



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

3/18/19

### **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 second 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, 2018, and February 28, 2019, NFB gathered a total of 611 Lyft tests nationally and 328 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, 2018, and February 28, 2019, report the outcome of rides that occurred between May 8, 2017, and February 28, 2018. 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 Two Compliance Testing**

For the purpose of this report, Year Two is defined as March 1, 2018, through February 28, 2019.

### **IV. National Data**

#### ***Denials***

Between the dates of March 1, 2018, and February 28, 2019, NFB gathered a total of 611 Lyft tests nationally. One hundred and seventeen of these tests identified that a ride had been denied because of a service animal; in 63 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 494 rides provided to testers, testers reported that during 19 of these rides, drivers treated the riders disrespectfully.

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### ***Cleaning Fees***

Of the 494 rides provided to testers, testers reported that for 2 of these rides, the rider was charged a cleaning fee because of a service animal.

## **V. Regional Data**

### **A. Baltimore**

#### ***Denials***

NFB received forty-five Lyft tests in the greater Baltimore metropolitan area during Year Two. Eight of these tests identified that a ride had been denied because of a service animal; in three of those situations, the rider informed the driver 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.

### **B. Boston**

#### ***Denials***

NFB received eleven Lyft tests in the greater Boston metropolitan area during Year Two. Nine of these tests identified that a ride had been denied because of a service animal; in three of those situations, the rider informed the driver 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 fourteen Lyft tests in the greater Chicago metropolitan area during Year Two. Ten of these tests identified that a ride had been denied because of a service animal; in seven of those situations, the rider 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.

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

### ***Denials***

NFB received seventeen Lyft tests in the greater Dallas-Fort Worth metropolitan area during Year Two. One test 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.

## **E. Denver**

### ***Denials***

NFB received seven Lyft tests in the greater Denver metropolitan area during Year Two. No 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.

## **F. District of Columbia**

### ***Denials***

NFB received thirty Lyft tests in the greater District of Columbia metropolitan area during Year Two. Twelve of these tests identified that a ride had been denied because of a service animal; in ten of those situations, the rider informed the driver that the animal was a service animal.

### ***Disrespectful Treatment***

Three 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.

## **G. Los Angeles**

### ***Denials***

NFB received thirty-eight Lyft tests in the greater Los Angeles metropolitan area during Year Two. Nine of these tests identified that a ride had been denied because of a service animal; in two of those situations, the rider informed the driver 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.

## **H. Nashville**

### ***Denials***

NFB received thirty-six Lyft tests in the greater Nashville metropolitan area during Year Two. One of these tests identified that a ride had been denied because of a service animal and that the rider 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 test identified that the rider was charged a cleaning fee because of a service animal.

## **I. New York City**

### ***Denials***

NFB received fifteen Lyft tests in the greater New York City metropolitan area during Year Two. Data includes tests from the Newark, New Jersey, area. One of these tests identified that a ride had been denied because of a service animal and that the rider had informed the driver 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.

## **J. Philadelphia**

NFB received three Lyft tests in the greater Philadelphia metropolitan area during Year Two. One of these tests identified that a ride had been denied because of a service animal; this rider reported that he 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 three Lyft tests in the greater Phoenix metropolitan area during Year Two. One of these tests identified that a ride had been denied because of a service animal; this rider reported having 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.

## **L. Sacramento**

### ***Denials***

NFB received fifty Lyft tests in the greater Sacramento metropolitan area during Year Two. Nine of these tests identified that a ride had been denied because of a service animal; in eight of those situations, the rider reported having informed the driver 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 ten Lyft tests in the greater San Francisco metropolitan area during Year Two. One of these tests identified that a ride had been denied because of a service animal.

### ***Disrespectful Treatment***

Three tests identified that the rider had been treated disrespectfully during the ride.

### ***Cleaning Fees***

Two tests identified that the rider was charged a cleaning fee because of a service animal.

## **N. Seattle**

### ***Denials***

NFB received forty-nine Lyft tests in the greater Seattle metropolitan area during Year Two. Five of these tests identified that a ride had been denied because of a service animal and that in each the rider reported having informed the driver that the animal was a service animal.

