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MICAH Z. KELLNER
65th Assembly District

Testimony of Assembly Member Micah Z. Kellner
Before the New York City Taxi & Limousine Commission
40 Rector Street
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Good morning, Chairman Daus and Commissioners.

My name is Micah Z. Kellner. I am the Member of the New York State Assembly representing the 65th District in New York County, which includes parts of the Upper East Side and all of Yorkville and Roosevelt Island. I thank you for the opportunity to speak before you today on an issue of great personal importance to me: accessible transportation for persons with disabilities.

My entire district, in which approximately 160,000 New Yorkers live in some of our City's most densely populated neighborhoods, contains only one subway station. Local residents thus rely heavily on buses and taxicabs. Those with mobility impairments have not been able to use taxicabs as a realistic travel option because of the lack of accessible vehicles. This morning, the Taxi and Limousine Commission has the opportunity to take a giant leap toward rectifying this failure of our city's transportation network and to correcting this historic injustice. I implore you to do so.

I fully support the concept of a central dispatch system for accessible taxis, as I believe that it presents an interim – albeit imperfect – solution to the immediate lack of accessible vehicles. That said, I want to stress that a central dispatch system is but a temporary and incremental solution. It must not constitute a final terminus on the journey toward should be our ultimate goal – a fully accessible network of taxicabs and for-hire-vehicles.

While I support the notion of a central dispatch system, I am profoundly concerned about several aspects of the proposed rules change presently before the Commission. Specifically, I have reservations about the right of refusal of service for dispatch fares, the lack of strict penalties for such refusals, the lack of a standardized curriculum on operating accessible vehicles for driver training, and the charging of dispatch passengers for load time. I will briefly elaborate:

First, when the driver of a taxicab for hire were to refuse a street hail, it constitutes a serious violation of the law, and rightly so. Refusal of a dispatch fare should be subject to the same strict standard. The proposed rules, however, would allow for a driver arbitrarily to refuse a dispatch fare, with the ability to justify additional refusals. Keeping in mind that separate is not equal, I urge the Commissioners to take the view that a refusal of a fare – whether by street hail or by a dispatch call – constitutes a refusal of service. Accordingly, I ask that the

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Commissioners strike the provision of proposed Rule §16-06(a) that would allow for two refusals and hold accessible taxi drivers accountable for all refusals.

My concern about the lack of strict penalties for the refusal of a dispatch call stems from my concern about the lack of a serious deterrent to drivers who refuse to obey rules regarding central dispatch. I also recognize that penalties serve as a major deterrent against violations of TLC rules. Under the proposed rule, the strictest penalty associated with a central dispatch violation is only \$100, and no such violations would require a personal appearance. Once again, these relatively minor fines, coupled with the failure to require a personal appearance by the alleged violator, fail to meet the standards for comparable violations of the rules governing street hails. They also lack the teeth to serve as an effective or meaningful deterrent. Furthermore, it is vital that fines be assessed against not only the operator, but the medallion owner as well. By purchasing an accessible medallion the owner is making a commitment to transport persons with disabilities and to participate in the dispatch program and they must be held accountable for ensuring that their taxis fulfill that commitment I believe that it is incumbent upon this body to ensure that effective penalties are in place to make this vitally important component of the transportation system work for our society's most under-served members.

I am extremely grateful to the Commission for moving forward with a proposal that would require operators to be trained and certified in order to operate accessible taxicabs. Members of the city's disability community have relayed to me instances in which they actually did hail an empty accessible cab, only to find a driver who had no clue as to how to operate the accessible features of his vehicle. In some cases the passengers themselves have had to teach drivers how to operate a ramp or secure a wheelchair and in others they have simply been left at the curb. Both scenarios are unacceptable.

While the Commission has mandated certification, no training guidelines have been established. No Request For Proposals has been issued, nor has any facilitator been selected to conduct trainings. Driver training is essential, benefiting both passengers and drivers. Riders with disabilities should be confident that when an accessible vehicle pulls up, they'll be able to enter it as quickly and easily as possible, drivers should know through training that additional load time will be minimal. This can only be the case if drivers are properly trained in a standardized fashion that includes all the types of accessible vehicles currently on the road, with additional training periodically mandated as new models of accessible vehicles are approved for hack-up.

With this rule set to take effect in less than two months, I believe that it is incumbent upon this body to act swiftly to rectify this grievous oversight and to present a comprehensive standardized curriculum.

Finally and most importantly, taxicab meters don't begin running on street hail riders before they've finished loading luggage or getting seated in a taxicab. Similarly, a rider using a wheelchair shouldn't be held to a different standard by getting charged for time taken to stow and secure a wheelchair in a taxicab or to load by a ramp. It is therefore profoundly disturbing that the proposed regulations allow an operator on a dispatch call to charge for loading a

wheelchair-using passenger. Drivers on central dispatch calls are for all intensive purposes accepting hails (just in a slightly different fashion) and should be held to the same standards.

The second the passenger is at curbside, the meter should be stopped and not started again until the operator is back in his seat and ready to drive. Anything less amounts to a discriminatory fee charged against passengers using mobility aides based on the fact the fact that they use such a device or that the driver did not know how to properly operate his equipment, causing a prolonged delay in departure that can greatly increase the fair. In either scenario, it is simply unfair to place a financial burden upon the passenger.

I'd like to close by reiterating my belief that central dispatch can serve as a critically important link in the transportation system serving more than 1.3 million New York City residents with disabilities as well as the countless disabled commuters and tourists who pass through our city on a daily basis. We must ensure that this plan isn't doomed to fail before it begins. I'd ask that the Commission seriously consider the concerns that I have raised today, as well as those enumerated in my November 7th letter to Chairman Daus, copies of which are in front of you.

I would respectfully ask that the distinguished Members of the Taxi and Limousine Commission take bold action in keeping New York City on the cutting edge of state and municipal governments around the country. I urge the Commissioners to take decisive steps in meeting the transportation needs of persons with disabilities in our nation's greatest city. I urge you to move swiftly to approve a program for the central dispatch of accessible taxicabs and for-hire vehicles.

Thank you for the opportunity to testify today.