



## **National Federation of the Blind Lyft Testing—Year Three**

March 6, 2020

### **I. Introduction**

The National Federation of the Blind (NFB) has conducted compliance testing of Lyft's implementation of its service animal policy as required by section 2(d) of the Settlement Agreement. The purpose of the testing program is for NFB to gather feedback from riders traveling with their service animals about their experiences using Lyft. This information enables the parties to determine the effectiveness of Lyft's implementation of the service animal policy so as to address instances of discrimination experienced by riders traveling with service animals. This report highlights the feedback NFB has received from its testers during the third year of implementation of Lyft's service animal policy and shows the results of testing in fourteen metropolitan regions.

### **II. Testing Process**

NFB's compliance testing commenced on May 8, 2017, in the following municipalities: Baltimore, Boston, Chicago, Dallas-Fort Worth, Denver, District of Columbia, Los Angeles, Nashville, New York, Philadelphia, Phoenix, Sacramento, San Francisco, and Seattle. As required by the Settlement, these metropolitan areas were selected based on factors including the popularity of Lyft in the region, urban density, diversity of states, racial and ethnic diversity, and the size of the blind and low-vision population in each region. See Settlement §2(d). Between the dates of March 1, 2019, and February 29, 2020, NFB gathered a total of 476 Lyft tests nationally and 301 Lyft tests in those targeted municipalities.<sup>1</sup>

The NFB is the largest organization of blind people in the United States, consisting of tens of thousands of members across affiliates and local chapters in every state, the District of Columbia, and Puerto Rico. Membership in the NFB is voluntary, and most of NFB's members participate in the organization in an unpaid capacity. Through its membership base, NFB has recruited testers who use Lyft while traveling with

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<sup>1</sup> A small number of tests gathered between March 1, 2019, and February 29, 2020, report the outcome of rides that occurred between March 1, 2018, and February 28, 2019. For the purpose of NFB reporting, testing data will be used dependent on when the test was submitted to NFB, not when the ride was taken.

their service animals or who travel with someone who has a service animal. Testers are encouraged to complete NFB's online questionnaire, available at <https://nfb.org/rideshare-test>, after each ride. NFB provides grants to the state affiliates that generate a meaningful number of tests.

The testing questionnaire asks the rider to provide information including the following:

- Rider's name;
- Email address;
- If the rider was traveling with a service animal;
- Date ride was ordered;
- City and state of the pickup location;
- If the rider alerted the driver of his/her service animal prior to the ride;
- If the ride was denied;
- If the rider was treated disrespectfully during the ride (e.g., threatened, harassed, ridiculed, or provided inferior service because of the presence of a service animal);
- If the rider was charged a cleaning fee because of a service animal; and
- If a complaint was filed regarding the denial or disrespectful treatment (e.g., via website, app, or complaint hotline).

When a tester reports that they were denied a ride by a Lyft driver, or that they experienced other discrimination related to their service animal, that information is forwarded to NFB's legal team for follow up. NFB's legal team has used this information throughout the implementation of the settlement to bring compliance issues to Lyft's attention. The testing program has helped NFB and its legal team gather information about various issues with Lyft's compliance with the Settlement, including the accessibility of the app, specific instances of service denial, and issues that have arisen with Lyft's enforcement of the service animal policy.

### **III. Year Three Compliance Testing**

For the purpose of this report, Year Three is defined as March 1, 2019, through February 29, 2020.

### **IV. National Data**

#### ***Denials***

Between the dates of March 1, 2019, and February 29, 2020, NFB gathered a total of 476 Lyft tests nationally. One hundred and nineteen of these tests identified that a ride had been denied because of a service animal; in fifty-nine of those situations, the rider informed the driver, either by text, phone, or in-person conversation, that the animal was a service animal.

#### ***Disrespectful Treatment***

Of the 357 rides provided to testers, testers reported that during thirteen of these rides, drivers treated the riders disrespectfully.

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### ***Cleaning Fees***

Of the 357 rides provided to testers, testers reported that for two of these rides, the rider was charged a cleaning fee because of a service animal.

## **V. Regional Data**

### **A. Baltimore**

#### ***Denials***

NFB received five Lyft tests in the greater Baltimore metropolitan area during Year Three. Reports identified that two rides had been denied because of a service animal.

#### ***Disrespectful Treatment***

One test identified that the rider had been treated disrespectfully during the ride.

#### ***Cleaning Fees***

No tests identified that the rider was charged a cleaning fee because of a service animal.

### **B. Boston**

#### ***Denials***

NFB received eleven Lyft tests in the greater Boston metropolitan area during Year Three. Six of these tests identified that a ride had been denied because of a service animal; in one of those situations, the rider informed the driver by in-person conversation that the animal was a service animal.

