for Civil Rights & Urban Affairs, and Hogan Lovells US LLP (through one of its predecessor firms, Hogan & Hartson LLP), has spent nearly two decades working to end taxicab discrimination in the District of Columbia.

Beginning in 1993, the Fair Employment Council of Greater Washington (now a part of the ERC) conducted testing to investigate DCHRA compliance among taxicabs in the District. Of 45 taxicab companies tested, the study revealed a 36% rate of discrimination against African Americans seeking taxi service. Additional testing in 1999 and 2003 continued to document this type of discrimination. In 2003, the ERC, working with the Washington Lawyers’ Committee and Hogan & Hartson, LLP, released a report, “Service Denied: Responding to Taxicab Discrimination in the District of Columbia,” that documented the problem

⁶These guide dogs undergo rigorous training, which typically costs between \$26,000 - \$40,000 per dog. Florida Div. of Blind Servs., *FAQs: Guide Dogs*, at <http://www.myflorida.com/dbs/FAQs/guide-dogs.php>. As part of this training, guide dog candidates are screened for aggressive behavior and socialized to be gentle towards people and well-behaved around other animals. Guide dogs are taught not to relieve themselves inside or while they are wearing the guide harness; they also are taught not to get on furniture. *Id.*

of race-based discrimination in taxicab service.

Following the release of this report, the ERC began receiving complaints regarding taxicab drivers who had refused service to individuals who were visually impaired and used service dogs. These personal accounts of discrimination from the visually impaired have continued unabated over the years and cry out for a remedy. In 2009, the ERC assembled a group of blind activists to discuss ways to combat this problem. Given the remarkably high percentage of individuals with service dogs who have been refused service by taxicabs in the District, the ERC launched an investigation into taxi discrimination against individuals who use service dogs.

“While being denied cab service is sufficiently annoying in itself; these instances further demean the guide dog user; they are both hurtful and an insult to those of us who must rely upon the loving assistance of our dogs to travel independently.”

- Charles Crawford, ERC member
and service dog user

About the Authors

The Equal Rights Center (ERC)



The Equal Rights Center (ERC) is a national non-profit civil rights organization that works to promote equal opportunity in housing, employment, disability rights, immigrant rights, and access to public accommodations and government services for all protected classes under federal, state, and local law.

In its nearly thirty-year history, the ERC has developed an expertise in civil rights testing that has been recognized by federal, state, and local governments, other civil rights organizations, and the courts. The ERC conducts hundreds of civil rights tests each year to educate the public and government officials in the endemic discrimination still faced by many individuals across America.

The Washington Lawyers' Committee for Civil Rights & Urban Affairs (WLC)



WASHINGTON LAWYERS' COMMITTEE
FOR CIVIL RIGHTS AND URBAN AFFAIRS

The WLC has represented both individuals and groups seeking to vindicate their civil rights for more than 40 years, handling more than 5,000 civil rights cases based on discrimination in employment, housing, public accommodations, and public services. As part of this fight, the WLC has battled discrimination based on race, gender, national origin, disability, age, religion, and sexual orientation.

Leveraging its own broad expertise in discrimination litigation with the resources of Washington, D.C.'s private bar, the WLC has become nationally known for landmark court victories, record judgments and precedent-setting consent decrees. Its capacity to mobilize the private bar has made it possible for WLC to provide its clients more than 50,000 hours of quality legal representation every year.

Hogan Lovells US LLP

The logo for Hogan Lovells, featuring the words "Hogan" and "Lovells" stacked vertically in a bold, black, serif font, set against a bright yellow rectangular background.

Hogan Lovells US LLP is an international legal services provider dedicated to helping clients resolve critical business, regulatory, and legal issues. Building on the foundations of the previous success of two separate firms, Hogan & Hartson and Lovells, Hogan Lovells is deeply rooted in the largest and most developed markets in the United States and Europe, and has an established presence in the fastest growing regions of the world, including Asia, Latin America, and the Middle East.

