



STRANDED

How the TLC is Failing Wheelchair Users

TABLE OF CONTENTS

STRANDED: How the TLC is Failing Wheelchair Users

| | |
|------------------------------------------------------------------|----|
| Executive Summary | 3 |
| Introduction and History | 10 |
| Part 1: Implementation of Accessible Vehicles as Taxis | 12 |
| Part 2: The Accessible Taxi Central Dispatch System | 18 |
| Part 3: The Prioritization of Green Over Accessible | 35 |
| Part 4: What the Future Holds | 47 |

Assembly Member Micah Z. Kellner
315 East 65th Street
New York, NY 10065
Tel: 212.860.4906
Fax: 917.432.2983
www.micahkellner.com

Staff Writers

Ashley Roberts
Paul Curtis
Eliyanna Kaiser

Graphic Design

Eliyanna Kaiser

Cover Photo

P. Bennett

Copyright © June 2009
Micah Z. Kellner
All rights reserved.

EXECUTIVE SUMMARY

Introduction

There are approximately 60,000 wheelchair-users in New York City, but only 238 of the city's more than 13,000 medallion yellow taxicabs are wheelchair accessible. Since 2002, Mayor Michael Bloomberg's administration and the New York City Taxi and Limousine Commission (TLC) have been slow to implement accessibility within the yellow taxi fleet, even while they have aggressively promoted higher fuel-efficiency standards.

History

On July 16, 2003, Intro. 496-A (Weprin) was signed into law, requiring, for the first time, that 9% of the 900 new medallions then scheduled to be auctioned off by the TLC be for accessible vehicles. A competing bill, Intro. 531 (Lopez), which would have required accessibility for all 900 new medallions, and ultimately all taxis, was not acted upon at that time, nor when it was reintroduced in 2004. The first wheelchair accessible taxis went into service at the end of 2004.

On March 10, 2006, Intro. 339 (Liu) was introduced, requiring that 50% of the then-remaining 308 medallions be set aside for fuel efficient taxis, and that 50% be reserved for wheelchair accessible taxis. Intro. 339 was amended by committee before passage so that 254 of the 308 medallions were restricted to fuel-efficient vehicles, leaving only 54 accessible medallions for auction. Subsequently, the state legislature authorized the TLC to auction 150 new accessible medallions.

Implementation of Accessible Vehicles as Taxis

Background

Approved accessible taxis are altered versions of commercially available vans or minivans. The two most common conversion types are side-entry and rear-entry vehicles, which differ in the placement of the wheelchair ramp. Before a vehicle can be used as a yellow cab, it must be approved by the TLC pursuant to its Rules and Regulations.

Vehicle Approval

On May 26, 2006, the TLC amended its regulations, despite the objections of disabilities advocates and accessible medallion owners, to allow only side-entry vehicles for use as accessible cabs. Side-entry vehicles are not compliant with the requirements with the Americans

for Disabilities Act (ADA), because they are inaccessible to many wheelchair users and to most scooter users. In June 2007, after months of negotiations, the TLC permitted Autovan, a commercial mobility manufacturer specializing in a rear-entry modification of the Toyota Sienna, to begin a pilot program for its vehicles.

Despite successful road testing and positive feedback, Autovan was then asked to provide additional documentation and pay for crash testing - unprecedented requirements never before or since applied by the TLC to any other vehicle. Crash testing demonstrated that the vehicle surpassed the requirements of the Federal Motor Vehicle Safety Standards (FMVSS), but it was still not approved until June 12, 2008.

Accessible Markings

The first accessible taxis displayed the universal white-on-blue wheelchair insignia on a pair of 4 x 4.725-inch rectangular decals, which were placed behind the rear side window of the vehicle. The markings were too small to be seen by pedestrians, and their positioning meant that a wheelchair-user would only know a vehicle was accessible after it had already passed by. Local Law 55, passed in December 2006, sought to address these deficiencies, requiring that the international wheelchair insignia be displayed on two prominent locations on the taxi's exterior.

After the TLC's "Garden in Transit" program in 2007, Assembly Member Micah Z. Kellner wrote to the agency suggesting that the hoods of accessible vehicles be painted blue, with a large white universal wheelchair insignia in the center. In January 2008, Assembly Member Kellner and New York City Comptroller William C. Thompson, Jr. wrote again, urging larger and more prominent decal placement and asking the agency to meet with stakeholders, but the TLC did not consent to a meeting.

In February 2008, TLC Chairman Matthew W. Daus responded to Comptroller Thompson, writing that because of the upcoming implementation of a pilot program for the central dispatch of accessible taxis, "wheelchair users will not need to rely on street hailing... based on exterior markings." Later that month, the TLC unveiled new decals that did not include the universal wheelchair insignia, called the TLC "Smart Design Logo." One advo-

cate described it as looking more like a “Cirque Du Soleil dancer” than a wheelchair. The decals are black in color and small. Assembly Member Kellner and Comptroller Thompson continued to press the TLC to use a more visible and recognizable design, until the agency agreed to adopt a larger, blue symbol on the hood of the car – though still in the shape of the “Smart Design Logo,” as opposed to the universal wheelchair symbol. Another problem is night identification.

Originally TLC Deputy Commissioner Andrew Salkin proposed coloring the roof light of accessible taxis blue, but this idea died after it was determined that only emergency vehicles are permitted blue lights. Since that time, the idea of a colored roof light, or any kind of illuminated marking has been dropped.

After the dispatcher locates a taxi, the client receives a call back with the pick-up time and medallion number.

Central Dispatch is supposed to be available 24 hours a day, 365 days a year. According to the TLC, the program is aimed at consolidating the demand for accessible taxis and a limited number of vehicles. The TLC aims to complete 25% of service requests within 20 minutes, 50% within 40 minutes, and 100% within an hour. For this report, 20 calls to Central Dispatch were monitored between December 2008, and January 2009.

Lack of Advertising and Promotion

Since the inception of Central Dispatch, the TLC has reported that demand for the program is low. However, at a series of town hall meetings organized by the Disabilities Network of New York City, TLC representatives admitted – without explanation – that the TLC has not advertised the program.

Customer Service

--311 Service

Central Dispatch customers report that 311 operators generally know about Central Dispatch and most calls are transferred quickly. However, in three of the monitored calls, the operator wasn't aware of the program.

--Outer Boroughs

Outside of Manhattan, the pilot program is significantly flawed. While every monitored call was placed more than 90 minutes before the requested pick-up time, not one call involving an outer borough resulted in a pick-up being scheduled for the requested time or within 30 minutes of that time. Of the seven requests made for pick-up in the Bronx, Queens, or Brooklyn, five resulted in the caller being told that no taxicab was available. For two out of three monitored calls involving a requested pick-up in Manhattan and a drop-off in the Bronx, one caller was told there was no availability; the second resulted in a pick-up 40 minutes after the requested time.



Taxis for All members hold signs urging support for City Council Intro. 84 (2004), Councilmember Margarita Lopez' bill that would have mandates new medallions to be auctioned to be for accessible taxis. (Photo courtesy of the United Spinal Association and Taxis for All)

The Accessible Taxi Central Dispatch System

Background

The Accessible Taxi Central Dispatch System is a two-year pilot program which began in July 2008, enabling wheelchair users to call 311 to request an accessible taxi pick-up. The 311 operator transfers the client to Central Dispatch, where the caller's name, requested pick-up time and location, and drop-off location are recorded and the caller is given a confirmation number.

TLC rules allow drivers participating in Central Dispatch to refuse up to two fares per shift, while also notifying drivers of each potential passenger's requested pick-up and drop-off locations – a policy that makes it possible for drivers to refuse fares based on drop-off location, thus subjecting Central Dispatch customers to a separate-and-unequal standard compared to the rights accorded to ambulatory passengers.

Since For-Hire-Vehicles (FHV) and livery cars form the bulk of taxi service in the outer boroughs, it would follow that they could fill a similar purpose for Central Dispatch. Service to the outer boroughs is not happening because the TLC does not enforce rules requiring livery and FHV companies to have accessible vehicles in their fleets and the TLC exempts them from Central Dispatch for reasons unknown.

--Weekends and Off-Hours

Central Dispatch is supposed to be available at all times, but in practice service is unavailable on weekends and outside of normal business hours. Of the 20 monitored calls, seven were made outside of weekday business hours. For four of the seven, Central Dispatch did not answer when the 311 operator attempted to transfer the call. Of three calls made for trips on the weekend only one resulted in the dispatcher successfully obtaining a taxi for the caller.

--Making Scheduled Transportation Connections

Three monitored calls were placed with requests for trips terminating at airports. One of these calls resulted in a scheduled pick-up within 15 minutes, but the other two did not result in a dispatch, despite both callers placing requests many hours in advance. There is no evidence that Central Dispatch does anything to flag calls to airports (or any other call type) as urgent. A temporary incentive program at John F. Kennedy International Airport allows Central Dispatch drivers to receive priority in the taxi line at JFK for four hours, but the rules permit this only once a day per driver, and do not allow carryover of the privilege when a call is taken at the end of a shift.

--Reliability

Central Dispatch works best for trips originating and terminating in midtown Manhattan, but it is far from reliable. Of the 20 monitored calls, six were for trips within Manhattan but only one resulted in a pick-up at the requested time. One call was cancelled by Central Dispatch without explanation, and another passenger waited two hours for a confirmation call.

Missing and Misleading Data

As of March 2009, the TLC says it has dispatched 1,275 calls, with 10% ending in cancellations for reasons not tracked. 311 reports that for the roughly the same time period (as of February 2009), 2,287 calls were transferred to Central Dispatch. It is unclear how

the TLC defines "cancellation" given the massive discrepancy between TLC and 311 data. The TLC has provided no explanation for this discrepancy.

Driver Training

The TLC requires drivers of accessible taxicabs to attend a three-hour training session. Assembly Member Kellner interviewed wheelchair-users about their experiences using accessible taxis, and while the loading process and the courteousness of drivers generally received high marks, some respondents expressed concerns about safety. Despite training on how to use Central Dispatch BlackBerries, TLC data show that an average of only 31 drivers are logged into the system at any given time - even though there are supposedly as many as 238 accessible vehicles on the road.

Also, while the TLC reports that 493 drivers had received training as of March 2009, the agency has issued 1,786 summonses since July 2008, to drivers and owners - the majority of which the TLC says are for lack of proper driver training.

Use of Technology in Accessible Taxicabs

Most New York City taxis feature Global Positioning Systems (GPS) attached to their meters as part of the Passenger Information Monitor System (PIMS). The TLC could have adapted this standard technology for the purpose of tracking and dispatching taxis participating in the Central Dispatch System. Instead, it chose to provide drivers with GPS-enabled handheld BlackBerries. This approach undermines the effectiveness of Central Dispatch because it is unreliable: the devices can be left at home or in the glove-compartment, their sound can be switched off or set too low, or drivers can simply forget to turn them on.

Even when functioning correctly, this system impairs accurate communication between drivers and dispatchers: for instance, when a driver is asked to accept a fare, the BlackBerry system allows the driver only to answer either "yes" or "no" - there is no way to communicate that the driver currently has a fare but would be willing to make a pick-up after finishing the current passenger's ride. Recently, the TLC began a "pilot program" in half of its accessible taxis, using GPS-enabled installed systems instead of BlackBerries - a return to the concept used in other yellow cabs.

TLC Rules Enforcement

There are 19 TLC violations in the Rules specific to Central Dispatch; all 19 carry fines between \$50 and

\$100, and none require a personal appearance. These rules have a lower standard than what is required in similar situations outside of Central Dispatch, contributing to a situation where wheelchair-users have fewer rights than other passengers.

An example is TLC Rule §2-50(b), prohibiting drivers from refusing to take a passenger anywhere in New York; it carries a fine between \$200 and \$350 for a first offense. A driver participating in Central Dispatch is allowed to refuse two fares each shift, and a third refusal carries only a \$100 fine. The TLC does not track Central Dispatch violations by type, making it impossible to determine program design flaws.

The Prioritization of Green Over Accessible

Background

In April 2007, Mayor Bloomberg announced, as part of PlaNYC 2030, a mandate to double the number of fuel-efficient taxis by 2012, and to achieve a 100% fuel-efficient fleet within the next eight to ten years. The Mayor's office has issued six press releases about this mandate. In the same time the Mayor has not issued any press releases highlighting the need for accessible taxis.

Taxi of Tomorrow Initiative

On February 20, 2008, the TLC published a Request for Information (RFI) for the "Taxi of Tomorrow" project. The initiative was thought to present a unique opportunity to spur the development of an accessible and green taxicab, particularly because among the original requirements was that it meet ADA guidelines. Disabilities advocates responded to the RFI and provided recommendations. After the close of the comment period, the TLC issued a report summarizing the responses as demanding "environmental sustainability, sophisticated durability, and trendsetting urban design for diverse users." The TLC document makes it clear that the term "diverse users" refers to the diverse tastes of users and the need to create a "loveable" taxi - not diversity in terms of factors like being a wheelchair user.

Assembly Member Kellner wrote to the TLC to urge that New Yorkers with disabilities be included on the project's advisory committee, but his request was denied. To date only a handful of considerations for the blind and hard of hearing are listed as priorities for the Taxi of Tomorrow project - ADA compliance is not. Since publication of the RFI over a year ago, the Taxi of

Tomorrow Committee has not met, nor have there been any significant updates on the Committee's progress at Commission meetings.

Incentives to Medallion Owners

One key TLC strategy for the implementation of its policy goals is to offer incentives to owners who purchase preferred vehicles. In December 2007, the TLC, at the directive of Mayor Bloomberg, adopted the "25/30 rules" requiring a 25 mpg minimum standard for all new taxis beginning October 2008, rising to a minimum of 30 mpg by October 2009. The new fuel efficiency standards would not have applied to wheelchair-accessible vehicles.

In September 2008, the Metropolitan Taxicab Board of Trade (MTBOT) filed suit to block the implementation of the rules in federal. An injunction was granted on October 31, 2008. On November 14, 2008, the TLC proposed new lease cap rules to encourage the purchase of hybrid taxis, proposing that owners be able to charge drivers \$3 more per shift for a hybrid vehicle, while simultaneously lowering the lease cap by \$12 for all other vehicles, except for accessible vehicles.

This was a missed opportunity for the TLC to prioritize both green and accessible vehicles, rather than prioritizing one over the other. Since the adoption of the new lease caps rules, the MTBOT has brought a second lawsuit against the City and implementation of the new lease caps have been on hold pending a decision.

A state tax credit of \$10,000 for the upgrading of a vehicle for accessibility was enacted by the state legislature in 2006, but the TLC does not promote its existence.

Accessibility Issues with TLC-Approved Hybrid Taxis

Many of the approved hybrid vehicles introduce new accessibility burdens to passengers. The Ford Escape, Toyota Highlander, and Lexus RX400 are Sport Utility Vehicles with high steps that require a passenger to climb to enter the cab. Also, because hybrids make little to no noise at low speeds, they are a hazard for pedestrians who are blind or of low-vision.

Contrasting the Approvals of Hybrid and Accessible Vehicles

TLC approval of hybrid vehicles for taxis has been fast-tracked, while approvals for accessible vehicles have been slow and fraught with roadblocks. TLC

Rules were modified for hybrid vehicles to decrease the minimum passenger space requirements in vehicle interiors, despite safety concerns raised by industry leaders, including the hybrid manufacturers. By November 2005 - only two months after the new rules were adopted - six hybrid taxis were already on the road.

TLC meeting transcripts indicate that the TLC's plan was, from the beginning, to road test vehicles after their approval. TLC officials testified at a City Council hearing in September 2008, that there is no program in place to ensure the safety of hybrid vehicles. Today there are 15 hybrid vehicle types approved by the TLC. In direct contrast, the Toyota Sienna accessible van was subjected to a 15-month approval process including road testing, rider evaluations, an independent engineer's certification of each vehicle, and crash testing paid for by the applicant (Autovan).

Most recently, the TLC has required Autovan to ship a modified 2009 Sienna for inspection before the new model could be approved for use - despite the fact that the 2008 and 2009 vehicles are structurally identical. No such request has been made of the companies modifying hybrids.

What the Future Holds

"Access-A-Card" - Using Accessible Taxis to Facilitate Paratransit Services

In March 2009, Assembly Member Kellner submitted a proposal to the Metropolitan Transportation Authority (MTA) urging the agency to adopt a debit card payment model for registered paratransit users, allowing riders to use taxicabs as a supplement to Access-A-Ride (AAR), New York City's paratransit program. AAR, operated by MTA New York City Transit, is facing increased costs, mostly due to expensive contracts with service providers, as well as a sharp increase in demand for services.

The Independent Budget Office prepared a report in 2007 studying the feasibility of using accessible taxis to complement AAR and found that it would greatly reduce costs. Other major cities have similar and successful programs. The MTA has said that it plans to begin a Manhattan-based pilot program this summer.

An Accessible Taxi Mandate

On April 27, 2009, Assembly Member Kellner and State Senator Tom Duane introduced A.7842/S.4861



Carr Massi and Jean Ryan of Taxis for All at a 2004 demonstration (photo by C. Pierson)

to require that by 2011 all new taxicabs put into service in New York City be accessible to people with disabilities. The bill's definition of an "accessible taxicab" provides for ADA compliance, wheelchair and scooter accessibility, an assistive listening system, standardized interiors, Braille and large-print signage, sufficient room to accommodate a service animal, and, if a hybrid vehicle, the use of a device that allows the vehicle to be heard as readily as a gas-powered vehicle.

In 2006, Councilmember G. Oliver Koppell introduced Intro. 378, the successor bill to Councilmember Lopez's Intro. 84 of 2004. The legislation would increase the accessibility of taxicabs to people with disabilities by mandating that all new taxis hacked-up after December 31, 2010 be either hybrid or accessible vehicles, and all new taxis hacked-up after December 31, 2012 be hybrid and accessible.

Tomorrow's Taxi: Purpose-Built, Accessible, and Green

Several vehicles currently in development promise to meet both conservation and accessibility goals. The Vehicle Production Group is developing the MV-1, which is the first purpose-built wheelchair accessible taxicab, and can be operated with a Compressed Natural Gas (CNG) fuel system. Autovan, which produces the modified Toyota Sienna (an accessible taxicab currently in use), is working on an accessible modification for a hybrid platform vehicle.

Assembly Member Kellner and Senator Duane introduced A.8508/S.5657, to expand the existing \$10,000 tax credit for the modification of a vehicle to make it an accessible taxicab to include the purchase of a purpose-built accessible taxicab.



A member of Taxis for All tries unsuccessfully to hail an accessible taxi at a 2004 'roll-in' demonstration at Penn Station. (photo by C. Pierson)

Summary of Recommendations

- New York State should mandate a 100% accessible taxi fleet by enacting A.7842/S.4861;
- The New York City Council should mandate a 100% taxi fleet by passing Intro. 378 (Koppell);
- New York State should provide equal incentives for purpose-built accessible taxis as for modified accessible taxis by enacting A.8508/S.5657;
- The TLC's Assistant Commissioner of Safety and Emissions should have a professional or educational background related to automotive engineering;
- TLC should consult with disabilities community about decal placement and design, cease using its "Smart Design Logo," revert to use of the universal wheelchair symbol printed in blue ink, and increase decals in size. Decal placement should be studied from the vantage point of a wheelchair passenger making a street hail;
- TLC should add a universal wheelchair symbol to the roof light of all accessible taxis;
- TLC should create a budget line for advertising the Central Dispatch System;
- The City should utilize some of its free advertising space in bus shelters and other public spaces for Central Dispatch;
- To protect passengers traveling to the outer boroughs from discrimination, TLC should not ask customers calling Central Dispatch for their drop-off locations;
- TLC should establish clear protocols for Central Dispatch to call back customers within a consistent and predictable timeframe;
- TLC should enforce its rule requiring FHV operators to dispatch accessible vehicles for wheelchair customers, or to contract with affiliates to do so;
- TLC should ensure that service is available to outer boroughs by requiring FHV and livery car companies to participate in the Central Dispatch program;
- TLC should modify Rules so a driver within a reasonable distance of a pick-up may not refuse a call;
- TLC should ensure that a Central Dispatch operator is available to answer calls outside of normal business hours and on the weekends;
- TLC should give consideration to customers traveling to a transportation hub (airport, train or bus station) or to a medical appointment;

- TLC should collect data in greater detail so that reasons for cancellations and refusals can be better understood;
- TLC data about Central Dispatch should be transparent and readily available;
- TLC should cease use of BlackBerries for all Central Dispatch drivers and make use of available GPS-enabled systems like PIMS for all accessible vehicles;
- TLC should engage with drivers of accessible taxis to determine the reason for low levels of driver participation in Central Dispatch;
- TLC rules for Central Dispatch should be modified so that standards and fines for violations of a customers' rights provide for equal treatment of Central Dispatch and other TLC customers;
- The MTA's planned pilot program for the use of accessible taxis to complement Access-A-Ride services should be extended as soon as possible to include the outer boroughs where the need is greatest;
- The TLC should require that Taxi of Tomorrow Committee update the public as to the status of its work;
- The Taxi of Tomorrow Committee should include universal accessibility as a "core value" for the Taxi of Tomorrow;
- TLC should provide incentives for the purchase of accessible vehicles, including lease cap incentives, which are equal to those provided for purchase of fuel efficient vehicles;
- TLC should make greater efforts to publicize the state tax credit available for taxi and livery owners who purchase accessible vehicles;
- TLC should ensure a consistent and transparent vehicle approval process, insulated from political priorities and applied equally to all companies; and,
- TLC should publicly promulgate the rules and standards to be followed in the vehicle process, including placing this information on the agency's website.