### ***Disrespectful Treatment***

Two 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 second 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:

- The customer contact form (including the area to register a service animal issue) continues to be inaccessible in that the audio CAPTCHA is still broken.
- The report a problem with your service animal website itself has a CAPTCHA that is very problematic even though it has an audio version option. It did not work with my iPhone.
- I tried to submit a complaint through the Lyft app. It tells you you can call them and provides the number. But it also says if you want to submit it by email you can contact the support below. The link to the support has a form that you fill out with the details of the ride. I filled out the form and tried to submit it. There is a checkbox saying "I'm not a robot." I tried to click it but it just kept saying "not checked." I also tried to click the audio CAPTCHA description and no audio played.
- Lyft has made some changes to the app and website. There are unlabeled buttons. The CAPTCHA feature doesn't work because it's not possible to check the "I am not a robot" checkbox. There are unclear image descriptions for example "black downward pointing triangle." I'm not clear that my form was submitted. I kept getting errors about the form and the message stating that the ride was

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ineligible for a cancellation. The accessibility of the Lyft app and site have gone from bad to worse. I couldn't even find a way to call customer service either from within the Lyft app or on the website.

- I have not yet registered this denial with Lyft because you cannot reach them by phone, and their CAPTCHA is not accessible (the audio option is not working and the outgoing recording on Lyft's support and safety line directs you to use the web site to file a complaint).

Testers had 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:

- The trip doesn't show in my rider list so I can't register a complaint.
- I have not been able to register this complaint with Lyft because of the rides not appearing in my history. The driver would not cancel the ride forcing me to cancel it myself.

A number of testers noted that they did not receive a communication from Lyft informing them about the outcome of its investigation into their complaints, as is required by the Settlement (see Settlement 1(g)(iii)(a)). Included below are some of their comments:

- I requested a Lyft ride and received a notification that Jahaira was coming. I am legally blind but do have a little vision. I also have a guide dog. I saw a car that I believed to be matching the description pull into the parking lot and got closer to see if it was them. I determined it was and they quickly turned around and left the parking lot after saying "oh NO!" I received a notification that a new driver was coming. I immediately called the critical response line for Lyft at 3:17 p.m. to report this. I was assured a follow up. Today, I called to follow up as I had not heard anything and they said no report was filed. We filed another report. Twenty-eight minutes after getting off the phone with the critical response line today, I receive a canned response assuring me they took "appropriate" action. This is not ok.
- The customer service agent said all the right things, but the email I received was a form letter with the driver info left blank. Though I was told that appropriate actions were taken, there was no follow up to tell me exactly what those issues were.
- I called 877-452-4866 to report the service dog denial. The CSR who answered did not seem to be engaged. The follow-up email did not make any reference to a service dog denial. This was the least satisfactory experience I have ever had reporting to Lyft.

## **B. Discrimination**

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

- Driver told me he had allergies—I told him she would be away from him and that allergies are not a sufficient reason to deny a service animal and that denying us would result in his removal from the platform. We argued but I ignored him and got in the car anyways. At the end of the ride he

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mentioned that he just thought she looked dangerous because she is a “pit bull” (she is not pit bull or any bully breed, she is a lab cross) and that I shouldn’t mention him trying to deny her to the company.

- Driver told me that she could not take any dogs because she was allergic to them. I explained that according to ADA law, she was required to take both my dog and me and that I needed her for assistance. The driver’s response was that she didn’t care and that she would not take the dog. After that, she sped off and canceled the ride.
- The driver told me no dogs. I am afraid of dogs. As I was telling him this is a service animal, my guide dog, I tried to open the driver side door which was locked. I stated he has to take service animals, and he stated no dogs. Mind you my hand is still in the door handle, and he drove off with my hand in the door handle and the driver back tire felt it brushed the tip of my shoe. I was on my way to the hospital due to a medication reaction. After he left I had to call another Lyft driver and had no problem getting to the hospital about three miles away.
- The first driver drove up, rolled down his window and said he was allergic to dogs and that it was my responsibility to call him and let him know I had a service dog.
- The driver said she has allergies to dog hair and taking me and my guide dog would compromise her health. She said she was taking me as a courtesy, but she would be contacting Lyft to make sure she shouldn't have to take any more service dogs in the future.

