



December 10, 2019

Thank you to everyone who attended the public hearing and provided feedback regarding the proposed City of Seattle and King County rule governing WAS fund reimbursement (FOR-HIRE TRANSPORTATION-06-2019 / FIN-10-3-1-PR). We appreciate your interest and engagement, and your comments will be carefully considered before the rule is finalized.

We'd like to remind everyone that the proposed rule is still in DRAFT form and it may change. **Please do not act on or make decisions based on the proposed rule. We will notify you when the rule is finalized.**

Please note that if you were unable to attend the public hearing, or if you have additional feedback, you may submit written comments until 5:00 p.m. on Monday, Dec. 30, 2019. Comments may be emailed, mailed or delivered to:

City of Seattle
Dept. of Finance and Administrative Services
Attention: Lachen Chernyha
700 Fifth Ave., Floor 42
P.O. Box 94785
Seattle, WA 98124-4785
lachen.chernyha@seattle.gov

AND

King County
Dept. of Executive Services –
Records and Licensing Services Division
Attention: Sean Bouffiau
500 Fourth Ave, Suite 411
Seattle, WA 98104
sean.bouffiau@kingcounty.gov

Summary of Public Hearing Comments:

The purpose of the public hearing was to give City and County staff the opportunity to hear your questions, concerns and feedback on the proposed rule. The following summarizes what we heard:

- Attendees indicated they were pleased in general with much of the proposal, particularly the new and enhanced reimbursement types.
- Many attendees expressed concerns about the implications of allowing voluntary conversions to access WAS fund reimbursement types. In particular:
 - Several attendees said that any decision to allow voluntary conversions to access the fund should be data-driven and must consider supply (including the impact of issuing 25 new WAT medallions), demand, the viability of the WAS fund, and the ability of existing WAT drivers to make a living. However, another attendee cautioned that it is important for the City and County to speak with members of the disability community to ensure we are measuring *true* demand, and further suggested that as WAV supply grows, demand for WAV service may grow as well.
 - Several attendees also said that voluntary conversions should be held to the same requirements included in the most recent WAT medallion RFP, particularly the driving and service record standards.
 - Some attendees suggested limiting voluntary conversions to vehicles that are no more than 3 years old at the time they are first placed into service as a WAV.
 - Some attendees suggested limiting voluntary conversions to vehicles possessing both a City and a County medallion (dual medallion), in order to reduce deadheading and carbon emissions.
 - Attendees also asked about the origin of the proposal to allow voluntary conversions to access the WAS fund in the first place.
- Several attendees recommended changing the off-peak hours to begin at 6:00 p.m. or 7:00 p.m. instead of at 9:00 p.m. as currently proposed, and suggested increasing the amount of the off-peak shift reimbursement.

- Some attendees also suggested that offering reimbursement for a third shift is unnecessary and unrealistic, since most drivers operate on a 10- to 12-hour shift model.
- Several attendees also asked that the reimbursement for vehicle maintenance and equipment be expanded to cover additional vehicle components, especially door mechanisms and tires.
- Several attendees said that contract trips should not be eligible for TPW reimbursement and should not count towards minimum TPW requirements.
- Multiple attendees also reiterated that insurance – namely, insurance costs and the number of companies willing to insure WATs – remains an ongoing problem for WATs.

The following table provides responses to the most common questions and concerns raised during the public hearing.

Please note that **these responses refer to the rule as it is currently proposed; they do not reflect any potential changes that may be made before the rule is finalized.**