INTRODUCTION

With over 13,000 yellow cabs on the road, New York City is home to one of the largest taxi fleets in the world,¹ and while New Yorkers and tourists hailing cabs throughout the city are common sights, this mode of transportation, virtually synonymous with the New York experience, is not accessible to all.

New York City is also home to an estimated 60,000 wheelchair-users, but only 238 of the more than 13,000 medallion yellow cabs, and an even more miniscule number of livery and black cars, are able to accommodate wheelchairs. This inequity is an everyday reality for wheelchair-users, who are often left stranded and without access to a key element of New York City's transportation infrastructure. Remain-

¹ Taxi and Limousine Commission (Accessed 2009, June 4). *About the TLC* [WWW document] URL <http://nyc.gov/html/tlc/html/about/about.shtml>

HISTORY

Since 2002, Mayor Michael Bloomberg's administration, the New York City Council, and the New York City Taxi and Limousine Commission (TLC) have been extremely slow to implement accessibility within the yellow taxi fleet or to approve appropriate vehicles, often citing technological limitations, while at the same time pressing ahead at a rapid pace with the imposition of other taxi initiatives, even when they involve technologies that are questionable. A review of the history of this issue gives rise to serious doubts about whether accessible taxis have ever been a priority for the City of New York—or simply a nuisance to be dealt with in the most minimal way possible.

On March 28, 2003, Councilmember David Weprin introduced Intro. 496-A at the request of Mayor Bloomberg. The legislation required that 9% (81) of 900 new taxi medallions be auctioned for wheelchair-accessible vehicles, while another 9% percent would be dedicated to alternative fuel or hybrid-electric vehicles.² On June 27, 2003, just under

² New York City Council (2003, July 18). *Local Laws of the City of New York. No. 51 of 2003* [WWW document] PDF <http://www.nycouncil.info/html/legislation/legislation.cfm>

ing modes of transportation available to wheelchair-users are also far from perfect. While New York City Transit buses are wheelchair accessible, only 67 out of 468 subway stations are accessible.

While taxis were originally exempted from the transportation portion of the Americans with Disabilities Act (ADA), it is a matter of fairness and adherence to the spirit of the ADA that all residents are afforded equal access to all modes of transportation—and in this most basic of ways New York City lags behind other comparable cities. London has a 100% accessible taxis fleet, as do several Canadian cities. In the United States, cities like Houston, Boston, Chicago, San Francisco, and Las Vegas have more effective dispatch systems, making their taxi fleets vastly more accessible than New York's.

a month after it was introduced, a hearing was held on Intro. 496-A; the bill was voted out of the Finance Committee and approved by the entire City Council all on the same day. On July 16, 2003, Mayor Bloomberg signed Intro. 496-A into law, creating the first wheelchair-accessible yellow taxis in New York City.

On August 19, 2003, only a month after the Mayor had signed Intro. 496-A, Councilmember Margarita Lopez introduced the far more expansive Intro. 531.³ This bill required all yellow taxis to be wheelchair-accessible, including all of the 900 new medallions being auctioned off. In stark contrast to Intro. 496-A, Intro. 531 never received a committee report, hearing, or vote before the end of the legislative session on December 31, 2003, despite having three times as many sponsors, (18) as Intro. 496-A—including at least one from each borough.

³ New York City Council (2003) *Introduction 0531-2003 Mandating the Newly Issued Taxicab Licenses Be Used Only With Taxicabs That Are Wheelchair Accessible* [WWW document] URL http://www.nyc-council.info/html/legislation/legislation_details.cfm?ID=Int%200531-2003&TYPE=all&YEAR=2006&SPONSORS=YES&REPORTS=YES&HISTORY=YES

One reasonable explanation for the lack of immediate action on Intro. 531 (compared to the fast-tracking of Intro. 496-A) is that four months may not have been enough time to study the impacts. However, when Councilmember Lopez reintroduced her bill in the new legislative session on February 24, 2004 as Intro 84,⁴ with 38 sponsors—a super majority of the Council that could sustain a mayoral veto—the bill received no hearings or votes in committee or before the full Council that year or the next. This clear lack of action indicated that achieving a fully accessible taxi fleet, or even a fleet including a significant proportion of wheelchair accessible vehicles, was not a priority of the Mayor or the City Council at that time.

In the spring and fall of 2004 the TLC sold 592 of the 900 medallions in two separate auctions; this included 19 alternative fuel medallions and 27 wheelchair-accessible medallions. Thus, by the end of 2004 there were finally wheelchair-accessible taxis on the streets of New York City, but they accounted for only 0.2% of all taxis on the road.

On March 10, 2006, Councilmember, and Chairperson of the City Council Committee on Transportation, John Liu, introduced Intro. 339, which would require that of the final 308 medallions to be auctioned, 50% be for vehicles powered by compressed natural gas or hybrid-electric engines and 50% be for wheelchair-accessible vehicles.⁵ If enacted as

It is a matter of fairness and adherence to the spirit of the Americans with Disabilities Act that all residents are afforded equal access to all modes of transportation, and in this most basic of ways New York City lags behind other comparable cities.

written this legislation would have increased the number of accessible taxis on the road by 154, bringing the total to 181 out of 13,087 taxis. The bill was amended on March 24, 2006, so that 254 of the remaining 308 medallions were required to be for vehicles powered by compressed natural gas or hybrid electric engines, while the required number of accessible medallions was left at 54. In its report on Intro. 339-A issued May 24, 2006, the Committee on Transportation states that, “The Committee is considering Proposed Int. No. 339-A with the understanding that Council and the Mayor will approach the New York State legislature to request 150 wheelchair-accessible vehicle medallions in the near future.” Though there was in fact no firm commitment by the State legislature to authorize the creation and sale of 150 new wheelchair accessible medallions, Intro. 339-A was passed

by committee and the full City Council on the same day (as had happened with Intro. 496-A), and signed into law by Mayor Bloomberg shortly thereafter. This was the first of many documented instances in which the Bloomberg administration, with the support of the City Council, chose to advance so-called “green” taxis as a priority ahead of wheelchair-accessible ones.

Thanks to the advocacy of Assembly Member Vito Lopez, the New York State Legislature ultimately did approve the creation of 150 new medallions for wheelchair-accessible taxis, the last of which were sold by the TLC in the summer of 2008. Since 2003, the Bloomberg administration and the TLC have increased the number of New York City medallion yellow cabs by 1,050 to a total of 13,237 taxis. Of those 13,237 cabs only 238—or 1.8%—are wheelchair-accessible.

4 New York City Council (2004) Introduction 0084-2004 Mandating the Newly Issued Taxicab Licenses Be Used Only With Taxicabs That Are Wheelchair Accessible [WWW document] URL http://www.nyc-council.info/html/legislation/legislation_details.cfm?ID=Int%200084-2004&TYPE=all&YEAR=2006&SPONSORS=YES&REPORTS=YES&HISTORY=YES

5 New York City Council (2006, June 15) Local Laws of the City of New York. No. 18 of 2006 [WWW document] PDF http://www.nycouncil.info/html/legislation/legislation_lsearch.cfm

PART 1: IMPLEMENTATION OF ACCESSIBLE TAXIS

Background

Because there are no major car manufacturers that mass produce a wheelchair-accessible vehicle, current accessible taxis are vans or minivans modified for wheelchair accessibility by a separate, smaller mobility company—a process which often leads to questions about the safety and durability of the finished products. There are two basic types of conversion: side-entry, wherein the wheelchair-user enters the vehicle via a ramp that extends from the rear passenger door; or rear-entry, wherein a ramp extends from the hatchback trunk. Though these accessible conversions can be approved and endorsed by the original equipment manufacturer, the most common argument raised against the implementation of a fully wheelchair-accessible taxi fleet is that there is not a wheelchair-accessible vehicle that has been proven able to stand up to the rigors of being driven as a taxi on New York City streets 24 hours a day, 365 days a year. In response, advocates argue that a public mandate is precisely what is needed to spur the development of a safe and durable accessible taxicab.

Vehicle Approval

RECOMMENDATIONS

- TLC should ensure that all vehicles under future consideration for approval meet or exceed the minimum guidelines set out in the ADA.
- TLC Assistant Commissioner of Safety and Emissions should have a professional or educational background related to automotive engineering.

In New York City, any vehicle can be used as a taxi as long as its technical specifications meet the requirements set forth in TLC rules and regulations. On May 26, 2006, the TLC issued regulations prohibiting the use of any vehicle with a modified rear bumper as a wheelchair-accessible taxi.¹ By prohibiting the modifi-

cation of rear bumpers, the TLC effectively ruled out all rear-entry vehicles for use as accessible taxis, since all rear-entry conversions require some modification to the bumper so that the ramp can descend. This decision left three converted side-entry vehicle models approved for hack-up: the Braun ADA Entervan, the El Dorado National Amerivan PT (two modifications of the Chevrolet Uplander), and the Eclipse Mobility ADA Caravan (a modification of the Dodge Caravan). All three of these modified models are side-loading vehicles that share the same deficiency: they are not ADA-compliant and cannot provide accommodation to all wheelchair-users, specifically those using motorized wheelchairs. Drivers of these three modified mini-vans were forced into the unenviable position of risking fines while driving under unsafe and illegal conditions, or choosing to violate TLC rules by refusing to pick up customers in motorized wheelchairs.

On October 11, 2007, FOX 5 News ran a story as part of its “Shame Shame Shame” series demonstrating that the modified Chevrolet Uplanders could not accommodate most people who use motorized wheelchairs.² As a motorized wheelchair-user attempted to get into a modified Uplander and a modified Caravan, he found himself unable to face forward or be safely secured, a clear violation of the New York State Vehicle and Traffic Law.

According to Michael Harris, then-Executive Director of the Disabled Riders Coalition, “[The TLC] brought [disabilities advocates] out to a parking lot in Lower Manhattan and showed us [the Chevy Uplander] and all of us said that we didn’t like the vehicle.”³

Terry Moakley, Associate Executive Director of Public Affairs for United Spinal Association, and past President of the Taxis for All Campaign, recalled, “To me [the Uplander] just didn’t look roomy enough on the inside.”⁴

1 New York City Taxi and Limousine Commission (2006, May 26) Notice of Promulgation of Rules Accessible Taxicab Rule [WWW document] PDF http://www.nyc.gov/html/tlc/downloads/pdf/accessible_taxicab_rule.pdf

2 Das, Arun Kristian (Producer). (2007, October 11). Fox 5 News. *Shame Shame Shame: Wheelchairs and Taxis* [Television Broadcast]. New York, NY: Fox 5 News. URL http://www.myfoxny.com/dpp/news/Shame_Shame_Shame_Wheelchairs_and_Taxis

3 Ibid.

4 Ibid.

Gene Friedman, a taxi fleet owner who had purchased 50 modified Uplanders told FOX 5, “I have just had a very horrible experience with them. Very bad experience. Very, very poor quality and requir[ing] lots of maintenance. Uncomfortable for the driver; uncomfortable for the passenger. They are all falling apart. They are not passing inspections. We are actually so unhappy with these cars that we are taking them off the road voluntarily.”⁵

Surprisingly, the TLC seemed completely unaware of these significant issues, despite having been warned about them by disabilities advocates and accessible medallion owners. When Arnold Diaz of FOX 5 News interviewed Taxi and Limousine Chairman Matthew Daus for the “Shame” segment, he asked, “How is the Uplander working out as an accessible taxi goes?” Chairman Daus responded, “Very well actually.” The interview continued as follows:

DIAZ: “You feel that the Uplander has worked well as an accessible taxi?”

DAUS: “Well so far it is basically...it’s had no durability issues”

DIAZ: “According the owners of the Uplander it was a total disaster.”

DAUS: “It was a trial and error phase. It was a work in progress. You wouldn’t know if these vehicles will withstand the rigors of being a cab until you try them.”⁶

All three models repeatedly failed safety inspections, and the poor performance of the El Dorado and Uplander resulted in medallion owners voluntarily removing the vehicles from service. Ultimately, the Dodge Caravan produced by Eclipse Specialty Vehicles, LLC was the only remaining vehicle that met the TLC’s eligibility requirements for use as a wheelchair-accessible taxi.

In January 2007, Autovan, a commercial mobility manufacturer specializing in a modified rear-entry Toyota Sienna, contacted the TLC seeking to have its

vehicle approved for use as a New York City taxi. Unlike the Uplander, El Dorado, and Caravan, Autovan’s modified rear-entry Sienna had for several years been performing successfully as a taxi in several major North American cities, including San Francisco, Houston, and Vancouver. Over the next two months, representatives from Autovan met with Peter Schenkman, Assistant Commissioner for the Safety & Emissions Division at the TLC, to discuss vehicle specifications. In April, 2007 Autovan presented the TLC with a proposal to pilot two hacked-up Siennas. A Memorandum of Understanding was finalized for the pilot program in June, and the following month, Mr. Friedman’s fleet began driving two rear-entry Siennas to test how they would perform as New York City taxis.

After several months of road testing, the two Autovan-converted Siennas were considered to be performing well. In direct contrast to the side-entry Uplander, El Dorado, and Caravan, the rear-entry Sienna received positive reviews from wheelchair-users, medallion owner, Mr. Friedman, and his drivers. The Sienna presented none of the problems of the side-entry vehicles; it repeatedly passed inspection, drove well and did not easily break down. Most importantly, wheelchair-users could easily enter the taxi through the rear-entry ramp and, because they were already facing forward, had no turning radius issues.

After the airing of the FOX 5 News “Shame Shame Shame” story and the repeated safety inspection failures of the side-entry vehicles, Mr. Friedman, disabilities advocates, and elected officials continued to raise concerns about the TLC’s choice of accessible vehicles.

In a letter to Chairman Daus dated October 15, 2007, Assembly Member Micah Z. Kellner wrote, “In light of these well documented problems and with bidding for the 150 [accessible] medallions starting in just a few weeks, I ask that the TLC act expeditiously and decertify all the inadequate vehicles and instead certify only those that are truly accessible, durable, and safe, and which allow medallion owners and drivers to comply with both state law. This may mean setting regulations that exceed the standards set out by the Americans with Disabilities Act.”⁷

5 Ibid.

6 Ibid.

7 Kellner, Assembly Member Micah Z. (2007, October 15) Letter to Taxi and Limousine Commission Chairman Matthew W. Daus Re: Accessible Taxi Vehicles.

In a three-sentence reply to Assembly Member Kellner, dated November 14, 2007, Chairman Daus failed to respond to the questions Assembly Member Kellner had raised, offering only the sentiment that “[i]t is heartening to know that we share the goal of enhancing accessibility for persons with disabilities, and that we may count on your input and energy in helping us reach that goal.”⁸ The TLC, which had shown itself capable of moving swiftly on other occasions, did not take any action to improve its certification practices with regard to accessible vehicles.

Indeed, the TLC showed little interest in acting on the concerns raised by elected officials, medallion owners, and disability advocates, stating in a letter to Mr. Harris that the earliest it would begin reviewing the Autovan Sienna’s progress was “no sooner than late January,” even while acknowledging that “the vehicle appears to be performing well thus far, and hopes are high that there will be no complications for the remaining duration of the program.”⁹

In fact, Autovan representatives say that their efforts to continue the pilot program were frustrated by vague answers to their queries and by what they perceived as delay tactics on the part of the TLC. In January 2008, representatives of Autovan submitted the six-month report on the progress of their pilot program to Assistant Commissioner Schenkman. Jim Mayfield, Vice President of Autovan, told Assembly Member Kellner that when he spoke with Assistant Commissioner Schenkman about the program, the non-specific replies he received could have been interpreted as positive feedback. The company said that it was surprised to learn that Autovan was not included on the TLC’s January agenda. Assistant Commissioner Schenkman informed TLC staff members and Commissioners that the reason was that the company’s report contained insufficient data. Autovan representatives attempted to work with Assistant Commissioner Schenkman to revise their report so that their presentation could be included on the TLC’s February agenda, but Autovan was again excluded.

Advocates and elected officials continued to express support for the rear-entry Sienna pilot program.

⁸ Daus, Taxi and Limousine Commission Chairman Matthew W. (2007, November 14) Letter to Assembly Member Micah Z. Kellner Re: October 15, 2007 Letter.

⁹ Fromberg, Taxi and Limousine Commission Deputy Commissioner Allan J. (2007, December 5). Letter to Michael A. Harris Re: Autovan Sienna Pilot Program.

Assembly Member Kellner wrote a letter to Commissioner Daus on January 2, 2008, asking for a “swift timeline for the approval of appropriate rules changes for any acceptable rear-entry hack-up vehicles,” so that the Autovan pilot program could proceed.¹⁰ When TLC Commissioner Jeffrey Kay inquired about the progress of the Autovan pilot program, David Klahr, Chief of Staff to then-First Deputy Commissioner Charles Fraiser, responded by stating that, “Peter Schenkman spoke again with Autovan after the report was delivered to inform them that the information was insufficient,” a remark that was in contradiction of Assistant Commissioner Schenkman’s earlier statements to Autovan. Mr. Klahr went on to discount the rider evaluation of the Autovan vehicle by Michael Harris because he believed it to be part of a follow up piece Fox 5 News was doing on the “Shame Shame Shame” report: “[Mr. Harris] appears to have tested the Sienna as part of a television news story,” a claim for which Mr. Klahr did not provide supporting evidence.¹¹

Because of the delays in the Autovan approval process, owners of the 63 recently purchased accessible medallions had no choice but to buy the Eclipse Mobility ADA Dodge Caravans.

Ultimately, the TLC required Autovan to crash test the modified Toyota Sienna, as well to obtain the Toyota Corporation’s manufacturer endorsement or have an independent engineer sign off on the structural integrity of each vehicle after it was modified. The requirements imposed on Autovan by the TLC were unprecedented, costing the company more than \$100,000.

Throughout this process, TLC officials claimed that the reason for its intense scrutiny was that all of these checks were needed to ensure the public’s safety. However, such requirements have never been imposed on any other potential vehicle, accessible or not, including, for instance, Freedom Motors Incorporated, which also builds a Toyota Sienna rear-entry vehicle which was also ultimately allowed to be used as a taxi. Even after crash-test data indicated that the Autovan-modified Sienna surpassed Federal Motor Vehicle Safety Standards (FMVSS) requirements, and engineering reports were

¹⁰ Kellner, Assembly Member Micah Z. (2008, January 2). Letter to Taxi and Limousine Commission Chairman Matthew W. Daus Re: Rear-Entry Vehicle Approval

¹¹ Klahr, Chief of Staff to First Deputy Commissioner David. (2008, February 12). Electronic Mail to Assembly Member Micah Z. Kellner Re: Briefing on Autovan.

presented to the Commissioners, approval of the rear-entry Sienna was nonetheless delayed until after the spring auction of 87 accessible medallions.

Ultimately, TLC Commissioner Harry E. Gianoulis crafted a compromise whereby the Sienna pilot program was expanded to any new accessible medallion owner, so that there was a choice amongst accessible vehicles. It was not until June 12, 2008, over a year and a half after Autovan had first contacted the TLC, that new rules governing rear-entry taxicabs were finally approved.

Accessible Markings

RECOMMENDATIONS

- The TLC must consult advocates in the disabilities community to determine the best size and locations for decals on vehicles so that they are easily identifiable by wheelchair passengers making a street hail.
- TLC should cease using the “Smart Design Logo” and instead use the universal wheelchair accessibility symbol.
- All wheelchair accessible vehicle decals and markings should be larger and printed in blue ink.
- The TLC should add a universal wheelchair symbol to the roof light of all accessible taxis, making it easier for wheelchair users to identify such cabs when making street hails at night.

New York City yellow cabs are iconic; they are easily identified by their yellow paint, large black lettering, and roof light. But while everyone can readily identify a taxi on the street, the TLC does not follow the same high design standards that have served it so well for its wheelchair accessible vehicles. The inability of people with mobility impairments to easily identify an accessible taxi on the street has been a barrier to access. This failure exists despite consistent feedback on this issue from advocates and elected officials that the markings needed improvement, and a City law aimed at correcting design deficiencies. What is often forgotten in the debate around accessible vehicle markings is that if the taxi fleet was made up of 100% accessible



A modified Chevrolet Uplander taxi with the old decals (rear side of van) that were in use until February 2008. [source: TLC website]

vehicles, the debate about the effectiveness of various design choices would not be necessary.

In December, 2006, the New York City Council passed legislation that ultimately became Local Law 55 of that year, which stated that “[a]ny accessible taxicab or for-hire vehicle licensed by the [New York City Taxi and Limousine Commission] shall display the international wheelchair insignia or other insignia approved by the commission that identifies such vehicle as an accessible vehicle, in a minimum of two prominent locations on such vehicle’s exterior.”¹²

When the first TLC-approved accessible taxis hit New York City’s streets, their markings consisted of two rectangular decals behind the side rear windows, displaying the universal wheelchair-accessible symbol in white on a blue background, that were 4 inches by 4.725 inches in size.¹³ While the universal wheelchair symbol is the proper icon to display, these markings were too small to be visible at any significant distance. Moreover, the decals were placed behind the rear side window of the vehicles, making it impossible for a prospective passenger to identify a vehicle as accessible until it had already passed the wheelchair-user on the street. The appearance, number, and placement of these markings represented the bare minimum of compliance with the City law.