#### ***Disrespectful Treatment***

No tests identified that the rider had been treated disrespectfully during a ride.

#### ***Cleaning Fees***

No tests identified that a rider was charged a cleaning fee because of a service animal.

### **C. Chicago**

#### ***Denials***

NFB received twenty Lyft tests in the greater Chicago metropolitan area during Year Three. Nine of these tests identified that a ride had been denied because of a service animal; in eight of those situations, the rider informed the driver via phone call, text message, or in-person conversation that the animal was a service animal.

#### ***Disrespectful Treatment***

One test identified that the rider had been treated disrespectfully during the ride.

### ***Cleaning Fees***

No tests identified that the rider was charged a cleaning fee because of a service animal.

## **D. Dallas-Fort Worth**

### ***Denials***

NFB received twenty-three Lyft tests in the greater Dallas-Fort Worth metropolitan area during Year Three. Reports identified that seven rides had been denied because of a service animal; in three of those situations, the rider alerted the driver by telephone that they were traveling with a service animal.

### ***Disrespectful Treatment***

No tests identified that the rider had been treated disrespectfully during the ride.

### ***Cleaning Fees***

No tests identified that the rider was charged a cleaning fee because of a service animal.

## **E. Denver**

### ***Denials***

NFB received nine Lyft tests in the greater Denver metropolitan area during Year Three. Two tests identified that a ride had been denied because of a service animal and that the rider had notified the driver by text message that they were traveling with a service animal.

### ***Disrespectful Treatment***

No tests identified that the rider had been treated disrespectfully during the ride.

### ***Cleaning Fees***

No tests identified that the rider was charged a cleaning fee because of a service animal.

## **F. District of Columbia**

### ***Denials***

NFB received thirteen Lyft tests in the greater District of Columbia metropolitan area during Year Three. Seven of these tests identified that a ride had been denied because of a service animal; in all seven of those situations, the rider informed the driver by phone call, text message, or in-person conversation that the animal was a service animal.

### ***Disrespectful Treatment***

No tests identified that the rider had been treated disrespectfully during the ride due to the presence of a service animal.

### ***Cleaning Fees***

No tests identified that the rider was charged a cleaning fee because of a service animal.

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## **G. Los Angeles**

### ***Denials***

NFB received thirty-seven Lyft tests in the greater Los Angeles metropolitan area during Year Three. Ten of these tests identified that a ride had been denied because of a service animal; in four of those situations, the rider informed the driver by telephone call, text message, or in-person conversation that the animal was a service animal.

### ***Disrespectful Treatment***

No tests identified that the rider had been treated disrespectfully during the ride.

### ***Cleaning Fees***

No tests identified that the rider was charged a cleaning fee because of a service animal.

## **H. Nashville**

### ***Denials***

NFB received fifty Lyft tests in the greater Nashville metropolitan area during Year Three. Seven of these tests identified that a ride had been denied because of a service animal, and in three of those situations, the rider had informed the driver by text message that the animal was a service animal.

### ***Disrespectful Treatment***

No tests identified that the rider had been treated disrespectfully during the ride.

### ***Cleaning Fees***

No test identified that the rider was charged a cleaning fee because of a service animal.

## **I. New York City**

### ***Denials***

NFB received thirty-eight Lyft tests in the greater New York City metropolitan area during Year Three. Data includes tests from the Newark, New Jersey, area. Five of these tests identified that a ride had been denied because of a service animal.

### ***Disrespectful Treatment***

No tests identified that the rider had been treated disrespectfully during the ride.

### ***Cleaning Fees***

No tests identified that the rider was charged a cleaning fee because of a service animal.

## **J. Philadelphia**

NFB received four Lyft tests in the greater Philadelphia metropolitan area during Year Three. One of these tests identified that a ride had been denied because of a service animal; this rider reported that she had informed the driver that the animal was a service animal.

### ***Disrespectful Treatment***

No tests identified that the rider had been treated disrespectfully during the ride.

### ***Cleaning Fees***

No tests identified that the rider was charged a cleaning fee because of a service animal.

## **K. Phoenix**

### ***Denials***

NFB received one Lyft test in the greater Phoenix metropolitan area during Year Three. This test identified that a ride had been denied because of a service animal and that the rider informed the driver by text message that the animal was a service animal.

### ***Disrespectful Treatment***

No tests identified that the rider had been treated disrespectfully during the ride.

### ***Cleaning Fees***

No tests identified that the rider was charged a cleaning fee because of a service animal.

## **L. Sacramento**

### ***Denials***

NFB received forty-one Lyft tests in the greater Sacramento metropolitan area during Year Three. Seven of these tests identified that a ride had been denied because of a service animal; in five of those situations, the rider reported having informed the driver by text message that the animal was a service animal.