The firm's award-winning pro bono practice draws on the experience of its professionals worldwide to improve the lives of those without access to justice or the means to hire lawyers, and to meet the legal needs of charities and nonprofit social enterprises. The firm represents individuals in this capacity, but also engages in policy advocacy and representations involving multiple clients and larger entities to combat wide-scale injustice.

Legal Protections

Both federal and District of Columbia law prohibit unequal treatment of taxicab riders who rely on service dogs. At the federal level, the ADA prohibits privately-owned businesses that serve the public, including taxicab drivers, from discriminating against individuals with disabilities. Title III of the ADA requires public places and those providing services to the public to make “reasonable accommodations” for individuals with disabilities.⁷ **This includes permitting individuals with disabilities to bring their service dogs onto business premises and into whatever areas customers are generally allowed.**⁸ Moreover, both the ADA and D.C. law expressly prohibit taxicab companies from charging individuals with disabilities higher-than-normal fares or any additional fees for transporting their service dogs.⁹

In 2009, ERC member Stan Berman attended a meeting with the ERC to discuss taxicab discrimination and the ERC’s pending investigations. Following the meeting, ERC Executive Director Don Kahl accompanied Stan to the street corner to catch a cab. After approaching a cab already parked on the curb, the cab driver insisted that he would not take Stan due to his service dog. Once Don informed the cab driver that he was legally required to allow the dog in the cab, the driver agreed to drive Stan home.

⁷ Section 304 of the ADA prohibits discrimination on the basis of disability in the provision of transportation services to the general public by bus, rail, or any other conveyance on a regular and continuing basis by any private entity that is primarily engaged in the business of transporting people and whose operations affect commerce. This requirement would include taxi services. 42 U.S.C. §12184.

⁸ *See id.* 42 U.S.C. §12184 (b)(2)(A): “[D]iscrimination includes the failure of such entity to make reasonable modifications consistent with those required under section 12182(b)(2)(A)(ii) (“[D]iscrimination includes a failure to make reasonable modifications in policies, practices, or procedures...”); *see also* 28 CFR Sec. 36.302(c) (“Generally, a public accommodation shall modify policies, practices, or procedures to permit the use of a service animal by an individual with a disability.”).

⁹ *See id.* § 12182(b)(1)(A)(ii) (“It shall be discriminatory to afford an individual or class of individuals, on the basis of a disability...with the opportunity to participate in or benefit from a good, service, facility, privilege, advantage, or accommodation that is not equal to that afforded to other individuals.”); *see also* 28 CFR Sec. 36.301(c) (“A public accommodation may not impose a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the costs of measures, such as the provision of auxiliary aids, barrier removal, alternatives to barrier removal, and reasonable modifications in policies, practices, or procedures, that are required to provide that individual or group with the nondiscriminatory treatment required by the Act or this part.”); D.C. Municipal Regs, tit. 31, § 801.6 (h).

Discrimination against taxicab riders with disabilities who use service dogs also violates at least three provisions of the District of Columbia Human Rights Act.¹⁰ First, the DCHRA provides that it is unlawful “[t]o deny, directly or indirectly, any person the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place of public accommodations” if such denial



Figure 1

Federal and local law prohibit privately-owned businesses from discriminating against individuals with disabilities. During the ERC investigation, in only 40 percent of tests did taxicab drivers comply with the law. Figure 1 shows one such instance when an ERC tester, who is blind and uses a service dog, was picked up by a taxi.

is “wholly or partially for a discriminatory reason based on the ... disability ... of any individual.”¹¹ Second, the DCHRA includes a general statement that it is the intent of the Council of the District of Columbia to secure an end to discrimination for any reason other than individual merit.¹² Finally, the DCHRA grants every individual an equal opportunity to “participate fully in the economic, cultural and intellectual life of the District and to have an equal opportunity to participate in all aspects of life,” including in places of public accommodation.¹³

In addition, Title 31 of the District of Columbia Municipal Regulations, which governs taxicabs, provides that:

[n]o taxicab operator shall refuse to transport a person while holding his or her taxicab for hire, unless: (a) previously engaged; (b) unable or forbidden by the provisions of this title to do so; (c) the operator has reason to believe the person is engaged in a violation of the law; or (d) the operator has cause to fear injury to his or her person, property, or taxicab.

