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Equity and Shared Mobility

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TOPIC/ISSUE

KEY TAKEAWAYS

Shared mobility impacts everyone, not just users. Because of its impacts on the transportation network and the environment, shared mobility affects an entire community, particularly at the local and regional level.

Transportation should be accessible and equitable. Public agencies should ensure social, interregional, and intergenerational equity to meet the basic transportation needs of travelers.

“Public participation is key. It is important to inform and involve the public in planning processes and to listen to the public’s needs in considering shared mobility services.”

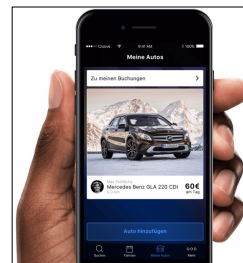
Ensuring equal access for protected classes impacted by shared mobility services is critical. In California, this can include provisions mandating access for individuals with disabilities, as well as prohibitions in discrimination against other protected classes. Many of these laws not only prohibit discrimination against the end user but also shared mobility employees. In addition to prohibiting discrimination, it is imperative to ensure shared mobility is accessible to all. Equitable treatment of shared mobility providers (e.g., data, insurance, licensing) is also a key consideration.

RESEARCH FINDINGS

University of California, Berkeley researchers at the Transportation Sustainability Research Center (TSRC) have examined equity and shared mobility considerations in several primer projects for the US Department of Transportation (USDOT) and the California Department of Transportation (1-4).

UC Berkeley TSRC studies of shared mobility and equity revealed three primary areas of focus for lawmakers (although additional equity areas may also need to be addressed) (1-4). These include:

- **Bridging the Digital Divide:** Mobility consumers are becoming increasingly dependent on smartphone hardware and applications, but the data packages required are often expensive. Further, apps can be challenging to use for older adults and others that have not adopted smartphones.
- **Underbanked and Unbanked Users:** Smartphone apps with a payment component may not serve the needs of unbanked users (typically lower-income households). Many smartphone apps generally require payments facilitated through credit/debit cards or mobile/Internet banking. If a user is unbanked (does not have a bank account or a credit/debit card), app-based services with a payment component (e.g., electronic fares and ticketing) may be difficult or impossible to use. This can exclude households that do not have credit cards or bank accounts due to insufficient funds, bad credit history, etc.

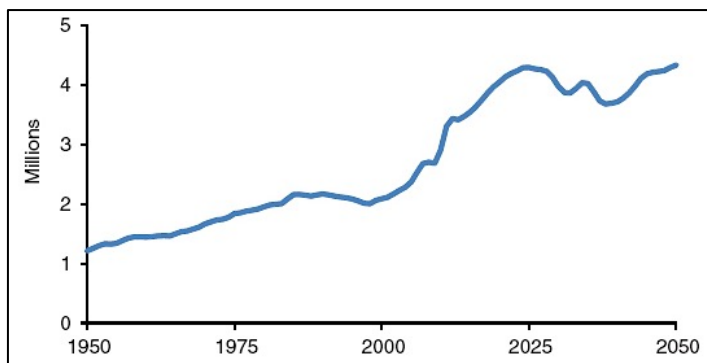


National Estimates, Household Banking Status by Year

Year	Number of Households (millions)	Unbanked (Percent)	Underbanked (Percent)
2011	120.4	8.2	20.1
2013	123.7	7.7	20.0
2015	127.5	7.0	19.9

Source: Federal Deposit Insurance Corporation

RESEARCH FINDINGS (CONTINUED)



