

Written Submission of Cincinnati City Council Member Kevin Flynn

I ask that this Transportation and Public Safety Committee pass bi-partisan House Bill 195 (Improving Mobility Aid Accessibility.) Attached is a Resolution of support from Cincinnati City Council.

The basic principle of the Americans with Disabilities Act, which has been the law of the United States for almost 27 years, is to eliminate discrimination against persons with disabilities in the United States. This is a basic Civil Rights issue. Not only does a failure to correct the revised code violate my right to be afforded the same transportation options as able bodied persons in the State of Ohio, but the law wastes scarce tax dollars of the citizens of the State of Ohio.

Existing section 4766.04 (A) that "no person shall ... engage in ... the business of ... transporting persons... who require the use of a wheelchair" without complying with this section. This section, by its plain meaning, applies to anyone engaged in the business of transporting persons in wheelchairs, wherever they are going and for whatever purpose, thereby requiring transport to be by Ambulette and effectively foreclosing the possibility of Accessible taxi cabs. Cost of transport (either to the individual, a private insurer, or in many cases the state Medicaid fund) is 10 times or more than that of a taxi. Time is significantly increased because of the limited supply of drivers and vehicles.

Finally, if the rightness of implementing this amendment doesn't convince you, and cost savings to individuals, insurers, and the State of Ohio don't convince you, the law as it is currently written, likely violates and requires taxi cab companies to violate the Americans with Disabilities Act. US Code Title 42, Chapter 126 Sec. 12184 provides in part that:

(a) no individual shall be discriminated against on the basis of disability in the full and equal enjoyment of specified public transportation services provided by a private entity that is primarily engaged in the business of transporting people and whose operations affect commerce.

(b) ... discrimination includes

(1) The imposition or application ... of eligibility criteria that screen out or tend to screen out an individual with a disability ... from fully enjoying the specified public transportation services provided by the entity [emphasis added]

I ask that this Committee do what is right, just, and prudent and join with the two sponsors and twenty co-sponsors and support House Bill 195 by immediate passage of the legislation by your Committee.