¹⁰ See D.C. Code Ann. §§ 2-1401.02, *et seq.*

¹¹ *Id.*, § 2-1402.31(a); see also § 2-1401.2 (24) (defining “place of accommodation” to include “all public conveyances operated on land or water or in the air”).

¹² *Id.*, § 2-1401.01.

¹³ *Id.*, § 2-1402.01.

ERC member, Charles, contacted a taxicab dispatcher in order to schedule a ride from his home in Silver Spring to Regan National Airport, for an early afternoon flight. After the scheduled pick up time passed, Charles called the company to inquire about the status of his car and was told, “it was hard to find anyone willing to take your dog.” Eventually Charles did get a taxi. It picked him up at 10:45 A.M. for his 11:59 A.M. flight, leaving him only a little over an hour to cab from Maryland to Virginia, an estimated 35 minute trip, to pass through security, and to navigate the airport to his terminal.

D.C. Mun. Regs. tit. 31, § 819.4-.5. Individuals found to have failed to haul someone for a discriminatory reason may be issued a citation with an accompanying \$250 civil fine.¹⁴

In recent years, victims of taxicab discrimination have filed federal lawsuits against District taxicab owners and drivers asserting violations of both federal and District law. Significantly, the United States District Court for the District of Columbia has consistently held that taxicab companies may not, as a matter of law, avoid liability for the discriminatory actions of their taxi drivers. If an individual cab driver is found to have discriminated against a prospective passenger, then not only is the cab driver liable, but the taxicab company is legally responsible for the discrimination as well.¹⁵ Despite the success of these individual enforcement actions, which have resulted in jury ver-

dicts for plaintiffs, positive settlement arrangements, and increased media coverage of this troubling problem, the discrimination persists, particularly with respect to disability-based discrimination, and the D.C. Government has taken little action to remedy it.

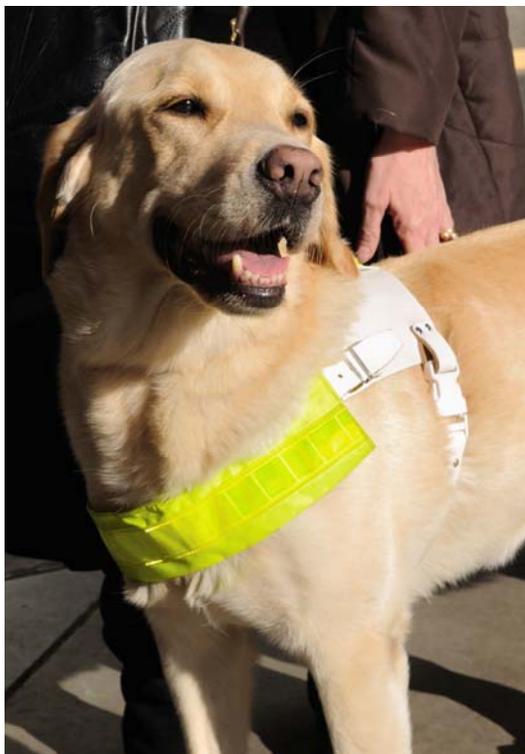
¹⁴ *Id.*, § 825.1.

¹⁵ See, e.g., *Floyd-Mayers v. American Cab Co.*, 732 F. Supp. 243, 245 (D.D.C. 1990) (following *Rhone v. Try Me Cab Co.*, 65 F.2d 834 (D.C. Cir. 1933)); *Bolden v. J & R Inc.*, 2001 WL 1910561 at * 2-3 (D.D.C. March 1, 2001); *Greene v. Amritsar*, 206 F.Supp.2d 4, 7-9 (D.D.C. 2002); *Mitchell v. DCX, Inc.*, 2003 WL 21694565 at * 6 (D.D.C. July 23, 2003).