In a letter to Chairman Daus dated January 2, 2008, Assembly Member Kellner outlined these con-

¹² New York City Council (2009, May 15). Local Laws of the City of New York. No. 55 [WWW document] PDF <http://www.nycouncil.info/html/legislation/legislation.cfm>

¹³ New York City Taxi and Limousine Commission (2007, November 28) *Memorandum of Understanding for Accessible Markings and Clean Air Markings* [WWW document] PDF www.nyc.gov/html/tlc/downloads/pdf/clean_air_mou.pdf - 2007-11-28



The Universal Wheelchair Insignia



The TLC "Smart Design Logo"
[source: TLC website]

cerns and requested that the agency hold a series of meetings with stakeholders to discuss improving the markings.¹⁴ This was followed by a request from City Comptroller William C. Thompson, Jr. on January 14, 2008, addressing the same concerns and asking that the TLC "consider a more conspicuous way to mark the accessible taxis so that customers in need of accessible cabs can more easily recognize [them]."¹⁵ The TLC did not meet with stakeholders or adopt any suggestions.

On February 5, 2008, Chairman Daus responded to Assembly Member Kellner's letter, stating that in keeping with City law, the TLC had approved new decals at a public hearing on July 12, 2007, and that these would be updated on all accessible vehicles as of February 1, 2008.¹⁶ Chairman Daus also responded to the Comptroller, stating that the upcoming implementation of the Central Dispatch pilot program would mean it so that "passengers who use wheelchairs will not need to rely on street hailing an accessible vehicle based on its exterior markings in order to obtain taxi service."¹⁷ This statement reveals that the TLC was satisfied with a separate-and-unequal system within the yellow cab fleet. Unlike the general public, the TLC expected wheelchair users to have only extremely limited access to taxis as a transportation option, to the extent that it did not even consider the remote possibility of wheelchair-users making street hails.

14 Kellner, Assembly Member Micah Z. (2008, January 2) *Letter to New York City Taxi and Limousine Commission Chairman Matthew W. Daus Re: Accessible Taxicab Markings.*

15 Thompson, New York City Comptroller William C. (2008, January 14) *Letter to New York City Taxi and Limousine Commission Chairman Matthew W. Daus Re: Accessible Taxicab Decals.*

16 Daus, New York City Taxi and Limousine Commission Chairman Matthew W. (2008, February 5). *Letter to Assembly Member Micah Z. Kellner Re: Taxi of Tomorrow, Toyota Sienna and Taxi Decals.*

17 Daus, New York City Taxi and Limousine Commission Chairman Matthew W. (2008, January 24). *Letter to Comptroller William C. Thompson, Jr. Re: Visibility of Accessible Taxicabs.*

When the TLC unveiled the "new and improved" decals that month, designed by New York City and Co., advocates quickly pointed out that many of the original problems were left unaddressed. This included problems with the small size of the decal, which remained at 4 inches by 4.725 inches.¹⁸ Two small "Smart Design Logo" decals replaced the two, smaller, universal logos, in the same poor location—behind the rear side window of the vehicle. City law required the TLC to use the universal wheelchair accessibility symbol in its design, but New York City and Co. decided to design their own logo to indicate wheelchair accessibility for the TLC. The TLC calls this its "Smart Design Logo". This logo is not used anywhere else in the world, and while it is confusing to residents, it confounds wheelchair-using tourists. One disabilities advocate, Edith Prentiss, dubbed the "Smart Design Logo," "the Cirque Du Soleil dancer," because the design looked more like an abstract of a ballerina than the recognizable universal wheelchair accessible symbol.

Over the next several weeks, Assembly Member Kellner had informal conversations with TLC First Deputy Commissioner Andrew Salkin and Assistant Commissioner of Constituent Affairs Samara Epstein regarding how best to ensure that accessible taxis are easily recognizable as such. In an attempt to preserve the iconic yellow color of New York City's taxis, Deputy Commissioner Salkin repeatedly suggested that the roof light on accessible vehicles be colored. This suggestion was originally included in the proposed rules for accessible and hybrid markings circulated on April 12, 2007, which stated that "[i]f the taxicab is an accessible taxicab the

18 New York City Taxi and Limousine Commission (2007, November 28) *Memorandum of Understanding for Accessible Markings and Clean Air Markings* [WWW document] PDF www.nyc.gov/html/tlc/downloads/pdf/clean_air_mou.pdf



TLC Smart Design Logo side decal placement; black ink, located near rear window. [source: TLC website]



TLC Smart Design Logo hood placement

translucent slide of the roof light shall be medium blue.”¹⁹ However, this was an unrealistic suggestion, because by New York State law, colored lights, namely blue and red, are reserved solely for emergency vehicles, and any exception for taxis was highly unlikely – a problem which was discussed at the TLC Commission Meeting on April 12, 2007, which addressed the issue of vehicle markings.²⁰

Mindful of the iconic yellow coloring of the New York City taxi, Assembly Member Kellner set about making suggestions for markings that would be easily identifiable but not too invasive. Assembly Member Kellner suggested that a hood-sized blue decal with a white international wheelchair insignia be placed on the hood of the vehicle. Kellner believed this possible, since the TLC had already gone ahead successfully with the “Garden in Transit” decal program in 2007, where school children and volunteers painted flowers on hood sized decals that were placed on yellow taxicabs, creating a recent precedent for full hood decals.²¹ Kellner also suggested that all the new “Smart Design Logo” decals be printed in blue—a color commonly associated with accessibility—instead of black, a distinct difference that would have little effect on the overall look of the taxi. Assistant Commissioner Epstein first told Assembly Member Kellner that the TLC could not print the “Smart Design Logo” decals in blue. The TLC in fact does not print

decals in-house; it only promulgates specifications for such decals and provides a list of approved printers.²² When Assembly Member Kellner pointed this out to Assistant Commissioner Epstein, she changed the reason for her opposition, stating that removing the black decals would ruin the paint job of the taxis and be messy. This was an unconvincing argument as the TLC had already ordered all old decals be removed and replaced with the new “Smart Design Logo” decals.

In June 2008, Assembly Member Kellner once again contacted the TLC via email requesting it implement his suggestions for decals. In July 2008, Assembly Member Kellner received a response from the TLC stating that the proposal to institute a larger, blue symbol on the hood of the car would be accepted and promulgated throughout the accessible taxi fleet, as well as locating two smaller, but black decals on the sides of the vehicles, but once again sited behind the rear side window of the cab. The design of the symbol would remain the “Smart Design Logo”—not the universal wheelchair symbol.

The TLC’s preference for questions of aesthetics and ruminations on New York City and Co.’s design (created for the 100th anniversary of the yellow cab) over consistent and clear feedback from disabilities advocates, elected officials, and City law, suggests that when it comes to design it is far more concerned with the “iconic taxi” than with functionality for people with disabilities.

19 New York City Taxi and Limousine Commission (2007, April 12) Notice of Public Hearing. *Proposed adoption of rules governing display of insignia on accessible and clean air taxicabs and for-hire vehicles.* [WWW document] PDF www.nyc.gov/html/tlc/downloads/pdf/public_notice_04_12_07_clean_air.pdf

20 New York City Taxi and Limousine Commission (2007, April 12) Commission Meetings/Transcripts. *Transcript of Commission Meeting April 12, 2007* [WWW document] PDF http://www.nyc.gov/html/tlc/html/meetings/transcript_archives.shtml

21 New York City Taxi and Limousine Commission (Autumn 2006) TLC Times *Mayor Michael R. Bloomberg and the TLC Plant a “Garden in Transit”* [WWW document] PDF www.nyc.gov/html/tlc/downloads/pdf/news_letter_autumn_2006.pdf

22 New York City Taxi and Limousine Commission (Accessed 2009, June 3), Safety and Emissions. *Authorized Printers of New York City Taxicab Markings* [WWW document] URL http://www.nyc.gov/html/tlc/html/safety_emissions/taxicab_logo_print.shtml

PART 2: THE ACCESSIBLE TAXI CENTRAL DISPATCH SYSTEM

Background

The TLC and the Bloomberg administration have yet to commit to establishing a fully accessible fleet, but in 2007 the TLC began the Accessible Taxi Central Dispatch System (Central Dispatch), a program aimed at improving the delivery of taxi service to wheelchair-users. The TLC approved the Central Dispatch System in November, 2007 as a two-year pilot program which officially began taking passengers in July, 2008.¹

According to the TLC, the goal of the program is to match wheelchair-users with accessible vehicles, a concept that recognizes the incredible burden wheelchair-users face when they try to identify, locate, and hail one of the only 238 accessible taxis on the streets in New York City.²

According to the TLC website, Central Dispatch is supposed to work as follows: A customer calls 311 and tells the operator that he or she is a wheelchair-user in need of a yellow cab pickup. The 311 operator is then charged with transferring the call to a dispatcher at the TLC, who records the customer's name, pick-up time, pick-up location, and drop-off location. Next, the caller is provided a confirmation number and told to expect a call back confirming the appointment time and location and the medallion number of the driver who will make the pick-up.³ TLC claims that Central Dispatch and 311 are available 24 hours a day, 7 days a week, 365 days a year—so in theory, with 238 accessible taxis logged onto Central Dispatch at any given time, wheelchair-users should have almost the same access to the yellow cab as any other New Yorkers.

According to the TLC, the purpose of Central Dispatch is to “match passengers who use wheelchairs with accessible vehicles,” while also serving as a chance to “to test dispatching technology, measure demand for wheelchair accessible vehicles, and determine how to best provide accessible service.”⁴ In addition, at the August 9, 2007 TLC Commission Meeting, Assistant Commissioner Epstein stated in a Powerpoint presentation that the program goals included “consolidat[ing] demand for wheelchair accessible taxi service with [a] limited supply of accessible vehicles,” and “provid[ing] a reasonable level of service.”⁵ In a draft presentation outlining Central Dispatch that was sent to elected officials on October 26, 2006, the TLC also included “Citywide Service Goals” for passenger service levels as follows:

- “25% of service requests within 20 minutes”
- “50% of service requests within 40 minutes”
- “100% of service requests within 60 minutes”⁶

In a November 13, 2007 press release announcing the pilot program, Chairman Daus stated that: “This program is a cause for celebration ... [t]he TLC has worked hard with its partners to create the framework of a new service to persons with disabilities that never before existed, while answering important questions about demand and about realistic response times, among other things.”⁷

On paper, the program seems simple and efficient. However, far too often wheelchair-users have found the service provided by the Central Dispatch program to be inadequate. Quality of customer experience should be the central concern of this pilot pro-

1 New York City Taxi and Limousine Commission (Accessed 2009, June 3) Industry Information *Accessible Dispatch System - General Introduction* [WWW document] URL http://www.nyc.gov/html/tlc/html/accessible_dispatch_system/accessible_dispatch_system_main.shtml

2 Epstein, Assistant Commissioner of Constituent Affairs, remarks accompanying presentation of (2007, August 9) *Accessible Vehicle Service: Central Dispatch Demonstration Project* [WWW document] PDF www.nyc.gov/html/tlc/downloads/pdf/presentation_central_dispatch_demo.pdf

3 New York City Taxi and Limousine Commission (Accessed 2009, May 30) *Accessible Dispatch System—General Introduction* [WWW document] URL http://www.nyc.gov/html/tlc/html/accessible_dispatch_system/accessible_dispatch_system_main.shtml

4 Ibid.

5 Epstein, Taxi and Limousine Commission Assistant Commissioner of Constituent Affairs Samara (2007, August 9) *Accessible Vehicle Service: Central Dispatch Demonstration Project* [WWW document] PDF www.nyc.gov/html/tlc/downloads/pdf/presentation_central_dispatch_demo.pdf

6 New York City Taxi and Limousine Commission (2006, October 26) *Accessible Service on Demand* [Powerpoint Presentation]

7 New York City Taxi and Limousine Commission (2007, November 13) *Taxi and Limousine Commission Approves Accessible Dispatch System Pilot Program* [WWW document] PDF www.nyc.gov/html/tlc/downloads/pdf/press_release_11_13_07.pdf

gram. While the first link in the service chain, 311, appears to be doing a good job of ensuring that wheelchair-users who call for a taxi are directed to the right number, research conducted for this report has found that the Central Dispatch operation itself falls short of providing a level of reasonable service that could begin to address the inequalities and challenges faced by taxi riders with disabilities. Moreover, troubling gaps in the statistics provided by the TLC make it difficult to properly assess the extent and causes of the problems with the reliability and efficiency of the Central Dispatch system.

November 2008 marked one year since the Central Dispatch pilot program was announced, and it has been ten months since the pilot program began operating in July 2008. Now is an appropriate time to study its effectiveness. From December 2008 to May 2009, drivers and customers of the pilot program were interviewed about or took an online survey outlining their experiences, and between December 2008 and January, 2009, 20 specific call attempts to secure a trip through Central Dispatch were monitored.

Lack of Advertising and Promotion

RECOMMENDATIONS

- TLC should create a budget line for advertising the Central Dispatch System.
- The City should utilize some of its free advertising space in bus shelters, on subways, and other public spaces for Central Dispatch as it does for other agencies, including notable ads for the Department of Health and New York City Film Office, among others.

Ever since the introduction of Central Dispatch, the TLC has stated that it “need[s] to learn more about why usage [of the system] has been so low.”⁸ Advocates for people with disabilities have pointed to the lack of

advertising, saying that few wheelchair users know that the Central Dispatch service is even available. However, while this problem has been made clear to the TLC it has yet to be properly addressed.

On December 4, 2008, at a town hall meeting on transportation issues conducted by the Disabilities Network of New York City (DNNYC) at the Borough of Manhattan Community College, the TLC representatives admitted that outside of the taxi forums organized in each borough by the Disabilities Network, they had done essentially no outreach to the disability community. They also indicated that no advertising about the program had been done whatsoever.

A similar response was given to an audience question at another DNNYC forum held in the Bronx at Lehman College on December 3, 2008.

Lawrence Carter-Long, Executive Director of DNNYC—a city-wide coalition of over 60 different disability advocacy groups and service providers—stated that while the TLC’s participation in the taxi forums was “greatly appreciated, I am concerned that if no one outside of a small group of disability advocates knows about the accessible taxi pilot program then it was probably doomed to fail before it started.”

Carter-Long also stressed that “adequate follow through, including substantial advertising efforts, would be necessary to maximize ridership of this, and other, accessible transportation programs going forward.”

It has been nearly a year since the Central Dispatch pilot program began, and to date no advertising campaign has been established to promote the program. Advertisements paid for by City agencies can be seen on subways and buses, at bus shelters, on websites, television, and radio. No explanation has been provided for the lack of advertising for Central Dispatch. The lack of advertising is not just a disservice to the wheelchair-using public, but affects the final analysis of the program by creating a situation where demand appears to be lower than it actually is.

8 Epstein, Taxi and Limousine Commission Assistant Commissioner of Constituent Affairs Samara (2008, December 4). Presentation for Disabilities Network of New York City Town Hall Meeting on Transportation Wheelchair Accessible For-Hire/Taxi Service [Powerpoint Presentation]

Customer Service

Online survey responses and monitored calls indicate that Central Dispatch users face a multitude of problems with the reliability and efficiency of scheduling and pick-up of taxi riders. Problems are particularly severe for customers traveling to or from the outer boroughs, but all customers are confronted with difficulties involving weekend and off-hours pick-ups, making scheduled transport connections, and obtaining reliable information about their trips.

311 Service

Calling 311 is the first step for arranging for a trip through Central Dispatch. Customers are required to identify themselves as wheelchair-users in need of a taxi pick-up to the operator or they can explicitly ask to be transferred to Central Dispatch. The 311 operator is then supposed to transfer the call.

According to users, there are occasional instances where a 311 operator is unaware of Central Dispatch or confuses it with the Metropolitan Transportation Authority (MTA) New York City Transit paratransit program, Access-A-Ride.

Out of 10 wheelchair-users who called 311 to request an accessible taxi pick up, and then filled out an online survey about their experiences, seven were easily transferred to Central Dispatch. However, while this constitutes 70% success rate in customer interface with 311, it still leaves three people who did not have successful interactions with 311.

One caller had to redial 311 three times before reaching an operator who knew what the Central Dispatch System was, and overall she was “only successful in getting a taxi to come once out of five times I’ve tried through 311.”⁹ Another caller had to explain to the operator that the Central Dispatch System was not the same as the Access-A-Ride program before being transferred to the TLC.¹⁰ The third caller did not have to call 311 more than once, however, “the phone call was

about five minutes long since the person had to research what I was talking about.”¹¹ Another caller, who lives in Brooklyn, had such a bad experience with the 311 system that he says that he will not use the system again, stating that:

“I call at 11:15 pm to request a taxi to go to the Animal Medical Center in Manhattan since my dog isn’t feeling well. I am given Confirmation #1794 and told I will be called back with an ETA [estimated time of arrival for the taxi]. At 12:30 am I receive a call saying a taxi is outside. I go out and there’s no taxi to be seen. I go through 311 and get connected to the Taxi Dispatch Service (TDS) which automatically puts me on hold. I am disconnected. I call 311 again and get connected to the TDS and I speak to someone named Sean. He puts me on hold and I’m disconnected. I call 311 to get connected to the TDS. Again, I’m disconnected. I call 311 and speak to a supervisor who takes a complaint from me. At 1:00am I realize I’m not going anywhere.”

Recounting the experience again later, the caller stated that “[t]he 311 Central Dispatch program is a farce ... [t]he 311 Central Dispatch Program is unreliable and I doubt I’ll try it again.”¹²

It is likely that where confusion exists it can be explained by the short life of the program and the relatively small volume of calls 311 receives for it. Overall, it seems that 311 is upholding its commitment to educating its operators on the Central Dispatch program and ensuring that calls are transferred; in general, users do not have complaints about 311 and appreciate the ease and professionalism that come with using this City service.

⁹ Kellner, Assembly Member Micah Z. (Created 2008, August 14) NYC Taxi Survey for Wheelchair Users: Online Taxi Survey Response #3 (Completed 2009, January 14)

¹⁰ Kellner, Assembly Member Micah Z. (Created 2008, August 14) NYC Taxi Survey for Wheelchair Users: Online Taxi Survey Response #5 (Completed 2009, March 9)

¹¹ Kellner, Assembly Member Micah Z. (Created 2008, August 14) NYC Taxi Survey for Wheelchair Users: Online Taxi Survey Response #9 (Completed 2009, March 26)

¹² Kellner, Assembly Member Micah Z. (2009, June 3). Interview with Central Dispatch System Caller

RECOMMENDATIONS

- Eliminate the requirement that customers provide drop-off locations in order to schedule rides.
- Customers should receive confirmation calls from the dispatcher in a more reasonable and predictable timeframe.
- TLC should enforce its rule requiring FHV operators to dispatch accessible vehicles or to contact affiliates in order to provide service to wheelchair-users.
- Mandate participation by operators of accessible FHV and livery cars in Central Dispatch.
- Repeal TLC rule allowing Central Dispatch drivers to refuse two pick-ups per shift.

Outside of the borough of Manhattan, the Central Dispatch model is particularly flawed.

All New Yorkers know that trying to hail a yellow cab in an outer borough is a challenge. However this is especially true for passengers attempting to get a ride to or from an outer borough using Central Dispatch. One of the reasons for this is that, from the drivers' perspective, a drive into Queens may often mean a return trip to Manhattan without a fare. According to TLC Rules, "a driver shall not seek to ascertain the destination of a passenger before such passenger is seated in the taxicab."¹³ This rule is repeated in the "Taxicab Rider Bill of Rights," which asserts that riders have the right to "[g]o to any destination in NYC, Westchester, Nassau, or Newark Airport," and which is easily found printed in every New York City taxi—including accessible taxis.¹⁴

¹³ New York City Taxi and Limousine Commission (Accessed 2009, May 29) TLC Rules and Local Laws. *Chapter 2: Taxicab Drivers Rules §2-50 Refusals* [WWW document] PDF <http://www.nyc.gov/html/tlc/html/rules/rules.shtml>

¹⁴ New York City Taxi and Limousine Commission (Accessed 2009, May 29) Passenger Information Taxicab Rider's Bill of Rights [WWW document] URL http://www.nyc.gov/html/tlc/html/passenger/taxicab_rights.shtml

Passengers calling Central Dispatch are, in contrast, required to advise the dispatcher of both their requested pick-up and drop-off locations. This information is given to drivers, who no doubt use it to decide whether or not to take a fare to or from an outer borough.

According to the TLC rules governing Central Dispatch, "[a] participating driver of an accessible vehicle must accept a dispatch from the dispatcher while a driver is on duty."¹⁵ However, drivers are not fined for refusing a dispatch until the third refusal, effectively allowing all drivers to refuse two pick-up requests per shift. Allowing drivers to refuse Central Dispatch requests based on location condemns riders in wheelchairs to separate-and-unequal status when compared to non-disabled taxi customers. If a non-disabled passenger hails a cab on the street in Manhattan, gets in the cab, and requests a drop-off location in an outer borough, the driver is be required to complete the ride, or face a steep fine. While there would be nothing wrong with the TLC collecting drop-off information for the purpose of statistical analysis, it is improper for this information to be used by drivers in order to deny Central Dispatch customers their rights as taxi riders.

For this report, 20 distinct calls to Central Dispatch, placed between December, 2008 and January, 2009, were monitored and tracked. There were a total of seven requests for pick-ups in the Bronx, Queens, and Brooklyn; all but one of the seven (where the pick-up and drop-off locations were both within Brooklyn) had drop-off locations in Manhattan. Of these, five ended with the passenger being told there was no availability in the requested pick-up area, while each of the remaining two ended with a cab being dispatched but pick-up delayed by over 30 minutes. On one call made at 11:00 am on a weekday for a 1:00 pm pick-up in Brooklyn, with a drop-off in Midtown Manhattan, the caller did not receive a confirmation call from the dispatcher until 10 minutes after the requested pick-up time, only to be told that her pick-up would be "very delayed." Not one of the outer borough-involved calls resulted in a cab being at the pick-up location at the requested time or even within the TLC's reported average of a pick-up occurring

¹⁵ New York City Taxi and Limousine Commission. (2007, November 14) *Chapter 16, Dispatch of Vehicles Accessible to Persons in Wheelchairs. § 16-06 Acceptance of Dispatch* [WWW document] PDF <http://www.nyc.gov/html/tlc/html/rules/rules.shtml>

Not one of the outer borough calls to Central Dispatch resulted in a cab being at the pick-up location at the requested time, within the TLC's reported 30 minute average, or even within the TLC's goal of having 100% of all pick-ups within 60 minutes of the requested time.

within 30 minutes of a request¹⁶ or its stated goal of 100% of cab pick-ups occurring within 60 minutes of a requested pick up time.¹⁷ This included one request made at 10:00 pm the night before an 8:00 am pick-up was needed for the next day. Every call was made at least 90 minutes before the requested pick-up time, with the majority giving the dispatcher between two and two and a half hours to find an available taxi.