Number of people turning 65, 1950–2050

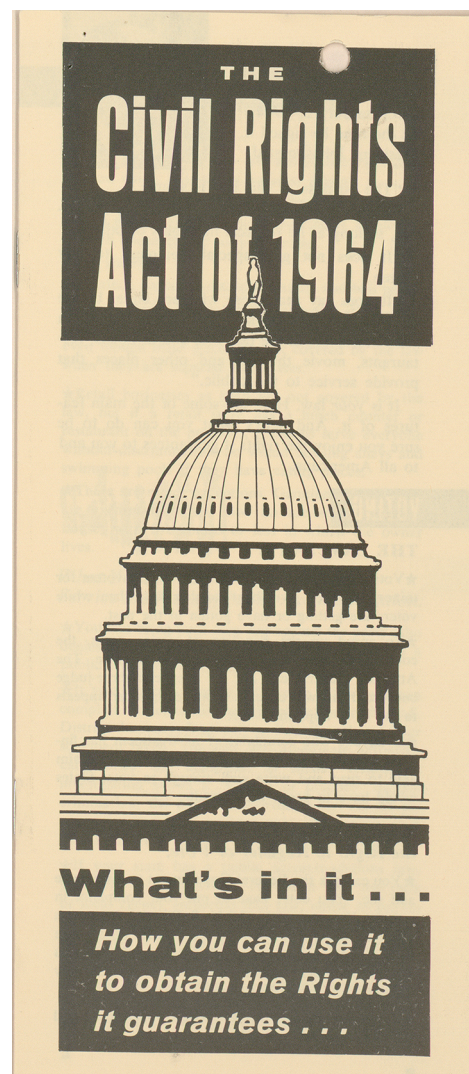
Source: *Institute of Medicine*

- Serving Passengers with Special Needs:** Older adults and passengers with disabilities requiring special assistance (e.g., acceptance of service animals, wheelchair access, walkers, etc.) may have difficulty locating, driving, and/or dispatching services that accommodate their needs.

APPROACH

A number of laws and regulations have been implemented to ensure access and prohibit discrimination in the transportation sector:

- Title VI of the Civil Rights Act of 1964:** This law prohibits discrimination based on race, color, and national origin in programs and activities that receive federal financial assistance.
- Civil Rights Restoration Act of 1987:** This law clarifies the earlier definition of “programs and activities” in other civil rights legislation. Under this law, discrimination is prohibited throughout an entire organization or agency, if any part of that agency receives federal financial assistance.
- Title 49 CFR Part 21:** This regulation implements provisions of Title VI for any program or activity receiving federal financial assistance from the USDOT.
- Title 49 CFR 37.105:** This regulation implements equivalent service provisions with the respect to schedules/headways; response time; fares; geographic area of service; hours and days of service; availability of information; reservations capability; constraints on capacity and service availability; and restrictions based on trip purpose.
- National Environmental Policy Act (NEPA):** Under NEPA, an environmental impact statement (EIS) is used by federal agencies to ensure a full and fair discussion of all significant environmental impacts of projects occurs and informs decision makers and the public of reasonable alternatives that would avoid, minimize, or mitigate the adverse impacts or enhance the quality of the human environment.
- The Rehabilitation Act of 1973:** Section 504 makes it illegal for federal agencies, programs, or activities that receive federal financial assistance to discriminate against qualified individuals with disabilities. Section 508 requires federal information technology and electronic systems be accessible to people with disabilities.



APPROACH (CONTINUED)

- **Americans with Disabilities Act (ADA):** This law prohibits discrimination against people with disabilities. Title III of ADA requires that private transportation businesses provide accessible-ready vehicles and facilities to persons with disabilities.
- **The California Environmental Quality Act (CEQA):** modeled answer NEPA, offers additional protections (e.g., when a public agency implements shared mobility programs).

NATIONAL ENVIRONMENTAL POLICY ACT PROCESS



Source: Southern Alliance for Clean Energy

CONCLUSIONS & RECOMMENDATIONS

The California Legislature should consider the following public policies and legislative agenda pertaining to app-based transportation services:

The Unruh Civil Rights Act prohibits discrimination against protected classes and guarantees the right to full and equal accommodations, advantages, facilities, privileges, or services in all business establishments (Civ. Code, §§ 51, 51.5, 51.6). **The Legislature should consider expanding the definition of “business establishments” to explicitly include transportation service providers.** Other state and local civil and human rights laws may offer additional protections.

The Disabled Persons Act protects Californians from discrimination based on disability. California’s law states that individuals with disabilities shall be entitled to “full and equal access, as other members of the general public” to the “privileges of all common carriers, airplanes, motor vehicles, railroad trains, motorbuses, streetcars, boats, or any other public conveyances or modes of transportation (whether private, public, franchised, licensed, contracted, or otherwise provided).” There should be **more education and outreach to service providers**, coupled with **enforcement by the Office of the Attorney General (OAG)**, to ensure that private transportation service providers are providing full and equal access to all protected classes (Civ. Code, §§ 54.1).

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1. Shaheen, S.; Cohen, A.; and Zohdy, I. (2016). *Shared Mobility: Current Practices and Guiding Principles*. FHWA Report 16-022. U.S. Department of Transportation: Washington, D.C.
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