Regulation of the D.C. Taxicab Industry

The District of Columbia Taxicab Commission (“DCTC” or the “Commission”) has primary responsibility for regulating and monitoring the City’s taxicab industry.¹⁶ It is comprised of nine commissioners appointed by the Mayor, one of whom is designated as the Chairperson of the Commission, and is organized into two panels: a Panel on Rates and Rules and a Panel on Consumer and Industry Concerns.¹⁷ The responsibilities of the Panel on Rates and Rules include:

- Establishing reasonable rates for taxicab service;
- Establishing criteria, standards, and requirements for licensing of taxicab vehicles and for licensing of taxicab owners, operators, and companies;
- Establishing standards, conditions, and requirements of taxicab service and for driver and passenger safety;
- Setting reasonable fines and penalties for violations of the Commission’s rules and orders; and
- Promulgating rules relating to regulation and supervision of the taxicab industry.¹⁸



¹⁶ The DCTC was established in 1986, under the authority of the District of Columbia Taxicab Commission Establishment Act of 1985 (“the 1985 Act”) to facilitate the regulation and administration of taxicabs operating within the City. *See* D.C. Code §§ 50-301, *et seq.* It was established as “a subordinate agency within the executive branch of the District government with exclusive authority for intrastate regulation of the taxicab industry.” *Id.*, § 50-304. The 1985 Act transferred jurisdiction over taxicabs from the Public Service Commission following a determination by the District of Columbia City Council that regulation under a complicated and multi-faceted statutory scheme was inefficient and against the public interest. The DCTC was designed to replace this “fragmented, decentralized, and uncoordinated system of regulation” with an independent agency having the consolidated regulatory authority to license, authorize, and monitor taxicabs operating within the District. *Id.*, § 50-301.

¹⁷ D.C. Code §§ 50-305, 306.

¹⁸ *See* D.C. Code § 50-307; *see also* DCTC, Panel on Rates and Rules, <http://dctaxi.dc.gov/dctaxi/cwp/view,a,3,q,487861.asp>.

The responsibilities of the Panel on Consumer and Industry Concerns include:

- Adjudicating complaints against taxicab operators and companies;
- Promulgating rules governing intra-industry relationships where necessary to protect the public interest;
- Hearing and deciding appeals taken from license denials or proposed revocations or suspensions of licenses by the Office of Taxicabs;
- Hearing and deciding complaints and appeals from any order, act, practice, or policy of the Office of Taxicabs; and
- Undertaking the investigation of any aspect of taxicab operations and practices.²⁰

As the District agency with primary authority to regulate the taxicab industry, the Commission has a responsibility to combat discrimination by taxicab owners and operators against individuals who use service dogs. As this Report discusses, it is critical that the Commission use its existing authority to effectively enforce prohibitions on discrimination and to investigate and monitor compliance with such provisions by taxicab drivers and taxicab companies.

ERC member, Stan, walked to the Mayflower Hotel on Connecticut Avenue in order to find a cab to take him home. Since Stan had experienced difficulty hailing a cab on the street in the past, he elected to visit the hotel's taxi stand in hopes for better treatment. Stan went to the first cab at the taxi stand and opened the door to enter the cab. The cab driver said he had "an allergy" and quickly drove away while Stan's hand was still holding onto the door.

²⁰ See D.C. Code § 50-307; *see also* DCTC, Panel on Consumer and Industry Concerns, <http://dctaxi.dc.gov/dctaxi/cwp/view,a,3,q,487833.asp>.

Project Overview

In December 2008, taxicab discrimination against individuals with service dogs was brought into the public eye through a *Washington Post* article highlighting the struggles of Jim Dickson, a disabilities rights advocate and member of the ERC Disability Rights Advisory Board. Jim is blind and uses a service dog. The story documented the illegal discrimination Jim regularly encountered when attempting to use taxicabs in the District. The discrimination came both in the form of taxicab drivers refusing to stop and taxicab drivers stopping but refusing service because of his service dog. While Jim's compelling story raised the profile of this pernicious discrimination temporarily, by and large, the discrimination encountered in the District by the visually impaired and those assisted by service dogs has gone unaddressed. This Report aims to correct that problem, and to provide the beginnings for effecting real change for those who face this discrimination on a daily basis.