This data must be put in the context of taxi use for any other passenger in New York City. While yellow cab service originating in an outer borough is rare, a passenger in need of a cab could easily call a livery car company or a For Hire Vehicle (FHV) to get a pick up anywhere which is scheduled, confirmed, and completed in a timely fashion. According to TLC Rules, FHV companies are required to "be responsible for providing transportation service to persons with disabilities... either by: (1) dispatching an affiliated accessible vehicle, upon request; or (2) arranging for the dispatch of an accessible vehicle affiliated with another licensed base, upon request, if the base owner has entered into a contractual or other arrangement with such base for the provision of accessible vehicles to persons with disabilities."¹⁸ In practice, this rule is not enforced, and because of this and the fact that the TLC does not require FHVs or livery car companies to participate in the Accessible Taxi Central Dispatch Program, service to the outer boroughs through this program is all but non-existent.

Calls that were made for a pick-up originating in Manhattan, and a drop-off in an outer borough, did

not produce significantly better results. This is especially problematic considering that any passenger hailing a cab in Manhattan is protected by TLC Rules from having a driver refuse a fare because the driver does not want to go to the desired destination. One call made at 9:30 am for an 11:30 am pick-up at New York Pennsylvania Station and a drop-off location in Brooklyn did not receive a confirmation call until 11:35 am—five minutes past the requested pick-up time—with the dispatcher telling the caller that the cab would arrive in 15 minutes. Two monitored calls were requests with the same pick-up location in the Bronx. The first was placed to 311 at 10:30 am on a weekday with a request for a 12:30 pm pick-up and a lower Manhattan destination. The caller was immediately told by the dispatcher that "there was no availability in the Bronx," but that they would try to find a taxi and call the passenger back. Over 90 minutes later, Central Dispatch called back and said there was no taxi willing to go to the Bronx to make the pick-up and the passenger cancelled the ride.¹⁹

Hoping for a different result later in the day, the same caller tried again at 2:00 pm to schedule the same ride with the same pick-up and drop-off locations, but giving Central Dispatch more time by asking for a 4:30 pm pick-up, providing a two-and-a-half-hour window for the dispatch to find a cab. Two hours later, at 4:00 pm, Central Dispatch called the passenger back to say that a pick-up would be possible, but at 5:10 pm, not 4:30 pm which was the requested time. In the end, not only did the passenger have to call back twice before actually receiving a confirmed pick-up, it would have been 40 minutes after the requested pick-up time. Again the TLC has failed to meet its goals for completing rides within a time frame of 25% completed in 20 minutes, 50% in 40 minutes, or 100% in 60 minutes.²⁰

16 Epstein, Taxi and Limousine Commission Assistant Commissioner of Constituent Affairs Samara (2008, December 4). Presentation for Disabilities Network of New York City Town Hall Meeting on Transportation Wheelchair Accessible For-Hire/Taxi Service [Powerpoint Presentation]

17 New York City Taxi and Limousine Commission (2006, October 26) *Accessible Service on Demand*. [PowerPoint Presentation]

18 New York City Taxi and Limousine Commission (Accessed 2009, June 3) TLC Rules and Local Laws. Chapter 6: For Hire Vehicles §6-07 Operation of the Base [WWW document] PDF <http://www.nyc.gov/html/tlc/html/rules/rules.shtml>

19 Kellner, Assembly Member Micah Z. (2008, December 10) Monitored Call to Central Dispatch System No. 7

20 New York City Taxi and Limousine Commission (2006, October 26) *Accessible Service on Demand* [Powerpoint Presentation].

| Call | Date | Pick-up time (requested) | Pick-Up Location | Drop-Off Location | Time of Call to 311 | Time Confirmation Call Recd | Time Lapse (311 to Conf. Call) | Pick-up time given by CD | Time Lapse (Time given by CD to actual) |
|------|-----------------------|--------------------------|--------------------------------------------------|-------------------------------------------------|---------------------|----------------------------------|----------------------------------|-----------------------------|-----------------------------------------|
| 1 | Mon., Dec. 8, 2008 | 1:00 PM | 315 East 86th Street, Manhattan | New York Penn Station, Manhattan | 10:50 AM | 12:34 PM | 1 hour 44 minutes | 1:00 PM No cab available | On time |
| 2 | Mon., Dec. 8, 2008 | 6:00 PM | East 65th Street and Second Avenue, Manhattan | LaGuardia Airport, Queens | 1:25 PM | 6:32 PM | 5 hours 7 minutes | No cab available | N/A |
| 3 | Tues, Dec. 9, 2008 | 11:00 AM | East 60th Street and Lexington Avenue, Manhattan | The Brooklyn Museum, Brooklyn | 9:34 AM | 10:41 AM | 1 hour 7 minutes | 11:00 AM | On time |
| 4 | Tues, Dec. 9, 2008 | 1:00 PM | 46 Grove Street, Brooklyn | West 33rd Street and Sixth Avenue, Manhattan | 11:03 AM | 1:10 PM | 2 hours 7 minutes | No cab available | N/A |
| 5 | Tues., Dec. 9, 2008 | 6:30 PM | 210 East 80th Street, Manhattan | Grand Central Terminal, Manhattan | 4:01 PM | 5:52 PM | 1 hour 51 minutes | No cab available | N/A |
| 6 | Tues, Dec. 9, 2008 | 10:00 AM (next day) | New York Penn Station, Manhattan | 200 West End Avenue, Manhattan | 9:08 PM | N/A (caller couldn't reach CD) | N/A | N/A | N/A |
| 7 | Wed, Dec. 10, 2009 | 12:30 PM | 630 Mace Street, Bronx | South Street Seaport, Manhattan | 10:36 AM | 11:56 AM | 1 hour 20 minutes | No cab available | N/A |
| 8 | Wed, Dec. 10, 2009 | 3:00 PM | 483 Dean Street, Brooklyn | 262 Central Park West, Manhattan | 12:15 PM | 1:47 PM | 1 hour 32 minutes | No cab available | N/A |
| 9 | Wed, Dec. 10, 2009 | 4:30 PM | 630 Mace Street, Bronx | South Street Seaport, Manhattan | 2:08 PM | 4:01 PM | 1 hour 53 minutes | 5:10 PM | 40 min. late |
| 10 | Thurs., Dec. 11, 2008 | 3:00 PM | 47-10 Ditmars Boulevard, Queens | Port Authority, Manhattan | 12:37 PM | 2:50 PM | 2 hours 13 minutes | No cab available | N/A |
| 11 | Fri., Dec. 12, 2008 | 7:00 AM | 210 East 50th Street, Manhattan | 100 Wall Street, Manhattan | 6:32 AM | N/A (caller couldn't reach CD) | N/A | N/A | N/A |
| 12 | Fri., Dec. 12, 2008 | 11:30 AM | New York Penn Station, Manhattan | 483 Dean Street, Brooklyn | 9:32 AM | 11:35 PM | 2 hours 3 minutes | 11:50 AM | 20 min. late |
| 13 | Fri., Dec. 12, 2008 | 5:00 PM | Fort Green Place, Brooklyn | Corner of Bedford and Lorimer Street, Brooklyn | 3:30 PM | 4:15 PM | 45 minutes | No cab available | N/A |
| 14 | Fri., Dec. 12, 2008 | 11:00 PM | East 60th Street and Third Avenue, Manhattan | West 72nd Street and West End Avenue, Manhattan | 10:30 PM | N/A (caller couldn't reach CD) | N/A | N/A | N/A |
| 15 | Mon., Dec. 15, 2008 | 8:00 AM (next day) | 598 Eighth Avenue, Brooklyn | 220 East 85th Street, Manhattan | 10:12 PM | 7:30 AM | 9 hours 18 minutes | No cab available | N/A |
| 16 | Sat., Dec. 27, 2008 | 1:30 PM | 420 West 145th Street, Manhattan | Port Authority, Manhattan | 12:30 PM | N/A (Caller had to call back CD) | N/A (Caller had to call back CD) | 1:52 PM | 22 min. late |
| 17 | Sun., Dec. 28, 2008 | 7:00 PM | 560 Main Street, Roosevelt Island | New York Penn Station, Manhattan | 6:17 PM | 6:30 PM | 13 minutes | No cab available | N/A |
| 18 | Tues., Dec. 30, 2008 | 7:00 AM | 315 East 85th Street, Manhattan | JFK Airport, Queens | 5:00 AM | N/A (caller couldn't reach CD) | N/A | No cab available | N/A |
| 19 | Tues., Dec. 30, 2008 | 12:00 PM | 315 East 96th Street, Manhattan | JFK Airport, Queens | 11:43 AM | 11:52 AM | 9 minutes | 12:07 PM | 7 min. late |
| 20 | Sat., Jan. 3, 2009 | 7:00 PM | 560 Main Street, Roosevelt Island | New York Penn Station, Manhattan | 5:10 PM | N/A (CD said no cab available) | N/A | N/A | N/A |

**TABLE 1:
MONITORED CALLS**

Assembly Member Kellner's Office monitored 20 calls to Central Dispatch from December, 2008 to January, 2009.

In this table, "CD" refers to "Central Dispatch."

It seems likely that these problems with scheduling and pick-up stem, at least in part, from the shortage of drivers actively participating in the program. According to the TLC, there is an average of only 31 drivers logged on to Central Dispatch at any one time—out of the 238 accessible cabs on the road. According to TLC data, this is not due to a lack of trained drivers. The TLC claims that there 493 trained accessible taxi drivers on the books as of March, 2009—more than double the number of accessible medallion taxis on the road. If this is indeed the case, then why are so few drivers actually logging in to Central Dispatch?

By allowing those drivers who do participate in Central Dispatch to refuse trips based on drop-off location, the TLC is not only further stacking the odds against outer-borough customers, it is fostering discriminatory practices that render its own “Taxicab Rider Bill of Rights” meaningless, because it is no longer applied equally to all riders.

Weekends and Off-Hours

RECOMMENDATIONS

- Central Dispatch operators should be available outside of weekday business hours, as the TLC promises.

For most New Yorkers, taxis are available around the clock, any day of the week. This should likewise be the case for New Yorkers in wheelchairs. But while Central Dispatch is supposed to be available 24 hours a day, seven days a week, the reality is that the system is largely inaccessible outside of normal weekday business hours.

On Monday through Friday, from 9:00 am to 5:00 pm, a transfer to Central Dispatch from 31 1 rarely results in the caller spending more than a minute or two on hold, and most of the time callers are able to speak to a dispatcher almost immediately. However, for callers attempting to make contact outside this window it is difficult—and often impossible—even to reach a dispatcher.

Of the monitored 20 calls, seven were made outside the standard business hours of 9:00 am to 5:00 pm (5:00 am, 6:30 am, 5:15 pm, 6:15 pm, 9:00 pm,

10:15 pm, and 10:30 pm). Only three of these resulted in the caller successfully connecting to a dispatcher. The remaining four ended after the caller was placed on hold for what he or she believed to be an unacceptable length of time.

New York City is not a place where everything shuts down after work; if anything, taxicabs are even more desirable before and after business hours. Many New Yorkers rely on taxis to get them around the City in the evening, going to and from bars, restaurants, theaters, and other entertainment venues. There is no reason why wheelchair users should be unable to rely on getting a taxi late at night, but three calls made between 9:00 pm and 10:30 pm were not even answered by a dispatcher, and 10:30 pm is not even particularly late for the city that never sleeps.

Central Dispatch could be an essential service on the weekends, when tourists visiting the city who may be unfamiliar with the transit system choose to use taxis. However, Central Dispatch is clearly not reliable on weekends. For example, one monitored call was made at 12:30 pm on a Saturday for a requested pick up at West 145th Street in Northern Manhattan, and a drop-off at the Port Authority Bus Terminal at 1:30 pm.²¹ The TLC dispatcher did not say that the pick-up would be difficult and the caller ended the call expecting a confirmation call back and a timely pick up. However, by 2:15 pm the caller had still not received a confirmation call that she would be expecting a pick-up. Since every caller is provided with a confirmation number, the customer decided to call 31 1 again in order to connect to a dispatcher who, with the confirmation number, could tell her the status of her pick up. Once transferred from 31 1 to Central Dispatch, the dispatcher informed the caller that the cab had been at the pick-up location since 1:52 pm waiting for the passenger to arrive. However, the caller had received no confirmation call stating that a cab would be coming and the cab actually arrived 22 minutes past the scheduled pick-up time.²² Therefore, not only was the cab late, Central Dispatch had not even bothered to tell the caller that a cab was coming at all.

Two other weekend calls were made on two successive Saturdays (the first at 6:17 pm and the second

²¹ Kellner, Assembly Member Micah Z. (2008, December 27) Monitored Call to Central Dispatch System No. 16

²² Ibid.

at 5:10 pm) for 7:00 pm pick-ups on Roosevelt Island, home to a large wheelchair-user population at Coler-Goldwater Hospital, and drop-offs at New York Pennsylvania Station. Both times, the caller was told that there was no taxi availability at that time for a pick-up on Roosevelt Island. Even further, the on the second call, before the caller even gave the drop-off information, the dispatcher said, “there are no cabs available” and the passenger would have to call back later to try again.²³

A ride confirmation is essential for any Central Dispatch user, especially considering the fact that there are so many instances where cabs are not available. This way, if passengers need to find another mode of transportation in order to make an appointment, or in this case a bus at the Port Authority Bus Terminal, they can do so. However, it is not possible to rely on Central Dispatch to get a taxicab to the pick-up location at the requested time. This problem was highlighted by calls monitored for this report that included a requested drop-off at an airports, train stations, or bus stations.

Making Scheduled Transportation Connections

RECOMMENDATIONS

- TLC should give consideration to customers making scheduled transport connections or traveling to medical appointments.

As discussed above, one of the monitored calls featured a request to travel from the Upper East Side to LaGuardia airport, with a pick-up time of 6:00 pm. The request was made at 1:25 pm, more than five hours before the pick-up time; a lead time the caller believed was more than sufficient for Central Dispatch to find a driver. However, Central Dispatch did not call back until 6:32 pm—more than a half hour after the requested pick up time, with the explanation that they could not find a driver because either the driver did not want to go all the way out to the airport or there was not a lot of availability because it was a busy time of the day.²⁴ Another caller tried to call Central Dispatch at 5:00

am to request a 7:00 am pick-up at East 85th Street to John F. Kennedy International Airport and was not even able to get in touch with a dispatcher after five minutes on hold.²⁵ Only one call, made at 11:43 am for an immediate pick-up at East 96th Street for a drop-off at Kennedy, could be called a success, with the caller receiving a confirmation call at 11:52 am stating that a cab could pick them up in 15 minutes.²⁶ It is unfair that wheelchair users can seemingly only request rides to airports during non-rush hour business hours. Riders should be able to schedule their rides around when they can catch a plane or train, not the other way around.

Any traveler trying to make a flight needs to be able to rely on his or her mode of ground transport in order to be sure of having enough time to get through traffic and to the airport, check in, navigate security lines, and get to the departure gate - this is no different for wheelchair users. Any ambulatory person has the comfort of knowing that he or she can get to a curb anytime, luggage in hand, and grab a cab to an airport. Central Dispatch has no policy in place to ensure that customers heading to airports or train stations can be confident that they will reach their destination in time to make a scheduled departure—nor can it even be relied upon to advise customers when such a request might be impossible to honor.

Reliability

For those customers traveling during normal business hours on trips beginning and ending in Manhattan, it can also be difficult to rely on Central Dispatch.

Of the 20 monitored calls, 11 included pick-ups in Manhattan, and of those, six terminated within the borough. Of these six, only one—scheduled at 10:50 am on a weekday for a pick-up at 1:00 pm going from the Upper East Side to New York Pennsylvania Station—was completed within the time frame requested.²⁷ Three calls made outside the normal business hours of 9:00 am to 5:00 pm ended with 311 unable to reach the dispatcher. One pick-up, at West 145th Street, mentioned previously, arrived 22 minutes late, without any

23 Kellner, Assembly Member Micah Z. (2008, December 27) Monitored Call to Central Dispatch System No. 20

24 Kellner, Assembly Member Micah Z. (2008, December 8) Monitored Call to Central Dispatch System No. 2.

25 Kellner, Assembly Member Micah Z. (2008, December 30). Monitored Call to Central Dispatch System No. 18

26 Kellner, Assembly Member Micah Z. (2008, December 30). Monitored Call to Central Dispatch System No. 19.

27 Kellner, Assembly Member Micah Z. (2008, December 8). Monitored Call to Central Dispatch System No. 1.

New TLC Program Hopes to Improve Airport Access for Wheelchair-users, Encourage Driver Participation

To increase driver participation in the Central Dispatch program, the TLC recently began offering incentives to drivers of accessible vehicles. Under temporary program that began on March 1, 2009, any driver who accepts a Central Dispatch trip automatically receives priority at JFK Airport for the next four hours.*

This is a change from the old rule which gave any accessible cab driver automatic priority at JFK, whether or not the driver participated in Central Dispatch and regardless of his pick-up history. The best case scenario for this program to work is that a driver accepts a Central Dispatch ride request from a wheelchair user traveling to JFK, allowing the driver to automatically receive priority once the drop-off has been completed. While this program has not been in place long enough for its success to be measured, it should improve the outer borough situation as it relates to airport-destination trips for wheelchair-users.

Interviews conducted with drivers for this report indicate that the incentive is popular among drivers, although the one priority placement per day rule discourages drivers from accepting multiple dispatch calls in a single day. Another problem noted by one driver is that the priority treatment privilege cannot be carried over into a driver's next shift when a dispatch call is accepted at the end of a shift.**

* (New York City Taxi and Limousine Commission (2009, February 24) *Attention All Accessible Taxi Drivers: Change in Priority Status at JFK Airport* [WWW document] PDF www.nyc.gov/html/tlc/downloads/pdf/industry_notice_09_06.pdf)

** Kellner, Assembly Member Micah Z. (2009, April 3) Interview with Satinder Singh, Accessible Taxi Driver Medallion No. 8T16.

call-back to the customer. Another—with a requested pick-up at East 80th Street and a drop off at Grand Central Terminal at 6:30 pm—was cancelled with the explanation that it was rush hour and too difficult to find an available taxi.²⁸

Online survey respondents also reported problems. One rider, who scheduled her pick-up over 24 hours before she needed to travel, got the taxi when needed—but only received a confirmation call from Central Dispatch 10 minutes before the cab arrived, giving the customer “barely enough time to throw on my coat and get downstairs.”²⁹ While happy with the taxi's on-time arrival, the customer did not appreciate the expectation that someone in a wheelchair was expected to rush to the curb on so little notice.

Another passenger traveling at 5:30 pm on a weekday from West 43rd Street and 10th Avenue to West 86th Street and Columbus Avenue—a distance

of only 40 blocks—waited two hours for a confirmation call back only to be told that it would be another hour before a taxi could arrive for the pick-up. After waiting two more hours that rider decided to take the bus.³⁰ This again highlights the problem with Central Dispatch passengers not receiving confirmation calls back from dispatchers in a timely fashion, if at all.

Even in cases where survey respondents reported relative satisfaction with the reliability of the Central Dispatch system, it is important to consider whether riders in wheelchairs have become so accustomed to the total inaccessibility of New York City taxis that their expectations are significantly lower than those of non-disabled customers. The TLC service goals cited above, even if they were met, would mean that half of Central Dispatch's customers would be forced to wait more than 40 minutes for a taxi—a significantly longer time than any non-disabled customer would need to hail a cab on the street. But even this modest goal is not being met. Here again it should be noted that, out of the more than 13,000 taxicabs on the road in New York City, TLC

28 Kellner, Assembly Member Micah Z. (2008, December 9). Monitored Call to Central Dispatch System No. 5.

29 Kellner, Assembly Member Micah Z. (Created 2008, August 14) NYC Taxi Survey for Wheelchair Users: Online Taxi Survey Response No. 9 (Completed 2009, March 26)

30 Kellner, Assembly Member Micah Z. (Created 2008, August 14) NYC Taxi Survey for Wheelchair Users: Online Taxi Survey Response No. 4 (Completed 2009, January 14)

data show that there are, at any given time, only 31 cabs on duty with drivers who are actively logged into the Central Dispatch system—making it near-impossible for the system to operate reliably. This in turn undermines the core purpose of the Central Dispatch system, which is to make the experience for wheelchair-users of finding a taxi less like a search for the proverbial needle in a haystack. As Assistant Commissioner Epstein was quoted saying above, the purpose of Central Dispatch is to “consolidate demand for wheelchair accessible taxi service with [a] limited supply of accessible vehicles.” But without the active participation of a sufficient number of trained drivers, the thankless task of searching through the haystack is merely shifted from the customer to the TLC dispatcher.

The multiple shortcomings of Central Dispatch when it comes to the reliability and efficiency of scheduling and pick-up deny riders in wheelchairs any semblance of equality with non-disabled taxi customers. Most frustrating is that even modest goals are not being met, as the system fails to live up to its own standards. Even by the lowest standards, a reasonable level of service is certainly not being provided to wheelchair-users.