### ***Disrespectful Treatment***

No tests identified that the rider had been treated disrespectfully during a ride.

### ***Cleaning Fees***

No tests identified that the rider was charged a cleaning fee because of a service animal.

## **M. San Francisco**

### ***Denials***

NFB received seven Lyft tests in the greater San Francisco metropolitan area during Year Three. Two of these tests identified that a ride had been denied because of a service animal.

### ***Disrespectful Treatment***

One test identified that the rider had been treated disrespectfully during the ride.

### ***Cleaning Fees***

No tests identified that the rider was charged a cleaning fee because of a service animal.

## **N. Seattle**

### ***Denials***

NFB received forty-two Lyft tests in the greater Seattle metropolitan area during Year Three. Five of these tests identified that a ride had been denied because of a service animal; in three of these situations, the rider reported having informed the driver by phone call or in-person conversation that the animal was a service animal.

### ***Disrespectful Treatment***

No tests identified that the rider had been treated disrespectfully during the ride.

### ***Cleaning Fees***

No tests identified that the rider was charged a cleaning fee because of a service animal.

## **V. Issues**

Comments provided by NFB testers highlight some of the issues that have arisen during the third year of Lyft's implementation of its service animal policy. In addition to highlighting difficulties with the service, some testers also provided positive feedback about using Lyft.

### **A. Reporting Barriers**

Testers reported some problems with the accessibility of the app and submitting complaints. Included below are some of their comments:

- We have yet to determine how to complain to Lyft about this terrible incident since there seems to be no form in the application or obvious place to fill out a report on their website.
- I could not fill out a complaint form on the app. The only way I could find to file a complaint through the app was to call Lyft. I don't like reporting using this method. I was unable to verify that the person I reported the complaint to accurately recorded the information I was providing.
- I was unable to file a written complaint through the app on my iPhone. The only option provided by the iPhone app was for me to call Lyft. I waited ten minutes for someone to answer the phone and I was unable to verify that that person accurately recorded the complaint.
- CAPTCHA on the form is inaccessible. If I do not hear from Lyft, I will be following up via phone.

Testers continue to have difficulty filing complaints when the driver canceled the ride because the canceled trip did not show up in their ride history. Included below are some of their comments:

- It is very difficult to report a denied ride when the driver cancels at curbside. He wouldn't allow me or my guide dog in the car. The app removed the ride from my history, which means I couldn't report it. . . . It is very disheartening. As a paying customer, all I want is to make it to my destination.
- The driver cancelled the ride so I could not register this with the company.

Despite providing witness contact information, testers are concerned that Lyft is not sufficiently processing and investigating their discrimination complaints. Included below are some of their comments:

- The rep that contacted me did not want to speak to my witness. She spoke to the driver before she spoke to me.
- The company never responded to my complaint.
- I reported this incident to Sebastian and later to Gary on Dec. 23, 2019, when Puneet repeated his behavior and cancelled my ride again on Dec. 23, after he did so on Dec. 14, 2019. Puneet cancelled/denied my ride that I booked to go from our home in Folsom to the NFBCA River City chapter Christmas party at Mimi's Cafe. As soon as I texted the driver that I was blind and was traveling with a guide dog, Puneet canceled my ride. I still have the text message and it is time stamped with 5:32 PM. Gary (Lyft resolution officer) promised me on Dec. 23, 2019, that he would look into it since I was not sure if I had the text message and assured me that he could find the ride. He wrote me later that the driver was reeducated. If drivers get two chances, the ride Puneet canceled on Dec. 14, 2019 was Puneet's first cancellation, and his behavior on Dec. 23 was his second cancellation. This is not acceptable and clearly discrimination.
- I showed the driver the policy as we talked. He said that the rideshare would only give him a warning anyway, and he would rather get that warning than have my dog in his car. He subsequently drove off. When I tried to call the hotline to report this to Lyft, the hotline no longer connects you to a real person. An electronic voice tells you the website where you can file the complaint, and then the line disconnects. Although frustrated, I filed my complaint through the app/website. When trust/safety got back in touch with me, they said the driver was only given a warning, although I explained the situation fully to them, and that he understood the policy. The company also said that they were not aware about the hotline and that they would look into it. They never contacted me again about the hotline.
- I've had at least four drivers refuse to take me and my service animal in the last eight months. Every time they say that they are taking the issue seriously. However, they have only removed one of the drivers from the platform. They have given three drivers a warning even though I had a person who can see watch the driver look at my dog and me right before canceling the ride.