Project Methodology

To document and measure the existence, scope, and rate of discrimination against blind individuals with service dogs, the ERC conducted a series of tests using sighted individuals and blind individuals accompanied by service dogs. Between March and May 2010, the ERC conducted 30 such tests in the District of Columbia. Test coordinators chose high traffic locations throughout the District, encompassing 15 zip codes and 3 of the District's quadrants to obtain a representative sample of taxicab activities. For the purposes of this study, "discriminatory treatment" was defined as: (1) refusal to pick up a blind tester with a service dog in favor of sighted tester, or (2) charging the blind testers any type of surcharge for their service dogs.

The testing conducted by the ERC consisted of trained testers hailing taxicabs to see whether these cabs would provide service to individuals accompanied by a service dog. Each test consisted of three participants: "Tester A," a blind individual with a service dog; "Tester B," a sighted tester; and, an ERC videographer who recorded the test on video tape. In all tests, Testers "A" and "B" were "matched" so that they were similar in every respect except for the variable being tested. For example, in some tests, "Tester A" was a young, white, blind female accompanied by her service dog, a Labrador Retriever. In these tests, the "Tester B" with whom Tester A was paired was likewise a young, white female, but with no apparent disability and no service dog. Similarly, in tests that utilized a middle-aged white, blind male with a German Shepherd, his "match" was a middle-aged, white male, with no apparent disability and no service dog. All testers were similarly dressed in business-casual attire.

When conducting each test, the two testers stood in close proximity along the same side of a street. "Tester A" was placed nearest to the intersection with oncoming traffic, such that the taxi driver



Figure 2

Figure 2 shows two testers commencing their test. Tester A, who is blind and uses a service dog, stands 75 feet ahead of Tester B, who has no apparent disability. Both are attempting to hail a taxi.

was positioned to see “Tester A” before “Tester B.” “Tester B” was positioned approximately 100 feet beyond “Tester A,” on the same side of the street and on the same city block. Both “Tester A” and “Tester B” were instructed to hail the taxi by holding up an arm. The ERC videographer was located a safe distance away from the testers, so as to not to be detected by the taxi drivers, but to still be able to capture the taxi’s interaction with the testers.

If a taxi stopped to pick up “Tester A,” the tester got in the taxi and asked to be taken to a predetermined location. “Tester A” made a record of whether the taxi driver asked about the service dog, informed the tester of an increased fare, or refused service after stopping. If the taxi passed “Tester A” and picked up “Tester B,” the tester got in the taxi and asked to be taken to a predetermined location. Each test concluded when a taxi picked up one of the two ERC testers.

After each test, each tester completed a written report summarizing the test, and the two testers and the videographer were debriefed by an ERC test coordinator. Each test yielded a video of the test and a report form that was completed and signed by each tester.