Central Dispatch has no way to ensure that customers heading to airports or train stations can be confident that they will make their flight or train – nor does it advise customers when such a request might be impossible to honor.

Missing and Misleading TLC Data

RECOMMENDATIONS

- TLC data collection for Central Dispatch must provide more detail. Statistics quantifying cancellations should not include situations where quality service is not provided, as this disguises serious issues. The reason for a cancellation should therefore be part of data collection and requests for service not met at all or within standard time-frame should be counted independently. Call volume should be counted by time of day, day of week, pick-up location/drop-off, and medallion number.
- TLC data should be transparent and accessible to the public. It was discouraging to be denied access to much of the TLC’s data for the purposes of this report. Oversight is a necessary element of any public agency programming. Data should be placed in a user-friendly and accessible format on the TLC website and updated regularly.

As of March, 2009, the TLC says it has received 1275 calls for Central Dispatch since the program began and that 10% of these ended in a cancellation, for reasons not tracked.

It is unclear how the TLC defines a “call” in this context. For example, does it include situations when the dispatcher is not able to find a taxi or when the caller does not reach the dispatcher? This is especially problematic considering a troubling discrepancy between 311 data and the TLC’s numbers. According to the New York City Department of Information Technology and Communications, which oversees the 311 program, since the inception of Central Dispatch pilot program in July, 2008, 2,287 calls were transferred by 311 to the TLC’s Central Dispatch through February, 2009.³¹ While the TLC does not have, or would not release, numbers outlining how many calls they have received which did not end in a trip, some simple arith-

³¹ New York City Department of Information Technology & Telecommunications (2009, March 24). E-Mail to Office of Assembly Member Micah Z. Kellner Re: 311 Transfers to Central Dispatch System.

metic suggests that more than half the calls to 311 do not result in service – an appalling statistic. This poor—or selective—data collection, or selectiveness with which data is gathered, paints a false picture of the demand for these services

The definition of a “cancellation” (10% of all dispatches, according to the TLC) is also unclear. A common use of the term would imply a customer calling back to cancel the call or not showing up when the driver arrives. The TLC would not say if this data includes situations where a trip is cancelled after a customer is told the ride will be at a much later time than requested or after an unacceptable amount of time has passed since the customer first called 311. It may be that the TLC is tracking this with more specificity, but chooses not to release the information.

Driver Training

According to passengers, most Central Dispatch drivers trained to operate accessible taxicabs are trained properly and are pleasant to interact with. Overall, customers say that drivers are efficient in loading and securing their chairs, conversational and courteous, and occasionally enthusiastic, particularly when it is a driver’s first time putting his or her training into practice on the job. Specifically, one passenger reported receiving “outstanding service.”³² Another passenger stated that “driver was trained with the ramp and was pleasant,”³³ while another rider said that “the driver knew what he was doing very well [and] he was very nice and personable which was a surprise.”³⁴

While the drivers were courteous to passengers and seemed to do their best to accommodate them, riders did voice concerns about safety. One rider stated that the driver “did NOT secure the scooter but did re-

Simple arithmetic suggests that more than half the calls to 311 for Central Dispatch do not result in service – an appalling statistic.

mind me to power off.”³⁵ Another rider said that while overall the loading process went well, “the one thing I did not like is that I had to ask [the driver] to install the [seat belt extension] so that I could have a seat belt which took a while.”³⁶

There is still an overarching problem of getting enough accessible taxicabs with trained drivers on the road. As discussed above, the TLC reports that there is only an average of 31 drivers logged on to Central Dispatch at any one time out of the 238 accessible cabs on the road. According to TLC data, this is not due to a lack of trained drivers. The TLC claims that there 493 trained accessible taxi drivers on the books as of March, 2009—more than double the number of accessible medallion taxis on the road.

According to TLC rules governing the Central Dispatch program, “[a]ny driver, in order to become a participating driver and to operate an accessible vehicle, must attend a course of wheelchair passenger assistance techniques.”³⁷ These trainings must be a minimum of three hours long and include information on the legal requirements of driving passengers with disabilities, assistance of those passengers, and driver sensitivity train-

32 Kellner, Assembly Member Micah Z. (Created 2008, August 14) NYC Taxi Survey for Wheelchair Users: Online Taxi Survey Response No. 13 (Completed 2009, May 10)

33 Kellner, Assembly Member Micah Z. (Created 2008, August 14) NYC Taxi Survey for Wheelchair Users: Online Taxi Survey Response No. 12 (Completed 2009, April 9)

34 Kellner, Assembly Member Micah Z. (Created 2008, August 14) NYC Taxi Survey for Wheelchair Users: Online Taxi Survey Response No. 9 (Completed 2009, March 26)

35 Kellner, Assembly Member Micah Z. (Created 2008, August 14) NYC Taxi Survey for Wheelchair Users: Online Taxi Survey Response No. 12 (Completed 2009, April 9)

36 Kellner, Assembly Member Micah Z. (Created 2008, August 14) NYC Taxi Survey for Wheelchair Users: Online Taxi Survey Response No. 9 (Completed 2009, March 26)

37 New York City Taxi and Limousine Commission (2007, November 13). TLC Rules and Local Laws. *Chapter 16, Dispatch of Vehicles Accessible to Persons in Wheelchairs. § 16-05 Training of Participating Drivers* [WWW document] PDF <http://www.nyc.gov/html/tlc/html/rules/rules.shtml>

ing.³⁸ After training is complete, drivers receive a certificate of completion from the training program which must be displayed within each accessible taxicab along with other standard credentials.³⁹ In addition, drivers are required to attend and complete a training course on Central Dispatch technology as well as any trainings on updates to that system.⁴⁰ As of May, 2009, there are two organizations working with the TLC to organize and provide accessible vehicle driver training: Easter Seals of New York and the United Spinal Association.⁴¹ Training on the actual vehicle technology system is provided only by the vendor of the system.⁴²

Use of Technology in Taxis

RECOMMENDATIONS

- TLC should cease the use of BlackBerry's for Central Dispatch drivers and make use of available GPS-enabled systems like PIMS for all accessible vehicles.

When the TLC was deciding how best to keep in touch with drivers of accessible taxis, many argued that the best way was to use already existing technology in cabs—the Global Positioning System (GPS) installed systems linked to the meters. Instead, the TLC chose to give each driver a GPS-enabled BlackBerry handheld device.

According to the TLC, the driver is required to log on to the dispatch system at the beginning of a shift via the BlackBerry and then use the device to

respond to pick-up requests from the dispatcher.⁴³ Drivers are supposed to use the GPS on the BlackBerry to update their locations “as soon as possible when the car is stopped” so that dispatchers can get information on which cabs are where in order to better distribute dispatch requests.⁴⁴ However, since the BlackBerry's GPS only tells the dispatcher where the device is and not necessarily the taxicab, a driver can always say that he or she forgot to bring the device, lost it, didn't hear it ring or buzz, left it off accidentally, put it in the glove compartment, or any of a host of other explanations for why they did not receive the dispatcher's call.

Clearly there are ways for non-complying drivers to skirt the dispatch system because of the inadequate BlackBerry system. However, the system also unfairly penalizes drivers who are trying to work with the system. Satinder Singh, an accessible taxicab driver, who agreed to be interviewed for this report, believes that “the system is flawed.”⁴⁵

According to Satinder Singh, an accessible taxi driver who agreed to be interviewed for this report, the way that the system is currently set up, if a driver receives a text message from Central Dispatch requesting pick-up of a wheelchair-user but there is already a passenger in the vehicle, the driver has no way to respond stating this. A driver may only respond “yes” or “no” to the dispatch request, not “yes, after I finish my [current] passenger's ride.”⁴⁶ This problem was also brought up by Vincent Sapone, of the League of Mutual Taxi Owners, at a TLC Commission Meeting on November 13, 2007 where the Central Dispatch System was discussed. Mr. Sapone argued:

“[W]hen an accessible for-hire vehicle receives a dispatch, he will need accurate time to respond. If he is engaged in a fare or is driving, he should not be fined if unable to properly respond, since cell phone and text message use is unsafe while driving. A driver

38 New York City Taxi and Limousine Commission (Accessed 2009, June 4). Accessible Dispatch System. *Accessible Vehicle Trainers* [WWW document] URL http://www.nyc.gov/html/tlc/html/accessible_dispatch_system/accessible_vehicle_trainers.shtml

39 New York City Taxi and Limousine Commission (2007, November 13). TLC Rules and Local Laws. *Chapter 16, Dispatch of Vehicles Accessible to Persons in Wheelchairs. § 16-05 Training of Participating Drivers* [WWW document] PDF <http://www.nyc.gov/html/tlc/html/rules/rules.shtml>

40 Ibid.

41 New York City Taxi and Limousine Commission (2009). Accessible Dispatch System. *Accessible Vehicle Trainers* [WWW document] URL http://www.nyc.gov/html/tlc/html/accessible_dispatch_system/accessible_vehicle_trainers.shtml

42 Ibid.

43 New York City Taxi and Limousine Commission (Accessed 2009, May 30) Accessible Taxi Dispatch Driver's Guide [WWW document] URL http://www.nyc.gov/html/tlc/html/accessible_dispatch_system/accessible_program_info_guide.shtml

44 Ibid.

45 Kellner, Assembly Member Micah Z. (2009, April 3) Interview with Satinder Singh, Accessible Taxi Driver Medallion No. 8T16.

46 Ibid.

needs time to drop off the fare and find a legal place to pull over and respond to a dispatch. It's very hard to work a Blueberry, BlackBerry, or a phone when you are doing 50 miles an hour coming from the airport. And he only has a certain amount of time to respond."⁴⁷

Singh also raised that dispatchers have no way of knowing where a cab is in relation to a dispatch request because there is no GPS system synced with the Central Dispatch System. A driver may be in the Bronx and receive a request for an immediate pick up in Brooklyn but cannot accept because it would be impossible to get to Brooklyn in a timely manner. The same logistics problem comes into play when drivers receive dispatch requests at the end of their shifts. When the driver of a non-accessible taxi knows that his shift is ending, he can turn on the taxi's "off duty" light and head home. With Central Dispatch, the driver may be a few minutes away from the end of his shift and still receive a request. Miscommunications and technical problems should be easy to troubleshoot, but, according to Singh, the TLC did not consult drivers when this program was implemented, nor has the TLC subsequently consulted them.⁴⁸

While the TLC has refused to completely replace the BlackBerry system, it is launching a pilot program featuring a "newly-developed GPS-based messaging and dispatch technology" in half of its 238 accessible taxicabs, replacing the flawed BlackBerry system.⁴⁹ While the TLC states that this is a newly-developed system, it is in fact the same technology which is already installed in cabs, the Passenger Information Monitoring System (PIMS).⁵⁰ PIMS was developed by Creative Mobile Technologies (CMT), the company that created the touch screen payment and information system seen

in yellow cabs throughout New York City today.⁵¹

Unfortunately, despite the many issues with and alternatives to the BlackBerry system, accessible taxi owners have told Assembly Member Kellner that the TLC is reluctant to make the switch to a PIMS system that would be easier for drivers because it believes that the BlackBerry system is easier for the dispatchers to operate.

47 New York City Taxi and Limousine Commission (2007, November 13). Commission Meetings/Transcripts. *Transcript of Commission Meeting November 13, 2007* [WWW document] PDF www.nyc.gov/html/tlc/downloads/pdf/transcript_11_13_07.pdf

48 Kellner, Assembly Member Micah Z. (2009, April 3) Interview with Satinder Singh, Accessible Taxi Driver Medallion No. 8T16.

49 New York City Taxi and Limousine Commission (2009, February 23) *GPS Element Added to Accessible Dispatch Pilot Program* [WWW document] PDF www.nyc.gov/html/tlc/downloads/pdf/press_release_02_23_09b.pdf

50 Ibid.

51 Creative Mobile Technologies LLC (2007, June 12) *Beep, Beep! Visa and Creative Mobile Technologies Partner to Bring Faster Payments to Thousands of New Yorkers* [WWW document] URL <http://www.creative-mobiletech.com/news/media/0612200701.html>

TLC Rules Enforcement

RECOMMENDATIONS

- TLC should consult with drivers to determine why driver participation is low.
- TLC should increase fines and require in-person appearances by drivers or owners who violate rules pertaining to Central Dispatch in a manner comparable to how similar non-Central Dispatch rules are treated.
- TLC should collect data on the reasons for driver refusals.

Issues surrounding driver training and summonses issued to drivers and fleet owners relate to a larger problem of enforcement of the TLC Rules governing Central Dispatch. There are 19 applicable violations of TLC Rules that are specific to accessible taxis taking part in the Central Dispatch program, all of which carry fines of \$50 to \$100, and none of which requires an owner or driver to personally appear to pay the fine.⁵²

Concerns have been expressed about the TLC Rules relating to Central Dispatch since day one, starting with their ability to ensure that the rights of customers who are wheelchair users are protected to same extent as the general public who hail taxicabs. On November 7, 2007, Assembly Member Kellner wrote to Chairman Daus outlining a number of these issues, including the fact that drivers are allowed to refuse two rides per shift, and penalties for violations are too low to deter non-compliance.⁵³ If a driver of a taxicab refuses a street hail from any passenger—be they an able bodied person or a wheelchair user—it constitutes a violation of TLC Rules Section §2-50(b), which states that a driver “may not refuse by words, gestures or any other means, without justifiable grounds, to take any passenger to any destination within the City of New York, the counties

52 New York City Taxi and Limousine Commission (2007, November 13). TLC Rules and Local Laws. Chapter 16, Dispatch of Vehicles Accessible to Persons in Wheelchairs. § 16-10 Penalties for Violation of Accessible Dispatch Rules [WWW document] PDF <http://www.nyc.gov/html/tlc/html/rules/rules.shtml>

53 Kellner, Assembly Member Micah Z. (2007, November 7) Letter to Taxi and Limousine Commission Chairman Matthew W. Daus Re: Central Dispatch System.

of Westchester or Nassau or Newark Airport.” This includes a person with a disability and any service animal accompanying such person. The fine issued for not complying with §2-50(b) is between \$200 and \$350 for the first offense, between \$350 and \$500 for the second offense, and possible license suspension by the TLC if a subsequent offense occurs within two years of the first offense, and a complete revocation of a drivers license for a third offense within three years of the first offense.⁵⁴ In contrast, a Central Dispatch refusal costs the offending driver \$100, which is half of even the most basic fine for the same violation by the driver of a regular taxi cab. In his November 7, 2007 letter to Chairman Daus, Assembly Member Kellner stated that the ability to refuse two ride requests coupled with low penalties for violations creates “the *de facto* effect of giving a driver carte blanche to refuse at least two dispatch fares,” when taxis who refuse just one street hail would face much more serious penalties.⁵⁵ In testimony delivered to the TLC later that month, Assembly Member Kellner stressed again that “[k]eeping 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.”⁵⁶

There is also concern that taxi drivers will turn on their meters when they receive a dispatch request, before arriving at the pick up location, charging wheelchair passengers more for their ride. According to the TLC Rules, the fare charged for a taxi ride in an accessible vehicle dispatched by the Central Dispatch System is calculated by the same Rules affecting non-accessible taxi fares.⁵⁷ In addition, it is stated in the Rules governing the Central Dispatch System that “a participating driver shall not turn on the taximeter until the later of (A) the pick up time indicated by the dispatcher or (B) the vehicle’s arrival at the point of pick-up,” and there

54 New York City Taxi and Limousine Commission (2007, November 13). TLC Rules and Local Laws. Chapter 2, Taxicab Drivers Rules. § 2-50 Refusals [WWW document] PDF <http://www.nyc.gov/html/tlc/html/rules/rules.shtml>

55 Kellner, Assembly Member Micah Z. (2007, November 7) Letter to TLC Commission Chairman Matthew W. Daus Re: Central Dispatch System.

56 Kellner, Assembly Member Micah Z. (2007, November 13) Testimony of Assembly Member Micah Z. Kellner Before the New York City Taxi and Limousine Commission.

57 New York City Taxi and Limousine Commission (2007, November 13). TLC Rules and Local Laws. Chapter 16, Dispatch of Vehicles Accessible to Persons in Wheelchairs. § 16-08 Fares [WWW document] PDF <http://www.nyc.gov/html/tlc/html/rules/rules.shtml>

TABLE 2: SUMMARY OF TLC VIOLATIONS PERTAINING TO CENTRAL DISPATCH SYSTEM

Operation of an accessible vehicle participating in the Central Dispatch Program by a driver who is not properly trained;

Accessible taxi is not equipped with operable dispatch equipment;

Dispatch equipment is not turned on while the taxi is in use;

If the dispatch equipment stops working, the driver does not notify the owner of the vehicle to repair the equipment or the driver notifies the owner but the owner does not comply;

Driver fails to log on and communicate with dispatcher at the beginning of their shift and log off and communicate with dispatcher at the end of their shift;

Driver operates taxi without a certificate stating that they completed the required training to operate an accessible taxi;

Driver does not display their certification of training completion in the taxi where it is easily viewed by passengers;

The owner of an accessible medallion taxi allows an vehicle participating in the Central Dispatch Program to be operated by a driver who has not completed the required training;

A driver rejects more than 2 dispatches from the Central Dispatch System during one shift;

Upon receiving a dispatch request, a driver fails to inform the dispatcher of the estimated time it will take to get to the pick-up location or, while on the way to the location, the driver fails to illuminate the "Off Duty" light;

After accepting a dispatch request, a driver accepts another passenger between the time he agreed to pick up the wheelchair passenger and the time he arrives at the pick-up location;

A FHV base station participating in the program fails to ensure the acceptance of a dispatch by a FHV accessible vehicle driver under their purview;

A driver, once they have arrived at the pick-up location, fails to assist a passenger who request help loading into the taxi or securing them safely in the vehicle;

A driver fails to place and secure a wheelchair passengers packages or parcels in the vehicle at the pick-up location or refuses to take the items out the taxi once they have reached the drop-off location;

A driver refuses to provide transportation for a wheelchair passenger's service animal or any other passengers accompanying the customer in the wheelchair if they can fit in the cab;

A driver fails to wait for a customer to arrive at the pick-up location for the minimum 10 minutes required;

A driver turns on the taximeter before arriving at the pick up location;

A driver charges a wheelchair passenger more for a ride than is listed on the taxi meter; and,

When the taxi arrives at the pick-up location, the driver fails to communicate with the dispatcher if the passenger is at the location, is in a wheelchair, or whether he picked up the passenger. It is also a violation if the driver, at the conclusion of the ride, fails to notify the dispatcher that the trip was completed, how much it cost and of the driver's ability to pick-up another dispatch customer.

Source: New York City Taxi and Limousine Commission (2007, November 13). TLC Rules and Local Laws. Chapter 16, Dispatch of Vehicles Accessible to Persons in Wheelchairs. § 16-10 Penalties for Violation of Accessible Dispatch Rules

is a fine in place, though only totaling \$50, if the driver violates this rule.⁵⁸ However, one accessible taxi passenger who used the Central Dispatch System to request a pick-up at West 77th Street and Central Park West reported that when the taxi arrived at the pick-up location, the taxi meter was already running. While the passenger was pleased that the driver drove up on time, there were no problems with loading and the driver was personable, “[t]he only thing that was strange was that when I was all set and loaded and we were pulling away the fare was already up to \$4.00 which is way more than the time it took to load me up. Since he told me he was coming from directly across the [Central] Park [to pick me up] it makes me think that he turned on the meter then.”⁵⁹ This charge increased this passenger’s fare from \$10.00 to \$14.00, without tip.⁶⁰

While this is only one recorded incident, it can be assumed that where there is one violation, there are others, especially when there is no way for the passenger to argue that the fare should be lower, beyond taking the cab’s medallion number and logging a complaint with the TLC after already having paid for the ride. This direct and obvious violation of TLC rules governing Central Dispatch makes it clear that the deterrents in place to ensure that drivers behave properly are not working and it directly impacts the passengers.

Rather than fairly adapting the existing Rules and violation levels to the particular situation of the Central Dispatch System, the TLC instead fostered a situation where wheelchair users are treated as though they are less deserving of having rights as compared to the general public—as demonstrated by the fact that there are lower-dollar deterrents to committing violations in the pilot program. 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.

As of February 2009, the TLC says that it has issued 1,786 summonses for accessible vehicle violations of the 19 Rules governing the Central Dispatch System, since it began in July 2008. However, the TLC has refused to divulge the breakdown of which violations these

summonses were issued for, except to say that most were issued for failure to complete training and not logging on to the Central Dispatch System at the start of a shift.

The TLC also stated that it does not keep a list of the number of these summonses which were issued for drivers who exceed the two refusals per shift rule. The TLC’s reasoning behind not keeping, or not releasing, this information is that it is difficult to determine the specific situations surrounding refusals—is a driver refusing a particular trip for a reason we can learn from or simply not responding to the dispatcher? Is the driver not trained properly to use the provided BlackBerry? Is the device malfunctioning?

One accessible taxi passenger who spoke to a driver about the behavior of participating drivers had this to say: “[The driver] was very good, but he told me that he knows many accessible taxi drivers were forced to get an accessible taxi, and they simply don’t answer the pages, or texts ... He says they say it takes too much time and they lose money. He was complaining that as one of the honest ones, he thinks the system is unregulated and unfair.”⁶¹

However, just because a violation to a driver or fleet is issued does not mean that it is the driver’s fault.