#	Question/Concern	Response															
Q1	It is unfair to require the 25 new WAT medallions (about to be issued) to purchase new vehicles when voluntary conversions can simply convert any old, unsafe vehicle and have the same access to fund reimbursements.	<p>Vehicles over 10 years old (based on model year) are NOT eligible for vehicle maintenance and equipment reimbursement, whether a voluntary conversion or a WAT. All vehicles must be inspected and approved for safety and ADA compliance before being placed into service, and annually thereafter, to ensure only safe vehicles are on the road.</p> <p>As currently drafted, only WATs are eligible for the newly-proposed vehicle acquisition reimbursement, in part because the 25 new WAT medallions will be required to purchase new vehicles. Voluntary conversions would not be eligible for this reimbursement type.</p>															
Q2	Contract trips should not be reimbursed from the WAS fund and should not count towards the minimum number of trips required to be eligible for other WAS fund reimbursement types.	As currently drafted, the proposed rule excludes contract trips from TPW reimbursement. It also excludes these trips from counting towards the minimum number of TPWs required to be eligible for all shift-based reimbursement types, vehicle acquisition reimbursement, and vehicle maintenance and equipment reimbursement.															
Q3	Any increase to the for-hire WAV fleet should be data driven.	<p>Although the data we currently have access to is somewhat limited, it does reflect an increase in demand for accessible transportation, demonstrated by steady year-over-year growth in both the total number of TPW reimbursements and the average number of TPWs per WAT per month (additional data available under Reports here):</p> <p style="text-align: center;">Growth in Dispatched Trips to Passengers in Wheelchairs (TPWs)</p> <table><tr><th>Year</th><th>2015</th><th>2016</th><th>2017</th><th>2018</th></tr><tr><td>Total TPWs</td><td>7,033</td><td>13,179</td><td>18,186</td><td>22,467</td></tr><tr><td>Average # of TPWs per WAT per Month</td><td>11.24</td><td>17.43</td><td>32.24</td><td>39.01</td></tr></table> <p style="text-align: center;">[Response to Q3 continued on Page 3]</p>	Year	2015	2016	2017	2018	Total TPWs	7,033	13,179	18,186	22,467	Average # of TPWs per WAT per Month	11.24	17.43	32.24	39.01
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Q3	[Response to Q3 continued from Page 2]	<p>Our understanding from various industry stakeholders is that the existing 50 WATs are at capacity during peak-demand-hours and are therefore unable to meet additional demand for accessible trips during these times. To the extent that taxi associations have additional data to help better measure demand (including wait times and the number of unfulfilled requests for WAT service), we would be happy to review it.</p> <p>The purpose of this proposed rule is also to support the goal of achieving truly “equitable” access to for-hire transportation – which means that persons with disabilities should have access to the same options as persons without disabilities, including taxis, flat-rate for-hire vehicles and TNCs.</p> <p>Finally, members of the disability advocacy community have indicated that the current supply of accessible vehicles acts as a constraint on demand. Those who may need accessible transportation services are less likely to request them because of the expectation that such services are unavailable or inadequate.</p>
Q4	The maintenance and equipment reimbursement must be expanded to cover additional vehicle components, especially tires and door mechanisms.	The language of the proposed rule as currently drafted does allow maintenance and equipment reimbursement for items that are not explicitly named in the list.
Q5	Where did the proposal to allow voluntary conversions come from?	<p>Expanding access to the WAS fund beyond WATs was established in existing rule and code – the proposed rule contributes to that process.</p> <ul style="list-style-type: none"> • SMC 6.310.175.C calls on the Director to promulgate rules to “determine the need for additional wheelchair accessible taxicabs or for-hire vehicles and how to fund potential new retrofits from the wheelchair accessible services fund.” • The City’s current rule (FAS Director’s Rule No. CPU-07-2015) also calls for determining “Fund eligibility of additional accessible vehicles, including those affiliated with for-hire vehicle companies and with Transportation Network Companies (TNCs).” • KCC 6.64.111.B states the purpose of the WAS fund is “to offset the operational costs incurred by owners and operators of wheelchair accessible taxi, wheelchair accessible for-hire vehicle or wheelchair accessible transportation network company endorsed vehicle services.” • King County’s current rule (FIN-10-3-PR) also already allows voluntary conversions to access the WAS fund if the vehicle owner receives prior written approval from the Director and other requirements of the rule have been satisfied.

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Q6	Why not apply the same driving and service record requirements included in the latest WAT medallion RFP to those wishing to voluntarily convert?	<p>The driving and service record requirements included in the latest WAT medallion RFP were used as scoring criteria for a competitive process. Notably, City and County code specifically authorize new medallions to be issued pursuant to a competitive process.</p> <p>The ongoing requirements for owners and drivers, once they place a WAV into service, are established by City and County code. Specifically, the code requires these vehicles to be ADA-compliant, to be driven exclusively by drivers with a WAT endorsement on their for-hire driver's license/permit, and to prioritize service to passengers in wheelchairs before all other passengers. These requirements apply equally to WATs and voluntary conversions.</p>
Q7	How will you ensure the number of voluntary conversions doesn't grow so large that the fund runs dry and/or there are not enough trips to keep the existing WATs in business?	<p>The City and County each created a fund to ensure the continued viability of wheelchair accessible for-hire transportation services for passengers throughout the City and County.</p> <p>To avoid prorating reimbursements, the Director may impose a moratorium on approving any new voluntary conversions if:</p> <ul style="list-style-type: none"> • The quantity of WAVs approved for reimbursement exceeds 20% growth per year; • The balance of the fund drops below 110% of the sum of all reimbursements made in the previous year; OR • WAV supply exceeds demand for accessible service (based on consideration of the actual or anticipated demand for more WAVs in the upcoming year, the total number of TPWs, and any other factors that may affect the supply, demand, and financial viability of WAV service within City and County limits). <p>As currently drafted, the proposed rule also prioritizes reimbursements to WATs over reimbursements to voluntary conversions (if reimbursements from the fund must be prorated at any time).</p> <p>To ensure reimbursements only go to WAVs that are actively serving passengers in wheelchairs, the proposed rule requires WAV owners and drivers to meet minimum TPW thresholds to be eligible for shift-based, vehicle acquisition, and vehicle maintenance and equipment reimbursements.</p>