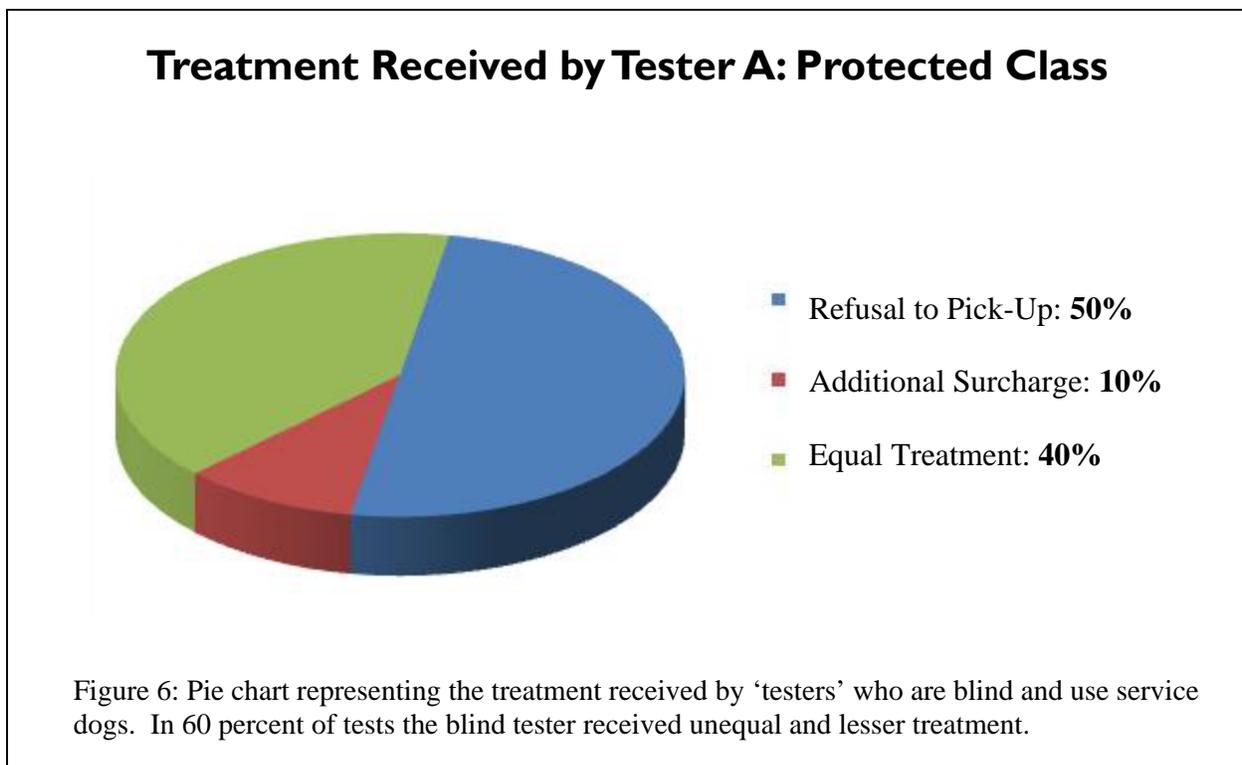


Figure 3 through 5 show a test which was conducted during the investigation. In Figure 1, Tester A—who is blind and has a service dog—stands about 75 feet ahead of Tester B—the control. In Figure 2, the hailed cab slows for Tester A, but then passes her. In Figure 3, the same cab picks up Tester B, standing just beyond Tester A, who is sighted and has no dog.

Test Results

The ERC's testing documented that, in **18 out of 30 tests (60 percent of the time)**, the **blind tester with a service dog was subjected to discriminatory treatment** (see *Figure 6*). This discrimination came in the form of either a refusal to pick up the blind tester in favor of sighted tester or the imposition of an illegal surcharge for transporting the service dog.

- **Outright Refusals:** In 15 of the 30 tests conducted (**50% of the time**), taxi drivers passed by the blind tester with the service dog, but stopped for the sighted tester.
- **Imposition of surcharge:** In 3 of the 30 tests conducted (**10% of the time**), the taxi driver unlawfully imposed an additional charge on the blind tester for the service dog.



Analysis and Pathways to Remediation

The results of the Equal Right’s Center testing demonstrates that D.C. taxicab drivers fail to adhere to laws prohibiting discrimination. The demonstrated willingness of taxi drivers to discriminate against individuals—in this case, people with visual disabilities—is a clear violation of the law, subjecting both taxi drivers and their companies to civil liability for discrimination under both the ADA and the DCHRA.

Given these test results, it is clear that action must be taken to address this serious problem. Any meaningful plan to address this discrimination must contain at least three key components: (I) real enforcement efforts, (II) stepped-up training, and (III) regular compliance monitoring.