Mr. Singh stated that—while he likes taking 311 calls and gives wheelchair users his card with the cab’s medallion number so that they can request him—he feels that the BlackBerry system leads to many drivers receiving fines simply because they can not answer texts in time, there are technological malfunctions with the system, or they receive dispatches when they already have fares or at the end of their shifts.⁶²

Whatever the reasons, we don’t know why so many refusals occur, because the TLC says it doesn’t track the details. According to the TLC Rules governing the Central Dispatch System, a participating driver of an accessible vehicle must accept a dispatch while he is on duty. In the event that any participating driver rejects more than two dispatches in any work shift, the driver is in violation. However, drivers may offer as a defense

58 Ibid.

59 Kellner, Assembly Member Micah Z. (Created 2008, August 14) NYC Taxi Survey for Wheelchair Users: Online Taxi Survey Response No. 10 (Completed 2009, March 26)

60 Ibid.

61 Kellner, Assembly Member Micah Z. (Created 2008, August 14) NYC Taxi Survey for Wheelchair Users: Online Taxi Survey Response No. 3 (Completed 2009, January 14)

62 Kellner, Assembly Member Micah Z. (2009, April 3) Interview with Satinder Singh, Accessible Taxi Driver Medallion No. 8T16.

The nineteen TLC rules governing Central Dispatch have lower standards & fines for violations fostering a situation where wheelchair-users have diminished rights as compared to other taxi riders.

that they were off-duty or the vehicle was not otherwise available, a defense which cannot be contested by the dispatcher because the technology used by Central Dispatch does not allow for monitoring.⁶³ This falls into the TLC's category of "hard to define" refusals—how can the TLC really determine if the driver's dispatch device simply was not working or if the driver saw the dispatch request and just chose not to respond? It is precisely these types of enforcement problems that make so many TLC Rules meaningless.

What can be discerned from the overall number of violations and the poor rate of driver participation is that the current rules and fine structures are insufficient. Most drivers apparently prefer to take their chances with fines over accepting Central Dispatch fares.

Conclusions

There are significant problems with the Central Dispatch system from a customer service perspective. Most serious is the almost total lack of service outside Manhattan. The system cannot be relied upon to provide service to customers outside of weekday business hours, nor to deliver them to airports or railway stations in time to make scheduled departures.

Even the TLC's very modest goals (of completing 25% of service requests within 20 minutes and 100% within 60 minutes) are not being met. High refusal rates

and a lack of qualified drivers participating, despite the requirement that accessible taxi drivers participate, are major contributing factors to these issues. Also, the TLC's failure to enforce its own rules—which discriminate against wheelchair-users by setting standards lower than for other customers—has compounded this problem. Drivers continue to experience a wide array of technological problems, discouraging participation. Finally, wheelchair-users who could benefit from the program are often not aware of it because of a lack of advertising. Those wheelchair-users who have used Central Dispatch are skeptical about relying on it—contributing to its already poor reputation in the disabilities community.

63 New York City Taxi and Limousine Commission (2007, November 13). TLC Rules and Local Laws. *Chapter 16, Dispatch of Vehicles Accessible to Persons in Wheelchairs. § 16-06 Acceptance of Dispatch*. [WWW document] PDF <http://www.nyc.gov/html/tlc/html/rules/rules.shtml>

PART 3: THE PRIORITIZATION OF GREEN OVER ACCESSIBLE

Background

In April, 2007, Mayor Bloomberg announced his administration's commitment to the goal of creating a more fuel efficient and environmentally friendly taxi and FHV fleet as part of PlaNYC 2030. The immediate aim was to double the efficiency of new taxis by 2012, while the larger goal was to convert the entire New York City taxi fleet to more fuel-efficient vehicles within the next eight to ten years.¹ The Mayor's plan calls for the introduction of hybrid-electric and other more fuel efficient vehicles, like the Toyota Prius Hybrid and the Ford Escape Hybrid, to gradually replace the standard Ford Crown Victoria.

Given the realities of global climate change and the clear links between auto emissions and asthma, lung disease, and other serious threats to public health, there is no question that mitigating the environmental impact of taxi traffic in New York is an important policy goal.

Until a vehicle becomes available that is both accessible and fuel efficient, there will be a need to balance environmental considerations with the interests of wheelchair-users. Publicly, the Mayor and the TLC have recognized that tomorrow's taxi fleet should be both environmentally friendly and accessible, but the fact that no vehicle currently exists that accomplishes both of these policy goals has resulted in the prioritization of "green" taxis over accessible ones.

Since the announcement of PlaNYC, the Mayor has held numerous press conferences and released several press statements on the progress of the 100% green taxi fleet goal—the first on May 22, 2007, announcing his plan to have a fully hybrid fleet by 2012,² and the most recent, on March 26, 2009, applauding the TLC for instituting lease cap modifications which incentivize

the purchase of hybrid taxis over less fuel efficient vehicles, including accessible vehicles.³ In total, there have been six press releases and statements regarding green taxis. In that same time there have been no press releases or statements by the Mayor highlighting the need for accessible taxis.

There are currently over 13,000 taxis on the road in New York City. Of these, 1,551 are hybrid vehicles,⁴ compared to 238 which are wheelchair accessible. The TLC has, in fact, sold comparable numbers of accessible and hybrid medallions at auction (231 accessible versus 337 hybrid). However, while it has provided numerous incentives for owners of standard taxi medallions (which can be used on any approved taxi model) to purchase hybrid vehicles, it has not provided similar incentives for standard medallion owners to buy accessible vehicles. As a result, TLC records show that there are only seven accessible vehicles with standard medallions, versus 1,214 hybrids with standard medallions. This highlights the disparity between the City's commitment to the promotion of hybrid vehicles for a greener New York City, and its virtually nonexistent efforts to promote accessible vehicles for a more accessible New York City.

The goal should not be a taxi fleet which is fully green to the exclusion of being fully accessible - or vice-versa - but a fleet which is 100% accessible and green. Reaching this goal, however, will require the Mayor's office to devote as much attention to the City's accessible taxi program as it does to the hybrid taxi program.

1 PlaNYC 2030 (2009, May 15). The Plan: Air Quality Initiatives. 3: Reduce emissions from taxis, black cars and for hire vehicles - p. 123. [WWW document] URL http://www.nyc.gov/html/planyc2030/html/plan/air_taxis.shtml

2 Office of the Mayor (2009, May 15). News from the Blue Room. Mayor Bloomberg Announces Taxi Fleet to be Fully Hybrid by 2012. [WWW document]. URL http://www.nyc.gov/portal/site/nycgov/menuitem.c0935b9a57bb4ef3daf2f1c701c789a0/index.jsp?pageID=mayor_press_release&catID=1194&doc_name=http%3A%2F%2Fwww.nyc.gov%2Fhtml%2Fom%2Fhtml%2F2007a%2Fpr156-07.html&cc=unused1978&rc=1194&ndi=1

3 Office of the Mayor (2009, May 15). News from the Blue Room. Statement by Mayor Bloomberg on Passage of Green Taxi Incentives by the Taxi and Limousine Board of Commissioners. [WWW document]. URL http://www.nyc.gov/portal/site/nycgov/menuitem.c0935b9a57bb4ef3daf2f1c701c789a0/index.jsp?pageID=mayor_press_release&catID=1194&doc_name=http%3A%2F%2Fwww.nyc.gov%2Fhtml%2Fom%2Fhtml%2F2009a%2Fpr142-09.html&cc=unused1978&rc=1194&ndi=1

4 New York City Taxi and Limousine Commission (2008, December 18). Proposed Changes to Leasing and Lease Caps in the Medallion Taxicab Industry [WWW document]. PDF http://home2.nyc.gov/html/tlc/downloads/pdf/presentation_lease_caps.pdf

Taxi of Tomorrow

RECOMMENDATIONS

- The TLC should require that Taxi of Tomorrow Committee update the public as to the status of its work.
- The Taxi of Tomorrow Committee should include universal accessibility as a “core value” for the Taxi of Tomorrow.

Beyond the introduction of more hybrid and accessible taxis in New York City, there is the long-term goal of creating a new, iconic taxicab for the City once the aging standard Crown Victorias become obsolete.

On February 20, 2008, the TLC sent out a Request for Information (RFI) for their new “Taxi of Tomorrow” project. The TLC stated that the project represented “a unique opportunity to explore upgrades to the existing NYC taxi fleet by learning about possibilities for a more appropriate vehicle that reflects the needs of its diverse stakeholders—passengers, drivers, owners and NYC residents.”⁵ This project provided an excellent opportunity for the TLC and the Mayor’s office to promote a new taxicab which was simultaneously green and accessible. The original press release for the project also included a list of the initial requirements for the Taxi of Tomorrow for the purposes of public comment. Among these requirements was that the vehicle must feature “universal accessibility for all users with a goal of meeting ADA guidelines, (wheelchair accessible).”⁶ This statement was encouraging in that it seemed to indicate the TLC’s readiness to consider accessibility on equal terms with environmental friendliness.

On April 17, 2008, Assembly Member Kellner wrote to Assistant Commissioner Schenkman with his recommendations for the Taxi of Tomorrow:

- The vehicle should be wheelchair- and scooter- accessible.
- The vehicle should be able to accommodate at least one wheelchair user and three

⁵ New York City Taxi and Limousine Commission (2009, May 15). TLC News. *Taxi of Tomorrow - Introduction* [WWW document]. URL http://www.nyc.gov/html/tlc/html/news/taxi_of_tomorrow_intro.shtml

⁶ Ibid.

non-disabled individuals simultaneously on the same trip.

- The vehicle should have side and rear warning lights to alert oncoming traffic that a wheelchair user is entering or exiting the vehicle.
- Signage and assistive technologies must be placed so that their use is conducive for all riders and should be consistent and conform within all taxis.
- The vehicle should include a hearing induction loop or other suitable technologies for deaf or hearing-impaired individuals.
- The controls for “Taxi TV” and the credit card reader should be within the reach of a wheelchair user when he or she is properly secured within the taxi.
- “Taxi TV” should have high-contrast screens for individuals with low vision and closed captioning for persons with hearing impairments.
- “Taxi TV” should audibly announce key TLC rules, fare regulations, and passenger rights when the meter is started. “Taxi TV” should audibly update the fare at regular intervals during the trip as well as the final fare when the trip concludes.
- All signage within the taxi—including but not limited to the medallion number, the driver’s name and license number, fare regulations, and the taxi passenger’s bill of rights—should be printed in both large high-contrast print and Braille.
- All outward signage on the vehicle should be in large high-contrast print so that it can be recognized by people with low vision.
- If the vehicle has a low-noise engine, technology must be implemented to audibly alert persons with hearing impairments of that vehicle’s presence.⁷

Following the end of the comment period in April, 2008, the TLC issued a report summarizing the results and providing analysis of the response to the Taxi of Tomorrow RFI. The summary included the “three specific brand values” which the TLC took from the data gathered from RFI respondents: environmental sustainability, so-

⁷ Kellner, Assembly Member Micah Z. (2008, April 17) *Letter to Taxi and Limousine Commission Assistant Commissioner Peter Schenkman Re: Taxi of Tomorrow Request for Information.*

The TLC’s “Taxi of Tomorrow” report explains that “design for diverse users,” refers not to people with disabilities, but rather to the diverse aesthetics of New Yorkers and the challenge of creating a “‘loveable’ new taxi reminiscent of the Checker.”

p sophisticated durability, and trendsetting urban design for diverse users.⁸ According to the paper, these requirements were defined by “an advisory committee...consisting of representatives from all major stakeholder groups, including disabled and non-disabled passengers.”⁹

In December 2007 Assembly Member Kellner wrote to Chairman Daus regarding the makeup of the 10-person panel which would be advising the TLC on the preliminary design of the Taxi of Tomorrow (the “advisory committee” mentioned above). Assembly Member Kellner argued that “the development of the Taxi of Tomorrow would be best served by greater input from the broader disability community that will ultimately use these taxis,” as opposed to the sole input of Commissioner Matthew Sapolin of the Mayor’s Office for People with Disabilities, whom the TLC appointed to be on the panel to represent New Yorkers with disabilities. Assembly Member Kellner recommended that “the panel attempt to reflect the diversity of the disability community by including a wheelchair-user and an individual who is deaf or hard of hearing.”¹⁰

Rejecting this advice, Chairman Daus stated—in a response letter sent nearly two months later—that “the process necessitated a core working group comprised of only a few people.” Moreover, Chairman Daus suggested that because “Commissioner Sapolin is holding meetings with a large group of people who represent the disabled community to make sure he can accurately represent their perspectives on this project,” the inclusion

of additional panel members was unnecessary.¹¹ No evidence was provided that the TLC was performing any due diligence, beyond copying Commissioner Sapolin on their response to Assembly Member Kellner’s request. It is not clear if these additional meetings ever took place, nor was there any tangible outreach to stakeholders in the disabilities community.

The TLC’s failure to ensure adequate representation of persons with disabilities in the design process became all the more troubling in light of the diminishment of its commitment to further inclusion of language specific to accessibility in its report following the RFI.

Section 2.5 of the Vehicle Technical Specification for the Taxi of Tomorrow, which addresses ADA Accessible Vehicles, states that “one goal being explored through this project is a single-model taxi fleet that is 100% ADA-compliant,” acknowledging that with the current taxi fleet “mobility needs are not being met sufficiently.”¹² However, the paper then backs away from this apparent commitment to rectifying the inaccessibility of New York’s taxi fleet, suggesting that the “TLC is also interested in accessibility strategies for improved mobility if the fleet cannot be 100% accessible or for full wheelchair accessibility that may not meet all ADA specifications.”¹³

Lacking specifics or a timeline, this statement points to the failure of the TLC to take tangible steps toward making the Taxi of Tomorrow accessible. Moreover, it is alarming that the TLC would even consider

8 New York City Taxi and Limousine Commission (2008). *New York City Taxi of Tomorrow: Request for Information* [WWW document]. PDF http://www.nyc.gov/html/tlc/html/news/taxi_of_tomorrow_final.shtml Page 6.

9 Ibid. Page 8.

10 Kellner, Assembly Member Micah Z. (2007, December 24). *New York State Assembly. Letter to Commission Chairman Matthew W. Daus Re: Taxi of Tomorrow Advisory Panel.*

11 Daus, New York City Taxi and Limousine Commission Chairman Matthew W. (2008, February 5). *New York City Taxi and Limousine Commission. Letter to Assembly Member Micah Z. Kellner Re: Taxi of Tomorrow, Toyota Sienna and Taxi Decals.*

12 New York City Taxi and Limousine Commission (2008). *New York City Taxi of Tomorrow: Request for Information* [WWW document]. PDF http://www.nyc.gov/html/tlc/html/news/taxi_of_tomorrow_final.shtml, Page 7.

13 Ibid., Page 7.

commissioning a taxi for wheelchair-users which is ADA-non-compliant—wasting taxpayer money on the development of a vehicle which wheelchair users might be unable or unwilling to use. The TLC's notion that there might be some kind of middle ground between accessibility and non-accessibility is fundamentally flawed: either you can get a wheelchair into a taxi and transport the passenger safely, or you cannot. By attempting to take half-measures, the TLC is in danger of repeating the mistakes of the past by choosing, once again, a vehicle that is not truly accessible.

Of the proposed specifications listed in Assembly Member Kellner's April 2008 letter, only those regarding signage design within and on the exterior of the taxi for blind and low-vision passengers, and the installation of technology to increase the sound of the vehicle for the same group were mentioned as priorities.¹⁴

While "PlaNYC makes clear, environmental stability is a core value for New York City today,"¹⁵ nowhere in is a similarly strong statement made with regard to accessible vehicles. If the TLC were genuinely committed to giving equal weight to the importance of making taxis accessible as to making them green, it would have listed accessibility as a Taxi of Tomorrow "brand value" along with environmental sustainability.

The third "brand value" outlined by the TLC, "trendsetting urban design for diverse users," seems as though it could refer to people with disabilities, including them among the "diverse users" of taxicabs. However, in its discussion of this value, the report focuses on form over function, and the challenge of creating a "loveable" new taxi reminiscent of the Checker, rather than emphasizing the importance of developing a vehicle which can be used by all New Yorkers and visitors.¹⁶ The Taxi of Tomorrow project represented a chance for the City to devote proper attention to the importance of making New York's taxis accessible to riders with disabilities. Instead, however, the TLC and the Mayor have chosen to emphasize environmental sustainability to the exclusion of accessibility.

Even with this prioritization, it seems that progress on finding the new taxi for New York City has stalled.

14 Ibid., Page 7.

15 Ibid. Page 6.

16 Ibid. Page 5.

Since the paper on the RFI was released in the spring of 2008, there have been no new reports, updates, or notices of meetings issued by the Taxi of Tomorrow advisory committee which can be found on the TLC website.¹⁷ The only mention of the Taxi of Tomorrow project in recent months is in the "TLC Times" Winter 2008/Spring 2009 Newsletter which states that the RFI paper "has been distributed to over 100 entities in the auto manufacturing and design community," and explaining that once the TLC has gathered all of the responses and analysis and "the time will soon come to make a decision...and progress."¹⁸ Between June 12, 2008 and April 16, 2009, there have been nine TLC Commission meetings and only at the September 10, 2008 meeting was the Taxi of Tomorrow mentioned briefly by Chairman Daus, who stated that the project was "not really there yet in terms of sending out any Taxi of Tomorrow documents or any final decisions."¹⁹

It seems that as far as the TLC is concerned they have found their "Taxi of Tomorrow" in the form of the hybrid vehicles already on the road, and that progress towards creating an accessible and environmentally friendly vehicle has been put on the backburner.

Incentives

RECOMMENDATIONS

- TLC should provide incentives for the purchase of accessible vehicles, including lease cap incentives, which are equal to those provided for purchase of fuel efficient vehicles.
- TLC should make greater efforts to publicize the state tax credit available for taxi and delivery owners who purchase accessible vehicles.

According to TLC Rules governing vehicle retirement, driver-owned vehicles are required to be replaced

17 New York City Taxi and Limousine Commission (Accessed 2009, June 3). TLC News. *Taxi of Tomorrow - Introduction* [WWW document] URL http://www.nyc.gov/html/tlc/html/news/taxi_of_tomorrow_intro.shtml

18 New York City Taxi and Limousine Commission (2009, May 7) TLC Times. "Taxi of Tomorrow" is on its Way! [WWW document] PDF www.nyc.gov/html/tlc/downloads/pdf/news_letter_winter_spring_09.pdf

19 New York City Taxi and Limousine Commission (2008, September 10) Commission Meetings/Transcripts. *Minutes of Commission Meeting September 10, 2008* [WWW document] PDF http://www.nyc.gov/html/tlc/html/meetings/transcript_archives.shtml

every five years and fleet-owned vehicles every three.²⁰ State and local governments offer incentives to owners to replace their retired taxis with green or accessible vehicles. However, the incentives are structured so as to encourage hybrids over accessibility.

The incentives currently offered by New York City were adopted following the failure of the City administration to mandate the purchase of hybrid vehicles. In December 2007, the TLC, at the directive of Mayor Bloomberg, adopted new rules imposing significantly higher fuel efficiency standards. These “25/30 rules” would have required a minimum 25 mile-per-gallon (mpg) city rating for all new taxis beginning October 1, 2008, rising to a minimum 30 mpg standard by October 1, 2009. In practice, this would have excluded all but hybrid vehicles from consideration for purchase by taxi fleet owners. The new fuel efficiency standards would not have applied to wheelchair-accessible vehicles.

Taxi owners strongly objected to the proposed 25/30 rules, arguing that the October 1, 2008 deadline was impossible to meet given the severely limited supply of hybrid vehicles and parts, as well as unresolved questions about the safety and reliability of hybrids. Ronald Sherman, President of the Metropolitan Taxicab Board of Trade (MTBOT), wrote to Chairman Daus on May 19, 2008, raising these and other objections, and requesting that implementation of the new standards be postponed for 12 months.²¹ In September 2008, the MTBOT, along with other industry representatives, filed suit in Federal court, seeking an injunction to block implementation of the 25/30 rules. The injunction was granted by Judge Paul Crotty on October 31, 2008.²²

Even had the new Rules been implemented according to schedule, it is likely that the result would have been counter to the City’s intentions. Fleet owners indicated to Assembly Member Kellner that because of the high cost and limited supply of hybrid vehicles, as

well as questions about their safety and durability, many planned to take advantage of the exception and opt for wheelchair-accessible vehicles instead of hybrids. Owners also dismissed as unproven that the current crop of hybrids would save money in fuel, reporting to Assembly Member Kellner that, because the use of air conditioning in some models is incompatible with the vehicles’ electric mode, actual mpg performance for hybrid vehicles during the summer months—when air conditioning is run continuously—is significantly degraded. A study conducted by the Idaho National Laboratory, which is operated for the United States Department of Energy, has found that fuel efficiency in hybrid vehicles is reduced by 15 - 27 percent by air conditioning.²³

After Judge Crotty’s decision blocked implementation of the 25/30 rules, the City turned to an incentives-based approach in its efforts to turn New York’s taxis green. On November 14, 2008, the TLC proposed new changes to lease cap rules for taxi fleet owners. The lease cap is the amount of money that a fleet or taxi owner may charge a driver for the use of a medallion per shift.²⁴ In order to incentivize the purchase of hybrid taxis over Crown Victorias, the TLC proposed that fleet owners be allowed to increase the lease cap charge to drivers of hybrids by \$3 a shift. In theory, this compensates for the higher purchase price of hybrid vehicles and promises a greater return to owners over time. The rules change was announced at a press conference with Mayor Bloomberg and Chairman Daus as part of the Mayor’s plan to introduce “a series of initiatives to increase the use of fuel efficient and environmentally friendly taxicabs, through new financial incentives and legislative initiatives.” The program targets taxi fleet owners who do not pay their own fuel costs, as opposed to individual taxi owners, who, according to the TLC, comprise 25% of the taxicabs in New York City.²⁵

In addition to this increase, under the proposed rules changes, those fleet owners who continue to main-

20 New York City Taxi and Limousine Commission (2009, May 15). TLC Rules and Local Laws. *Chapter 3 - Taxicab Specifications, Section §3-02 Vehicle Retirement* [WWW document]. PDF <http://www.nyc.gov/html/tlc/html/rules/rules.shtml>

21 Sherman, Metropolitan Taxicab Board of Trade President Ronald (2008, May 19) *Letter to New York City Taxi and Limousine Commission Chairman Matthew W. Daus Re: 25 MPG October 1, 2008 Mandate*.