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A number of testers were discriminated against because the driver reported having a fear of dogs or allergy to dogs. Included below are some of the testers' comments:

- The driver indicated a phobia of dogs after refusing to transport the service dog. This resulted in her calling the police. This was a very unpleasant experience and seems to show that the message that drivers must transport guide dogs is not getting across.
- This is the second time I've been refused a ride by Lyft because of my guide dog. The first time was Feb. 28, 2019, at the Portland Airport, the same scenario with the driver saying he was allergic. I've only used Lyft with my guide dog about six times, so to me, it's a pretty high incident of failure.
- She said she would not take that dog because her son had asthma and this was his car.
- On the evening of December 14, 2019, I was denied by two separate Lyft drivers. I was wanting to head home from the grocery store. I ordered Lyft through the phone app, and when the first driver, Christopher, arrived, he informed me that he was allergic to dogs. I explained that according to Lyft company policy, he still had to take me. His response was that he did not have to take me, and this was a circumstance under which he could cancel the ride.
- The driver saw me standing outside of the building where I work and said that she has severe allergies to dogs and would not take me. I informed her that she was violating the Americans with Disabilities Act and that I will report the incident to Lyft. She said that was fine and drove off.

A number of testers reported unsafe behavior by Lyft drivers, including drivers driving away from riders with service animal when the riders attempt to open the car door. Included below are some of their comments:

- Both my witness and I told him my dog was a service dog but he rolled up the windows and locked the doors. When I attempted to open the passenger door, he drove away with my hand in the handle pulling me about 2-3 feet before my hand came out of the handle.
- After the driver asked if "the dog is with us" and we replied "yes, he is a guide dog," the driver locked his doors and sped off while my wife's hand was still on his door handle. A restaurant customer who was standing behind us, and said he was a driver for Uber, witnessed the incident, said the driver's behavior was incorrect and aggressive and he offered to speak with Lyft if needed.
- When I approached the car with my service animal, Oscar, the driver, repeatedly exclaimed "No pets, no pets!" He locked the door preventing me from entering the car and pulled away, canceling the ride.

Some testers had rides denied for purported tire and other car trouble immediately after communicating to their driver that they had a service animal. Included below are some of their comments:

- The driver stated he saw my guide dog and was able to identify the color of shirt I was wearing. He stated he had to fill up with gas and then canceled the ride.

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- The driver looked right at us and pulled off very slowly. We tried walking fast after him but he gunned the motor and pulled off. He told Lyft he canceled due to a flat tire.
- He drove past me and my guide and drove for seven minutes before telling me he had a flat tire.

A number of testers reported back-to-back discrimination by Lyft drivers. Included below are some of their comments:

- This was my second denial in the week and I had had it. She and I got into a big argument and curse words were flying back and forth. She said she would cancel the ride and . . . drove off.
- I was waiting for a ride to come home from Target. The first driver arrived according to the app. I tried to call him to let him know I would need him to find me as I am unable to see him. He did not answer twice. He then proceeded to cancel my ride. I sent a text to the next driver requesting him to find me as I am unable to see him and he proceeded to cancel before arriving to Target. The email follow up from Lyft states that they were not found to have discriminated but it does not say why they came to this conclusion.
- Although my ride was not ultimately denied, the Lyft app did reassign me to three different drivers once I notified each driver that I did have a service dog. . . I had to wait an additional 15 minutes, because I had two prior drivers cancel. Although the Lyft app said that it found another driver. What sticks out about this is that it was just too coincidental that two drivers in a row seemed to cancel the trip once I alerted them I had a service dog.

## **B. Positive Feedback**

Some testers reported having a positive experience while riding with Lyft. Included below are some of their comments:

- The driver was very enthusiastic to accept a ride with a service dog.
- My driver was amazing. He was concerned about ride denials for service animal dog handlers and assured me he would always accept a service dog.
- This was the best driver I've ever had. He found me with ease. He respected my guide dog and I. He didn't ask invasive questions. Perfect!
- This driver did a superb job of listening to my concerns and those of my girlfriend after the previous driver had refused our trip. He was very respectful and went out of his way and said he would also file a report with Lyft as I had done. He was a joy to have driving us home and had no issues whatsoever transporting us and my seeing eye dog.

## **VI. Extrapolating the Feedback Collected by NFB**

As noted above, the purpose of this compliance testing program is to ask riders for feedback regarding their experiences using Lyft while traveling with their service animals, and it has been useful for identifying issues with the implementation of the settlement. We caution, however, against using the feedback to

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draw conclusions about trends in the rate of ride denials due to service animal discrimination. Testers submit reports on a voluntary basis and may not submit reports for every ride. Therefore, it is difficult to determine whether ride denials are overrepresented or underrepresented in the data.

## **VII. Conclusion**

The voluntary nature of the testing program and variations in data across months and geographic locations make it difficult to draw firm conclusions about the rates at which Lyft riders with service animals experience service denial discrimination. However, the feedback that testers provide offers additional insight into individual experiences. These tester comments should be used to help steer Lyft's driver education initiatives and complaint investigation procedures.