REPLY COMMENTS OF MEDICAL TRANSPORT OF ALABAMA LLC

COMES NOW Medical Transport of Alabama LLC (“MTA”) and submits the following reply comments in response to the Alabama Public Service Commission’s (the “Commission”) March 12, 2018 Order in the above-styled cause, regarding a rulemaking proceeding for the purpose of regulating transportation network companies (“TNCs”) and TNC drivers.

In addition to MTA, the Huntsville-Madison County Airport Authority, the Birmingham Airport Authority and the City of Birmingham support the exclusion of buses, limousines, wheelchair vans and vehicles with a capacity of greater than seven people, not including the driver, from the definition of a “personal vehicle” under Rule TNC-2(8). Although the City of Auburn opines that the proposed rules require personal vehicles utilized by TNC drivers to be compliant with the provisions of the Americans with Disabilities Act (“ADA”), Rule TNC-3(h) mirrors Section 13(a) of ALA. ACT 2018-127, which simply mandates that TNC drivers may not discriminate against persons with physical disabilities, including imposing additional charges for providing services to persons who are physically disabled.

Further, while Lyft, Uber and the Attorney General’s representative assert that the “limiting language will prevent luxury services (such as UberBlack, UberXL, UberSUV, UberLux, or LyftLux) from entering Alabama markets,” MTA contends that the detailed requirements for such luxury services (including black exteriors and interiors, leather seating,
etc.) would be inapplicable for most wheelchair accessible vehicles commonly utilized by TNC drivers. Uber has concentrated, instead, on offering services tailored to persons utilizing mobility aids through UberWAV and UberACCESS in limited markets in New York City, Chicago, Houston, Portland, Los Angeles, San Francisco and Seattle. Notably, UberWAV driver-partners are certified by a third party in safely driving and assisting people with disabilities. Lyft typically works with accessible taxi services to accommodate wheelchair users through its Accessible Vehicle Dispatch services. It is just beginning to roll out its own wheelchair accessible vehicles in very limited markets, such as New York City.

Given these facts, it would appear to be in the best interest of Alabama consumers, as well as the TNC drivers themselves, to leave the proposed restriction against wheelchair vans in Rule TNC-2(8) in place until such time as Uber or Lyft offer the above-described services tailored to persons with physical disabilities in Alabama and petition the Commission for a rule change commensurate with the same. Should the Commission decide otherwise, MTA proposes that the Commission consider the following alternative language in lieu of striking the limitation altogether:

...Buses, limousines, wheelchair vans, and vehicles with a capacity of greater than seven people, not including the driver, are not considered TNC Vehicles. Specially equipped vans purchased and modified strictly to meet personal handicap accessibility and transportation needs may be used as TNC Vehicles on an as-needed basis, so long as said vehicles are not used to routinely provide non-emergency medical transportation services within the parameters of the Alabama Motor Carrier Act, ALA. CODE §§ 37-3-1 to -33 (1975 as amended).

Respectfully submitted on this the 4th day of May, 2018.

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