22 Chan, Sewell (2008, October 31) *The New York Times: City Room. Judge Blocks Hybrid Taxi Requirement* [WWW document] URL <http://cityroom.blogs.nytimes.com/2008/10/31/judge-blocks-hybrid-taxi-requirement/?scp=4&sq=MTBOT&st=cse>

23 Hybridcars.com (2006, April 5). *Air Conditioning and Hybrid Mileage* [WWW document] URL <http://www.hybridcars.com/gas-mileage-factors/airconditioning.html>

24 New York City Taxi and Limousine Commission (2009, May 15). TLC Rules and Local Laws. *Chapter 3 - Taxicab Specifications, Section §3-02 Vehicle Retirement* [WWW document]. PDF <http://www.nyc.gov/html/tlc/html/rules/rules.shtml>

25 Office of the Mayor (2009, May 15). *News from the Blue Room. Mayor Bloomberg Announces New Incentive/Disincentive Program to Reach Goal of Green Taxi Fleet* [WWW document]. URL <http://www.nyc.gov/portal/site/nycgov/menuitem.c0935b9a57bb4ef3daf2f1c701c789a0/index.jsp?pag>

tain a fleet of non-fuel efficient vehicles would see the amount they are able to charge a driver per shift decrease by \$12. The rules changes affect all cabs on the road, except wheelchair-accessible vehicles.²⁶ In an e-mail to Jeffrey Kay, Director of the Mayor's Office of Operations and a member of the TLC on February 24, 2009, Assembly Member Kellner asked why the administration was "pushing lease caps at this time." Mr. Kay responded that this was a "temporary measure until we can do a next generation taxi. Accessible vehicles are exempt from [the] lease cap reduction."²⁷

For those who want to see incentives for fleet owners to buy accessible vehicles, it is positive that accessible vehicles are not subject to the \$12 per shift decrease, but the \$3 per shift difference in lease cap rates between the hybrids and the accessible vehicles is problematic in that it encourages fleet owners to buy hybrids rather than investing in both accessible vehicles and hybrids. In a subsequent e-mail to Mr. Kay, Assembly Member Kellner asked if "the proposed rules allow accessible cabs to get the same \$3 bump in the lease caps as hybrids?" Mr. Kay responded "No, but I am open to it."²⁸ Assembly Member Kellner wrote a follow-up e-mail to Mr. Kay, on March 19, 2009, asking what was "going on with the proposed rules, [and] will accessible taxis get all the same incentives as green taxis?"²⁹ Mr. Kay replied that accessible vehicles will not receive the same incentives, "but they will not be subject to the same disincentives," and in a later e-mail Mr. Kay indicated that it was the TLC's perspective that "not placing the disincentives on accessible vehicles" is "clearly putting accessible vehicles at the forefront."³⁰ In response, Assembly Member Kellner wrote to Chairman Daus on March 23, 2009, saying that the TLC "should be promoting the purchase of accessible taxis with the same vigor as they are hybrid vehicles" by implementing equal

lease cap incentives for accessible and hybrid taxis.³¹ No response to this letter was received.

On March 26, 2009, the TLC approved the rules change without incorporating the Assembly Member's recommendations. The Mayor issued a press release later that day applauding the TLC for working toward "turning yellow cabs green."³²

The Mayor's plan to implement the new lease cap rule has yet to reach its conclusion. According to the MTBOT, following the TLC's approval of the lease cap Rules change in March, 2009 the MTBOT brought a second lawsuit against the Mayor and the TLC in April, 2009 stating that this new Rules change is exactly the same mandate which Judge Crotty's decision blocked in October, 2008. The new lease cap incentive program was supposed to go into effect on May 1, 2009 but the judge issued a stay on the implementation until June 15, 2009 so that a decision could be made as to its legality. A decision in this case should be reached shortly.

While efforts have been made to incentivize the purchase of accessible vehicles by fleet owners, these initiatives have received much less publicity than their counterparts for hybrid vehicles. In 2006, the New York State Legislature passed legislation, (A.11560 Paulin/S.7782 Flanagan) which the Governor signed into law, providing a tax credit for taxi and livery companies that purchase accessible vehicles for taxi or black car use. The credit is equal to the incremental cost associated with upgrading a vehicle (up to \$10,000) so that it is accessible to people with mobility impairments. Originally authorized through December 31, 2008, the credit was extended last year until January 1, 2011.³³

Even with this incentive available, the number of accessible vehicles on the road remains well below the

26 Ibid.

27 Kay, Director of the Mayor's Office of Operations Jeffrey (2009, February 24) E-Mail to Assembly Member Micah Z. Kellner Re: Lease Caps.

28 Kay, Director of the Mayor's Office of Operations Jeffrey (2009, February 25) E-Mail to Assembly Member Micah Z. Kellner Re: Lease Caps.

29 Kellner, Assembly Member Micah Z. (2009, March 19) E-Mail to Director of Mayor's Office of Operations Jeffrey Kay Re: Lease Caps.

30 Kay, Director of the Mayor's Office of Operations Jeffrey (2009, March 19) E-Mail to Assembly Member Micah Z. Kellner Re: Lease Caps.

31 Kellner, Assembly Member Micah Z. (2009, March 23) Letter to Taxi and Limousine Commission Chairman Matthew W. Daus Re: Hybrid Lease Cap Incentives.

32 Office of the Mayor (2009, May 15). News from the Blue Room. Statement by Mayor Bloomberg on Passage of Green Taxi Incentives by the Taxi and Limousine Board of Commissioners. [WWW document]. URL http://www.nyc.gov/portal/site/nycgov/menuitem.c0935b9a57bb4ef3daf-2f1c701c789a0/index.jsp?pagelD=mayor_press_release&catID=1194&doc_name=http%3A%2F%2Fwww.nyc.gov%2Fhtml%2Fom%2Fhtml%2F2009a%2Fpr142-09.html&cc=unused1978&rc=1194&ndi=1

33 New York State Department of Taxation and Finance (2008) Instructions for Form IT-239, Claims for Credit for Taxicab and Livery Service Vehicles Accessible to Persons with Disabilities [WWW document] PDF http://www.tax.state.ny.us/forms/form_number_order_income.htm

number of hybrid vehicles. One reason for this might be the TLC's failure to publicize the tax incentive. There is no information given about this tax credit anywhere on the TLC website, other than a passing mention of the original bill in transcripts of the July 18, 2006 Commission meeting.³⁴ The TLC should be more vigorous efforts to bring this incentive to the attention of fleet owners who might be interested in purchasing accessible vehicles—the same effort that, with the help of the Mayor, it has put toward publicizing hybrid vehicle incentives.

Accessibility of TLC-Approved Hybrid Taxis

While much of this report has dealt with issues of wheelchair-accessibility, there are other accessibility issues raised by the promotion of TLC-approved hybrids over accessible taxis, as well as the Crown Victoria.

Many of the TLC-approved hybrid vehicles, including the Ford Escape, Toyota Highlander, and Lexus RX400, are Sport Utility Vehicles with high steps that make it difficult to enter the cab if one is frail or mobility-impaired. This is a significant and much-overlooked issue. Frail elderly or otherwise mobility-impaired persons are not as visible as wheelchair users, but they comprise a significant share of the taxi-riding public.

Other hybrid taxis present different problems, among them the Toyota Prius, with its severely limited internal space. Since its debut in 2005, the Prius has been the subject of news stories featuring complaints by customers unhappy about the cramped dimensions, but the problem is more than a nuisance for those with mobility challenges, who are unable to physically contort their body to get into the vehicle. For such riders, the lack of room is a barrier to service.³⁵

Cars without internal combustion engines pose a serious threat to pedestrians who are blind or low-vision. The problem arises from the fact the lack of noise the cars make at slow speeds (for example in New York City traffic), creating a potentially life-threatening hazard for pedestrians who rely on their hearing to tell them when

34 New York City Taxi and Limousine Commission (2006, July 15). Commission Meetings/Transcripts. *Minutes of Commission Meeting July 15, 2006* [WWW document] PDF http://www.nyc.gov/html/tlc/html/meetings/transcript_archives.shtml

35 Belson, Ken. *The Greening of the Yellow Fleet*. (2008, April 27) *The New York Times*, p. A1.

it is safe to cross a street. In 2007, the National Federation for the Blind called on hybrid car manufacturers to make their cars sound more like traditional car engines so that people who could not see cars coming would be able to hear them.³⁶ Car manufacturers have taken note of these complaints and have begun studying what can be done to increase the safety of these vehicles in pedestrian areas, like crosswalks.

Contrasting Approvals of Hybrid and Accessible Vehicles for Use as Taxis

RECOMMENDATIONS

- TLC should ensure a consistent and transparent vehicle approval process, insulated from political priorities and applied equally to all companies.
- TLC should publicly promulgate the rules and standards to be followed in the vehicle process, including placing this information on the agency's website.

In his report outlining the goals of PlaNYC 2030, "A Greener, Greater New York," Mayor Bloomberg said that hybrid and other fuel efficient vehicles "are in their first years of use and questions regarding their durability as 24-hour, seven-day-a-week vehicles have yet to be fully answered."³⁷ The Mayor went on to say that achieving a greener taxi fleet would "require aggressive work on the part of the TLC to push the automotive industry and the taxicab industry toward answering these questions and ensuring that vehicles used as taxicabs meet the high safety, service and sustainability standards of New Yorkers."³⁸ In contrast to his administration's attitude toward accessible vehicles, the Mayor has issued one mandate after another in an attempt to spur innovation of the so-called "green taxis." While the taxicab and automotive industry have certainly been "aggressively pushed" to meet the Mayor's goals, both industries

36 Siegel, Robert. *Nearly Silent Hybrid Cars May Endanger the Blind* (2007, February 22). *All Things Considered* [WWW audio file]. URL <http://www.npr.org/templates/story/story.php?storyId=7555520>

37 PlaNYC 2030 (2009, May 15). *The Plan: Air Quality Initiatives. 3: Reduce emissions from taxis, black cars and for hire vehicles* - p. 123. [WWW document] URL http://www.nyc.gov/html/planyc2030/html/plan/air_taxis.shtml

38 *Ibid.*

The taxicab and automotive industries warn that the aggressiveness of the City in pushing green taxis is coming at the cost of guaranteeing the safety of the new vehicles... ...Because of the expedited timetable, hybrid vehicles were being tested after they had already been put on the road.

have also publicly stated that this push is coming at the cost of guaranteeing the safety of the new vehicles.

On June 30, 2005, predating the Mayor's announcement of PlaNYC 2030, the New York City Council passed Local Law 72 of 2005, which required that the TLC "approve one or more hybrid electric vehicle models for use as a taxicab within ninety days after the enactment [of the law]."³⁹ The legislation was signed into law by Mayor Bloomberg in July 2005, and in September 2005 the TLC held a public hearing on changes to its rules so that the Commission would be in compliance with the new law within the required time frame.

According to TLC Rules governing vehicle specifications of taxicabs, all taxis in New York City must be manufactured with "heavy-duty equipment for taxicab, police or fleet service", at least 107 cubic feet of space for passengers with legroom equaling at least 43 inches, headroom equaling at least 37.5 inches, and seat depth of at least 18 inches; the vehicle's engine cannot exceed a maximum horsepower of 220.⁴⁰ These guidelines were instituted to ensure the safety of taxicab passengers and drivers. However, the specifications were amended for hybrid vehicles following approval at the September, 2005 Commission meeting. Under the revised rules, hybrid vehicles are not required to be manufactured with heavy-duty equipment, minimum interior space for passengers is set at 101.5 cubic feet with passenger legroom of at least 34.6 inches, with a maximum permitted horsepower of 268.⁴¹ These rule

changes were passed unanimously, despite concerns raised by several Commissioners about reduced passenger and driver leg room in the vehicle before and after safety partitions were added,⁴² and testimony from the public, including members of the League of Mutual Taxi Owners, which focused on hybrid safety questions and concerns that "the hybrid issue was being rushed".⁴³

In its "Statement of Basis and Purpose" outlining the reason it passed the hybrid Rules changes, the TLC stated that:

"None of the hybrid electric vehicle models available for sale to consumers in the United States complies with all of the taxicab vehicle specifications stated in Chapter 3 of the TLC's Rules (title 35, Rules of the City of New York). Non-compliances include passenger and driver comfort specifications, most importantly legroom; safety specifications, such as untinted windows and maximum horsepower; and durability specifications such as heavy-duty construction. Existing specifications must be modified to comply with the mandate of Local Law 72 of 2005. Therefore, realization of the economic, environmental, and public health benefits of hybrid electric technology requires tradeoffs with the other interests served by the TLC's vehicle specifications."⁴⁴

With this statement, the TLC says, in effect, that the importance of getting hybrid vehicles on New York streets outweighs any safety or comfort concerns for

39 New York City Council (2009, May 15). *Local Laws of the City of New York. No. 72* [WWW document] PDF <http://www.nycouncil.info/html/legislation/legislation.cfm>

40 New York City Taxi and Limousine Commission (2009, May 15). *TLC Rules and Local Laws. Chapter 3 - Taxicab Specifications, Section §3-03(c) Vehicle Retirement* [WWW document]. PDF <http://www.nyc.gov/html/tlc/html/rules/rules.shtml> Page 8.

41 New York City Taxi and Limousine Commission (Accessed 2009, May 15). *TLC Rules and Local Laws. Chapter 3 - Taxicab Specifications, Section §3-03.1 Vehicle Retirement* [WWW document]. PDF <http://www.nyc.gov/html/tlc/html/rules/rules.shtml>

42 New York City Taxi and Limousine Commission (2005, September 8). *Commission Meetings/Archived Transcripts. Transcript of Commission Meeting September 8, 2005* [WWW document] PDF http://www.nyc.gov/html/tlc/html/meetings/transcript_archives.shtml

43 Ibid.

44 New York City Taxi and Limousine Commission (2005, September 8) *TLC News, Published Rules. Notice of Final Publication* [WWW document] URL http://www.nyc.gov/html/tlc/html/news/published_rules.shtml

The TLC put Autovan through a meticulous 15 month approval process for its accessible modified Toyota Sienna including road-testing, driver and rider evaluations, and a letter from the Toyota company approving the modifications. Autovan was then required to pay for crash testing.

passengers. In the four years that have elapsed since these Rules were put into effect, there have certainly been improvements to hybrid technology and vehicles; however the Rules have not been readjusted to account for these improvements. Neither has the TLC attempted to work with car manufacturers to create a purpose-built hybrid taxi like the Crown Victoria; nor has it asked the City Council to delay the deadline for approval of hybrid vehicle designs until it is possible to address the safety and comfort concerns.

At the November 2005 Commission meeting, two months after the Rules changes were approved, Chairman Daus announced that six Ford Escape hybrids had been hacked-up and were operating as taxicabs, while a total of 18 Escapes, two Toyota Priuses, and one Toyota Highlander were expected to be “on the road in the next few weeks.”⁴⁵ However, it is unclear how these vehicles were approved for service so quickly after the rules changes. The first major discussion of possible hybrid vehicle use for taxicabs took place at the July 26, 2005 Commission meeting, which came shortly after the Mayor signed Local Law 72 of 2005; there was no Commission meeting between the July and September hearings.

According to the transcript of the July 26, 2005 Commission meeting, the TLC only reviewed the six possible hybrid vehicles (the Ford Escape, Toyota Highlander, Toyota Prius, Honda Accord, Honda Civic, and the Lexus 400H) that day and “basically didn’t really discuss it substantively, but we all made our own little notes and basically got a feel for what it’s like to sit in the back and the front of a hybrid electric.”⁴⁶ The available evidence suggests, troublingly, that these “tests” may have served

as the Commission’s only review of the proposed taxis.

As to how the hybrid program would operate after vehicle approval, Commissioner Iris Weinshall asked First Deputy Commissioner Andrew Salkin “how long the [hybrid] pilot would be in effect?” Deputy Commissioner Salkin’s response was:

“The rule states, the Commission has to approve a vehicle in 90 days. The intention here is any vehicle that gets approved will be on the road for the length of the vehicle to be on the road. What we will do subsequently while it’s on the road is test it. What we anticipate doing is coming back to the Commission at the end of the year, coming back to the Commission in March, to maybe pass new rules so we can get the ‘07 models approved or change and modification of the specs based on driver performance and passenger satisfaction.”⁴⁷

This response did not answer Commissioner Weinshall’s question and made no reference to any pilot program for hybrid vehicles. Instead, Deputy Commissioner Salkin stated that testing of the hybrids would occur after the vehicles had already been approved for use. Salkin’s statement seems to indicate that the Commission’s major priority is to get 2007 hybrid models approved as soon as possible, in order to get more hybrid vehicles on the road.

Additionally, in his presentation on the prospects of using these hybrid vehicles as taxis, Assistant Commissioner Schenkman told the Commission that because of the use of traction control in the new vehicles, the current method for testing taxis for meter accuracy and, more importantly, break functionality was obsolete and the TLC testing equipment would have to be modified.⁴⁸ Later in the meeting it was decided to renovate one lane

45 New York City Taxi and Limousine Commission (2005, November 17). Commission Meetings/Archived Transcripts. *Transcript of Commission Meeting November 17, 2005* [WWW document] PDF http://www.nyc.gov/html/tlc/html/meetings/transcript_archives.shtml

46 New York City Taxi and Limousine Commission (2005, July 26). Commission Meetings/Archived Transcripts. *Transcript of Commission Meeting July 26, 2005* [WWW document] PDF http://www.nyc.gov/html/tlc/html/meetings/transcript_archives.shtml Page 20

47 Ibid. Page 25

48 Ibid. Page 20

of the inspection facility so that hybrid vehicles could be inspected properly.⁴⁹ While there is no mention in the meeting transcript of how long the renovation of the inspection facility would take, neither is there any mention of delaying the hack-up of the hybrid vehicles until renovation was completed.

Because of the expedited timetable required to get the hybrid taxicabs on the road, the vehicles were to be tested after they had already been put into use.⁵⁰ This would account for the fact that by November, 2005, only one month after the TLC had approved rules governing the specifications for New York City taxis, several hybrid Ford Explorers were already on the road, and more would roll off the assembly line in the following weeks. There is no clear mention of approval of any of these vehicles in the July, 2005 and September, 2005 Commission meeting transcripts. It is only stated that the TLC is looking into approving six possible vehicles and these correspond to those vehicles which began appearing on the road in November, 2005. In May, 2006 two additional hybrid vehicles were approved for use as taxis—the Toyota Camry and Saturn Vue. After approval, these vehicles were available for hack-up immediately. In addition, in the intervening months between the November, 2005 and May, 2006 Commission meetings, two Lexus 400H vehicles were also hacked-up for taxi use.⁵¹ Minutes and transcripts for the Commission meetings where these hybrid vehicles were approved show that there was no crash testing or pilot program required before their hack-up for use.

There are now 15 hybrid vehicles approved for use by the TLC as taxicabs according to the Commission's website.⁵² However, the only mention of vehicle approval by the TLC at its Commission meetings are those listed above—since May, 2006 there have been no approvals mentioned in meeting transcripts. For example, the 2009 Chevy Malibu Hybrid was only on the road a few weeks before the October 1, 2008 dead-

line for all taxicabs that are hacked up to meet the 25 miles per gallon minimum, however there is no mention in Meeting transcripts of crash tests for this vehicle or even approval of its use prior to this date.