I. Enforcement

Change will only occur if and when individual taxicab drivers and the taxicab companies that employ them are held accountable for illegal discrimination. While private enforcement efforts are always available in the form of individual or class action lawsuits against those who discriminate, if real industry-wide change is to occur, it must include the District government’s cooperation and participation. The District of Columbia Taxicab Commission, the D.C. Office of Human Rights (OHR), and the D.C. Metropolitan Police Department (MPD) each must play a part in putting an end to discrimination by the District’s taxicab industry.

Several key components of any enforcement program already exist and only require actually implementing enforcement initiatives:

“Cabbies go whizzing by and I can’t see to know if they have somebody in their cab or if they don’t. After witnessing this, people often offer to help me get a cab, and point out when cabs whiz by without anybody in their cab.”

- Stan Berman, ERC member and service dog user

- Municipal regulations prohibiting drivers from refusing to haul specific prospective passengers, and from charging additional fees for a service animal, are already in place, as are penalty provisions for non-compliance.²¹ The D.C. Taxicab Commission and the MPD should engage in frequent sting operations, imposing penalties for each violation on both the driver and the taxicab company. Penalizing both the drivers and the owners of taxi companies is important, so that both will be forcefully reminded of their legal obligation of non-discrimination and the consequences of non-compliance with the law.
- In addition, the OHR already has both investigative and enforcement authority under the DCHRA. The OHR should make use of this authority to combat discrimination against individuals who rely on service dogs. All that it needs is to make enforcement of the law’s requirements a budgetary and agency priority.

II. Training

True change will be driven by education, and some necessary components are:

- The District must require that taxicab company owners, taxi drivers, and taxi company employees who deal with the public (such as dispatchers) undergo no less than two hours of initial training on anti-discrimination laws and their direct application to taxi service in the District. Periodic “refresher” training should similarly be required (*e.g.*, at license renewal intervals.)
- To make these training sessions effective, the District should collaborate with disability rights and civil rights organizations in designing and implementing these trainings. As part of these trainings, a blind individual accompanied by an on-duty service dog should be present and interact with taxi drivers as a means of remedying misconceptions about service dogs.

²¹The schedule of civil fines for infractions of D.C. taxicab regulations is found in Section 825.1 of Title 31 of the D.C. Municipal Regulations, which assesses a civil fine of \$250 for “failure to haul.” D.C. Mun. Regs. tit. 31, § 825.1 (2003). The same section provides that the civil fines set forth are to be doubled upon a second violation of the same infraction and doubled again for any subsequent violation or violations of the same infraction. *Id.*

- Failure to provide or to participate in such training should result in mandatory fines addressed against both the offending drivers and their companies.
- To reinforce the training, every taxicab driver should be required to certify in writing at the time of initial licensing and at every license renewal that he or she is aware of each form of prohibited discrimination under federal and D.C. laws involving public accommodation, including the applicable penalties, and agrees to abide by those laws.

III. Compliance Monitoring

Because even the best training may be ignored in the field, a program of governmental compliance monitoring, implemented by personnel from both MPD and the Taxicab Commission, must be designed and executed. This should include:

- Sting operations patterned after MPD's 2003 operation dealing with racial discrimination by taxis.
- Compliance testing by MPD, the D.C. Taxi Commission, and OHR conducted on a rolling basis to insure that taxi drivers are actually implementing what they have been exposed to in the training.

Conclusion

Notwithstanding the promises of equal protection mandated by both the ADA and the D.C. Human Rights Act decades ago, individuals across the District are still denied equal services every day due to their visual impairments or use of a service dog. With tens of thousands of individuals with visual disabilities either living in or visiting the District, the continued widespread discrimination against people using service dogs by taxicab drivers in the District is unacceptable.

The Equal Rights Center, the Washington Lawyers' Committee for Civil Rights & Urban Affairs, and Hogan Lovells hope that through this study, the District government and our community leaders will use the tools already available to them to focus on and rectify the stain of discrimination against people with disabilities on the reputation of the nation's capital. Through a coordinated, concerted effort to respond to this issue, the District has the opportunity to transform its current non-enforcement of these laws from a national embarrassment into a model of compliance for cities and states across the country to follow.