Some riders were told that they must bring a blanket with them for the service animal to lie on. Included below are some of the testers’ comments:

- While the driver recognized that I was accompanied by my Seeing Eye dog, he insisted that I was supposed to have on hand a blanket to put on the floor of his vehicle. I explained that such was not necessary, and though he insisted that all of the guide dog users he had transported had placed blankets on the car floor, I explained that the vast majority of guide dog users I knew did not place a blanket on the floor when riding in any vehicle. I calmly suggested that I did not desire to be placed in a position in which I would need to register a complaint, and I suspected that he would not like for a complaint to be filed. His response was that no dog was going to be allowed ‘in my car’ unless the handler had a blanket to place on the floor. At that point, he drove off.
- The driver indicated that he did not have seat covers, and therefore could not transport my dog. He relented once I and witnesses told him that he legally had to.

Some riders with service animals were discriminated against when trying to use Lyft’s shared ride service. Included below are some of their comments:

- I requested a Lyft shared ride to leave work on Sunday, January 6, around 5:10 p.m. with my guide dog when the Lyft driver, Winfred, drove up with two other passengers in the car. My coworker was standing outside with me to help me identify the vehicle. When Winfred saw us, she yelled out her window that she already has two other passengers in the car and that she does not want the

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dog in the car. Both my coworker and I informed her that she is a guide dog and that she has to transport us by law. I tried to explain that my dog would lay at my feet in the car. She yelled 'no' one more time before racing off. This incident was witnessed by my coworker and a group of people who were standing outside.

- The driver told me multiple times that I should order my own car next time. Though I tried to explain to him that I have every right to use a shared ride with my dog, and that my dog is trained to fit into tight spaces when other passengers are in the car, he did not understand. He said things like another passenger would be okay with sitting next to me and my dog "If they're nice." He threatened several times to bring me back to my pickup location. I started recording him on my phone, he noticed the phone pointed in his direction and was pretty unhappy that I was recording him. At one point he asked me to leave the vehicle, I refused. I called Lyft's Critical Response line while in the vehicle and explained what happened, including that I was not actually refused service. The driver started yelling at me accusing me of lying and telling Lyft that I was refused service. Though I told him that I hadn't said that, he kept up with his accusations. Over the course of the ride we picked up and dropped off 2 passengers who had to tell the driver multiple times to calm down. In the end I was dropped off at my destination but it was a seriously demeaning experience. I know that he tried to turn the whole incident around and blame me for it, denying what he said to me and twisting my words around to make it look like I was just out to get him.

### **C. Positive Feedback**

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

- Very friendly and professional driver. He even kept me aware of where we were location wise; giving me an estimated arrival time, etc. I wish all rides could be like this one.
- Wonderful driver, wish they all could be this good!
- This driver was great! She was very friendly and wanting to help in any way!
- The driver offered assistance to me but did not interfere with my dog. I asked if he had ever transported someone with a guide dog before and he said that I was the first. He did not act fazed and he was courteous throughout the ride.
- This driver was amazing, he seemed to know exactly what to do as he got out of his vehicle, came around the car and let me know that he was coming towards the passenger side of the car. He pushed the passenger seat all the way forward allowing plenty of room for my dog to sit at my feet. Amazing guy!

## **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

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issues with the implementation of the settlement. We caution, however, against using the feedback to 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. Chart 1 below reflects a notable amount of variation in the percentage of ride denials that were reported each month.

**Chart 1: Number of Reports of Discrimination by Month**

Month	Total Number of Reports	Number of Rides Completed	Number of Rides Denied	Percentage of Ride Denials
March 2018	37	30	7	23%
April 2018	58	48	10	21%
May 2018	54	46	8	17%
Jun 2018	55	50	5	10%
Jul 2018	56	47	9	17%
Aug 2018	60	45	15	33%
Sep 2018	41	32	9	28%
Oct 2018	38	29	9	31%
Nov 2018	51	39	12	31%
Dec 2018	55	48	7	15%
Jan 2019	50	35	15	43%
Feb 2019	56	45	11	24%
Grand Total	611	494	117	24%

**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.

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