In September 2008, the New York City Council Committee on Transportation, chaired by Council Member John C. Liu, held a public hearing “for the purpose of examining whether green taxis are safe.”⁵³ The TLC testified that all vehicles must go through several levels of inspection before being put on the road, including those specified in the Federal Motor Vehicle Safety Standards (FMVSS) New Car Assessment Program, administered by the Department of Transportation's National Highway Traffic Safety Administration (NHTSA) and the TLC-run initial hack-up inspection.⁵⁴ However, these are inspection rules which were put in place for the Crown Victoria—a vehicle which was manufactured specifically for heavy-duty use as a New York City taxi. The vehicles which are being purchased and hacked-up for use as hybrid taxis are not purpose-built taxi vehicles, they are consumer automobiles which the TLC approves and medallion owners modify for taxi use. According to the TLC, hybrid vehicle manufacturers have “worked to modify the vehicle specifically for use as a New York City taxicab,” and that after these modifications, “all taxi models with better gas mileage meet NHTSA crash testing regiment of any commercial market vehicle sold in the United States.”⁵⁵

However, the TLC's purported reliance on federal safety standards for hybrid taxis is inadequate. At the September, 2008 hearing Chairman Liu asked the TLC representative, Deputy Commissioner Salkin, if the TLC “actually [did] anything apart from taking any vehicle that's allowed for use on an American street to be used as a New York City taxicab?”⁵⁶ Deputy Commissioner Salkin responded that “[the TLC is] testifying that the FMVSS standards are comprehensive and sufficient to ensure that someone who is in a vehicle and involved in an accident is secure to a standard that is predetermined to be appropriate,” even though, as Chairman Liu pointed out later in the hearing, the TLC stated at hearings several years ago that they could not approve a

49 Ibid. Page 56

50 Ibid. Page 25

51 New York City Taxi and Limousine Commission (2005, May 11). Commission Meetings/Archived Transcripts. *Minutes of Commission Meeting May 11, 2005* [WWW document] PDF http://www.nyc.gov/html/tlc/html/meetings/transcript_archives.shtml, Page 14

52 New York City Taxi and Limousine Commission (Accessed 2009, May 20). *Safety and Emissions. Taxicab Vehicles in Use* [WWW document]. URL http://www.nyc.gov/html/tlc/html/safety_emissions/taxicab_vehicles_in_use.shtml

53 New York City Council (2008, September 10). *Transcript of the Meeting of the Committee on Transportation*. Page 4.

54 Ibid. Page 4-8.

55 Ibid. Page 15.

56 Ibid. Page 18.

hybrid vehicle as a taxicab because of unresolved safety concerns, even though at that time those vehicles had also passed the FMVSS in place.⁵⁷

There is also concern that once a hybrid vehicle is hacked-up, the FMVSS standards upon which the TLC relies to certify vehicle safety are no longer relevant. When Deputy Commissioner Salkin was asked to confirm that “there is nothing in the FMVSS which speaks to those specific changes that [the TLC is] making to the vehicles here in New York City as taxis,” he answered, “that’s right,” – seeming to confirm the contention by members of the public, representatives of the taxi industry, and elected officials that there is no adequate program in place to confirm the safety of hacked-up hybrids.⁵⁸

The TLC also made the claim that “the time for pilots [for hybrid vehicles] has ended.”⁵⁹ The Commission’s rationale for this statement was that hybrids have been on the road for several years since the passage of Local Law 72 of 2005 and have logged tens of thousands of miles of use in the New York City.⁶⁰ In essence, the basis for the TLC’s claim that further crash test and other safety inspections of new hybrid vehicles are unnecessary is simply that nothing, in their eyes, has actually gone wrong yet, with older hybrid vehicles.

The statement that hybrid vehicles are past the point of needing pilot programs is in direct contrast to the requirements imposed by the TLC for accessible vehicles. At the April 12, 2007 Commission meeting, Jim Mayfield and Jim Bishop of the Autovan Corporation delivered a presentation on the Toyota Sienna wheelchair-accessible minivan. The Sienna had already been used as a non-accessible taxi in New York City after its approval in January, 2007.⁶¹ After the presentation, the Commission approved a six to 12 month pilot program for the vehicle.⁶²

57 Ibid. Page 18-21.

58 Ibid. Page 38.

59 Ibid. Page 15.

60 Ibid. Page 15.

61 New York City Taxi and Limousine Commission (2007, January 17). New - 2007 Toyota Sienna CE Approved for Use as a New York City Taxicab [WWW document] PDF www.nyc.gov/html/tlc/downloads/pdf/industry_notice_06_14.pdf

62 New York City Taxi and Limousine Commission (2007, April 12). Commission Meetings/Transcripts. Minutes of Commission Meeting April 12, 2007 [WWW document] PDF http://www.nyc.gov/html/tlc/html/meetings/transcript_archives.shtml

In a December 5, 2007 letter explaining the reasoning behind the TLC’s decision to require a pilot program, Deputy Commissioner of the Office of Public Affairs Allan Fromberg stated that the pilot program had “specified parameters through which the safety of the modifications of the rear bumper would be adequately tested ... [and] would likewise concern itself with the vehicle’s comfort and overall accessibility.”⁶³ The TLC was requiring that the Toyota Sienna go through an extensive pilot program so that the modifications to the vehicle after hack-up for accessible use were proven to be safe, even after the original, non-accessible vehicle had already been approved. This decision came at the same time as the TLC’s decision not to require pilot programs or even additional crash testing beyond what was done on hybrid vehicles prior to hack-up as New York City taxicabs. The TLC should either require hybrids to go through similar pilots and testing or remove the requirement of pilot programs and testing for accessible vehicles. It is absurd that one type of vehicle should be treated differently simply because it is more popular with the Mayor and he wanted the approval hybrid vehicles fast tracked.

At a TLC public meeting in September, 2008, Ronald Sherman, President of the MTBOT said that “[The] MTBOT has been concerned about hybrid taxicabs ever since they were introduced. They are not purpose-built taxis like the Crown Victoria. They are untested and none of them come with manufacturer’s assurance that they can even be placed into operation as taxicabs.”⁶⁴ Further, Mr. Sherman stated in testimony before the New York City Council Transportation Committee the same month that there was no hybrid authorized by the TLC that was specifically designed for commercial use, none that received a five star cross-the-board crash test rating from NHTSA, none that received a five star rollover rating, and none that was built with a heavy-duty frame or heavy-duty parts like the purpose built Crown Victoria.⁶⁵

63 Fromberg, Taxi and Limousine Commission Deputy Commissioner Allan J. (2007, December 5). Letter to Michael Harris Re: Autovan Sienna Pilot Program.

64 New York City Taxi and Limousine Commission (2008, May 10). Commission Meetings/ Transcripts. Transcript of Commission Meeting September 10, 2008 [WWW document] PDF http://home2.nyc.gov/html/tlc/downloads/pdf/transcript_09_10_08.pdf Page 21

65 New York City Council (2008, September 10). Transcript of the Meeting of the Committee on Transportation.

Safety Concerns Continue Despite City Council Hearings Revealing Problems

The disparate treatment of vehicle approvals between hybrids and accessible vehicles has continued even more recently.

Earlier this year, well after the 2008 City Council hearings, Autovan told the TLC that they would be modifying model year 2009 Toyota Siennas, which are structurally identical to the Model Year 2008 vehicle.

The TLC required Autovan to ship modified a 2009 Sienna to New York for inspection before approval.

Within this same timeframe, the Volkswagen Jetta (a clean diesel vehicle) was approved sight unseen and without any additional testing following the TLC's outfitting of the vehicles for taxi use.

According to C. Bruce Gambardella, a licensed professional engineer in New York, Michigan, and Connecticut who has worked as a full-time accident reconstruction expert for over 25 years, and who wrote the MTBOT hybrid taxi report and testified at the September, 2008, City Council hearing:

"Frequent and severe facial injuries will incur in small hybrid taxis due to inadequate space between the partition and the passenger. The Ford Escape hybrid for example has 10 inches less rear occupant space than the stretch Crown Victoria. In hybrid taxis, even belted rear seat occupants of average stature are likely to hit their heads on the partition in an accident. The significant difference in rear seat occupant space between a Crown Victoria and a small hybrid vehicle like the Escape is a difference between striking and not striking the partition in an accident...Taxi drivers are at a greater risk of injury in hybrid taxis. Small

hybrids with the L-shape or full width partition do not permit the drivers to recline their seats to create the distance from the front airbags. Manufacturers warn that sitting too close to the front airbags could result in injury or death in an accident. Drivers face dangerous glare on the right side due to the L-shaped partition. Drivers boxed in with the L-shaped partition may have trouble escaping from an accident. Further, it limits access to injured drivers pinned in the vehicle."⁶⁶

The argument is not that hybrid vehicles are unsafe and should never be used as New York City taxis—it is that their expedited path through the approval process has simultaneously treated their implementation as being more important than getting accessible vehicles on the streets while at the same time causing possible safety problems.

In direct contrast to the approach the TLC took to hybrid vehicles is the approval process for Autovan's modified Toyota Sienna. This particular hacked vehicle type, unlike any of the now-approved hybrid types, was already in several major American taxi markets. The TLC put Autovan through a meticulous 15 month approval process to determine if it could hold up to the rigors of being a 24/7 New York City taxi. This included road-testing, as well as driver and rider evaluations. Additionally, Autovan was required to pay for the crash testing of its modified Toyota Sienna.

In his December 5, 2007 letter explaining the TLC's justification for these stringent requirements, Deputy Commission Fromberg also stated that:

"[T]he vehicle appears to be performing well thus far, and hopes are high that there will be no complications for the remaining duration of the program. That, of course, leaves the question and issue of manufacturer support for the vehicle by Toyota, which, while not a technical issue, would be a complicating factor nevertheless if not resolved satisfactorily."⁶⁷

66 Ibid. Page 87

67 Fromberg, Taxi and Limousine Commission Deputy Commissioner Allan J. (2007, December 5). *Letter to Michael Harris Re: Autovan Sienna Pilot Program.*

The TLC then required Autovan to obtain a manufacturer's endorsement from the Toyota Corporation or have an independent engineer sign off on the structural integrity and safety of each individual vehicle after it was modified.

Throughout this process, TLC officials said that the reason for all of this scrutiny was that all of these checks were needed to ensure the public's safety. However, while the manufacturer's approval was needed for the rear-entry modified Sienna, the TLC did not require, and the Toyota Corporation actually refused, to endorse the use of many TLC-approved hybrid models (the Camry, Prius, and Highlander) as New York City taxicabs.

In an April 2008 *New York Times* article, a Toyota spokesman stated that their "engineers are nervous about it because [their hybrids] were not designed for commercial use."¹ A press release issued by the MTBOT, repeated that fact and emphasized that Toyota, along

1 Belson, Ken. *The Greening of the Yellow Fleet*. (2008, April 27) *The New York Times*, p. AU1.

with Honda "issued outright warnings against using their hybrid passenger vehicles as commercial taxicabs. In addition, Ford Motor Company, General Motors, and Nissan, have refused to certify the crashworthiness of their hybrid New York City taxicabs as modified with mandatory partitions." These assertions came in response to a letter written by the MTBOT to these manufacturers "requesting that they certify that their hybrids or alternative fuel vehicles are manufacturer-approved to be used as taxicabs and safe when modified with partitions and other TLC requirements."²

The requirements imposed on Autovan were unprecedented, and point to the larger issue that, as part of its push to implement its PlaNYC goals, the City fast-tracked the approval of hybrids while simultaneously imposing a more stringent process for the approval of accessible vehicles.

2 Metropolitan Taxicab Board of Trade (2008, October 8) *Auto-makers Warn Against Using Hybrids as Taxis*. [WWW document] URL <http://www.prnewswire.com/cgi-bin/stories.pl?ACCT=104&STORY=/www/story/10-08-2008/0004900468&EDATE>

PART 4: WHAT THE FUTURE HOLDS

"Access-A-Card" - Using Accessible Taxis to Facilitate Paratransit Service

RECOMMENDATIONS

- "Access-A-Card" pilot program should be extended to include outer boroughs where the need is greatest.

In March, Assembly Member Kellner submitted a written proposal to the MTA urging the adoption of a taxi complement to Access-A-Ride (AAR), MTA New York City Transit's paratransit program, which is mandated by Title II of the ADA.

Many other major cities such as Houston, Boston, Los Angeles, and Philadelphia use conventional taxis as a complement to their paratransit services.¹ One such program is operated by the City of Chicago and its

1 New York City Independent Budget Office, (2007, June), *Using Taxi Vouchers to Lower the Cost of Paratransit Service*, pages 9-10.

transportation authority partner, Pace Paratransit. The Taxi Access Program (TAP) is advertised as a "flexible option to Pace's ADA Paratransit Program...giv[ing] certified paratransit customers an opportunity to travel in taxis at reduced rates for trips that originate within the City of Chicago."² TAP provides a debit swipe card to registered paratransit users with which they may take a trip up to \$13.50 in value paying \$5 out of pocket. TAP riders are able to take 30 trips per week or four trips per day from any of 20 participating taxi companies, and a toll-free number is provided for wheelchair and scooter customers to match them with an appropriate available vehicle.³ In 2005, 27% of Chicago's registered paratransit users used taxi vouchers instead of the conventional paratransit service.⁴

2 Pace Paratransit Operations Department (2009, March 1), *Taxi Access Program (TAP) Customer Guide*, page 2.

3 Ibid.

4 New York City Independent Budget Office, (2007, June), *Using Taxi Vouchers to Lower the Cost of Paratransit Service*, pages 9.

Assembly Member Kellner's proposal advocated the use of a debit swipe card rather than a voucher or reimbursement model, observing that, "the voucher model discourages participation by service providers and has additional and unnecessary administrative costs." He also recommended that a 15% tip gratuity be incorporated into each trip; that trips be scheduled directly between provider and user; and that vehicles only be eligible to participate if they have credit card processing capability, GPS tracking, post and adhere to the Taxi Rider Bill of Rights, use the TLC zone fare structure, employ a "pay as you go" structure debiting the \$2 base fare from the rider's bank account, and include anti-fraud measures like a photo of the rider on the debit card. The Assembly Member also urged regular audits.⁵

With additional flexibility for users, implementing a taxi complement to the MTA's paratransit system could result in significant taxpayer savings. AAR contracts out paratransit services to private service providers. These contracts are the "principal component"⁶ and fastest growing part of the expense of operating the paratransit service, according to a fiscal brief prepared by the Independent Budget Office (IBO) in 2006. In 2005, the value of the service contracts was \$144 million.⁷ The IBO projected that by 2010 the value of these contracts would grow by almost 250% to \$357 million.⁸

The IBO also found that demand for paratransit service "more than doubled between 2000 and 2005, from 2.3 million to 4.7 million trips" and that registered users who took on average "37 trips in 2005 [took] about one-third more than the 28 trips taken in 2000."⁹ There has also been a substantial increase in the number of registered users. In 2005, there were 91,953 registered users, which is about 50% more than the number of users in 2000.¹⁰

Chicago's paratransit authority, PACE, issues debit cards to registered paratransit users participating in its Taxi Access Program (TAP) [source: PACE website]



Funding for AAR comes from the MTA, a capped subsidy from the City of New York, dedicated tax revenues from commercial real estate transactions, and a very small percentage comes from paratransit fares.¹¹ Registered paratransit riders pay the same base fare as other MTA riders to use the system.

In a 2007 IBO report on the possibility of using taxis as part of the MTA AAR paratransit system, it was noted that livery car companies are already well integrated into the existing model. Trips to AAR assessment centers and Veteran's Administration hospital appointments for registered paratransit users are currently provided by black car services; and when an AAR vehicle doesn't show up or cannot be scheduled on a same-day basis, and for some advance reservations, reimbursements are given for trips by livery, black car, or yellow cab.¹²

In 2007, the IBO undertook a detailed study of the potential for a taxi voucher program to complement the MTA's AAR paratransit operation. The IBO used what it termed "conservative assumptions;" its model assumed that each trip would average \$10, and that users would continue to pay the \$2 fare and all costs above \$10. For the year 2006, the IBO concluded that a taxi voucher program had the potential to replace 509,216 paratransit trips, and reduce contract costs by \$17 million (providing a net savings of \$13 million).¹³

The IBO report did not calculate the financial benefits to the taxi industry of an increase of more than half a million trips per year, but did comment on the availability of taxis to meet this demand, saying that "the actual number of paratransit passengers assumed to switch to taxis is quite small compared to the total

5 Assembly Member Micah Z. Kellner (2009, March), *Access-A-Card: A proposal to improve the quality and cost efficiency of Access-A-Ride*, page 2.

6 New York City Independent Budget Office (2006, October), *Access-A-Ride: With More Riders Costs Are Rising Sharply*, page 3.

7 Ibid.

8 Niblack, C. Preston, (2007, June 14), Deputy Director, City of New York Independent Budget Office, *Letter to Jean Ryan as cover page to June 2007 IBO report, Using Taxi Vouchers to Lower the Cost of Paratransit Service*.

9 New York City Independent Budget Office (2006, October), *Access-A-Ride: With More Riders Costs Are Rising Sharply*, page 2.

10 Ibid.

11 Ibid., page 4.

12 Ibid, pages 2-3.

13 Ibid, pages 6-7.

size of the yellow and livery cab fleets.”¹⁴ The report also did not study how the existence of an accessible taxi program for AAR, spurring more owners to buy accessible taxis, could result in savings to other public agencies and departments. Medicaid, Veterans Affairs, vocational rehabilitation agencies, and others contract with costly ambulette services for many of their clients who could easily use accessible taxis, if more were available and service was reliable. The report concludes by identifying that the small number of wheelchair-accessible taxis “severely limits options for the 20 percent of paratransit users who are not ambulatory.”¹⁵

Assembly Member Kellner, Manhattan Borough President Scott Stringer, Comptroller Thompson and DNNYC Executive Director Lawrence Carter-Long met with the, MTA New York City Transit, and AAR officials in March 2009 to discuss the possibility of a pilot program.

In conversations since, the TLC and MTA have said that they expect to announce a pilot program in June 2009 for the approximately 400 non-ambulatory registered users of the AAR program living in Manhattan, who will be able to use a debit card issued by AAR to pay for yellow cab trips originating and terminating between 14th and 96th Streets in Manhattan proper.

Allowing Access-A-Ride users to take taxis would result in significant taxpayer savings. AAR contracts out paratransit services to private service providers. This year, the MTA spent over \$300 million on these contracts.

¹⁴ Ibid., page 6.

¹⁵ Ibid., page 7.

An Accessible Taxi Mandate

RECOMMENDATIONS

- A.7842/S.4861 should be enacted to provide a mandate for a 100% accessible taxi fleet.
- The City Council should pass Intro. 378 (Koppell), the successor bill to Intro. 84. This legislation mandates a 100% wheelchair accessible yellow taxi fleet.

A.7842/S.4861

On April 27, 2009, Assembly Member Kellner and State Senator Tom Duane introduced a bill (A.7842/S.4861) to mandate that by 2011 all new taxicabs put into service in New York City are accessible to people with disabilities. In the justification section of the sponsor’s memo, Senator Duane and Assembly Member Kellner say, “It is a matter of fairness and in spirit with the principles of the Americans with Disabilities Act that all residents and visitors to New York City are afforded equal access to all modes of transportation. New York City is home to one of the largest taxi fleets in the world, and while New Yorkers and tourists hailing a taxicab is a common sight, this mode of transportation, virtually synonymous with the New York City experience, is not accessible to all.”¹⁶

The bill amends section 181 of the New York State General Municipal Law to require that by December 31, 2010, in cities with a population of one million or more, the locality will adopt ordinances to provide that, by June 30, 2011, no taxicab owner will put a taxicab into service that is not an accessible taxicab. The bill provides a definition for “accessible taxicab” that specifies that these cabs must comply with the Americans with Disabilities Act; be equipped with a ramp to safely transport a wheelchair or scooter, as well as with an assistive listening system for people who are hard of hearing; maintain a standardized interior in compliance with TLC Rules and Regulations; have standardized signs in Braille and large-print text; include sufficient room to accom-

¹⁶ 2009-2010 Regular Session of the New York State Senate - Assembly (2009, April 27), *Bill Summary A.7842*, [WWW document] URL <http://www.assembly.state.ny.us/leg/?bn=A07842> (Accessed May 28, 2009).

moderate a service animal; and, if a hybrid vehicle, be equipped with a device so it can be heard as regularly as a convention gas-powered vehicle.¹⁷

Intro. 378

In 2006, Councilmember G. Oliver Koppell introduced Intro. 378, the successor bill to Councilmember Lopez's Intro. 84 of 2004. The legislation would increase the accessibility of taxicabs to people with disabilities by mandating that all new taxis hacked-up after December 31, 2010 be either hybrid or accessible vehicles, and all new taxis hacked-up after December 31, 2012 be hybrid and accessible.¹⁸

While the legislation currently has 27 sponsors in the City Council, it has followed a similar pattern to Intro. 84, and other bills mandating an accessible fleet—having yet to make its way out of committee.

Tomorrow's Taxi: Purpose-Built, Accessible, and Green

In the next few years, one promising vehicle to meet the Taxi of Tomorrow challenge is the MV-1 Standard Taxi, currently in development by the Vehicle Production Group, LLC (VPG).

VPG calls itself "a designer, developer, and marketer of specialty vehicles that meet the demands of paratransit, taxi, commercial, and retail markets throughout North America."¹⁹ Its Standard Taxi, the MV-1, unlike accessible taxis on the road today, is the "first purpose-built wheelchair accessible vehicle" with features that

The MV-1 by VPG auto promises to be the first purpose-built taxi, exceeding ADA guidelines and including the option of a compressed natural gas (CNG) fuel system. [source: VPG website]



"meet or exceed ADA vehicle requirements."²⁰ The vehicle can accommodate two wheelchairs at a time, or six non-wheelchair passengers, and has an automatic or manual ramp with 1,200 lb. of wheelchair weight capacity.²¹ While the vehicle is shaped like a sport utility vehicle, it has a low step-in and 36 inch wide access door which allows for easy entry and exit for all passengers including those who may have mobility impairments but may not be confined to a wheelchair.²²

In keeping with the desire to incorporate energy efficiency into tomorrow's taxicab fleet, the MV-1 also comes with a "green" option using an Original Equipment Manufacturer (OEM) engineered and assembled "dedicated Compressed Natural Gas (CNG) fuel system."²³ VPG has partnered with Clean Energy Fuels Corp., the largest provider of CNG for fleets in North America, to develop this technology for the MV-1.²⁴

In January 2009, 26 prototype vehicles were assembled in Michigan for durability and safety testing²⁵ at the Chrysler Chelsea Proving Grounds which "simulates the toughest durability cycles in the US."²⁶ In February, a private showing of the vehicle was held.²⁷

17 2009-2010 Regular Session of the New York State Senate - Assembly (2009, April 27). *Bill Text A.7842*. [WWW document] URL <http://www.assembly.state.ny.us/leg/?bn=A07842&sh=t> (Accessed May 28, 2009).

18 New York City Council (2006) Introduction 0378-2006: *Increasing the Accessibility of Taxicabs for People with Disabilities* [WWW document] http://www.nycouncil.info/html/legislation/legislation_details.cfm?ID=Int%200378-2006&TYPE=all&YEAR=2006&SPONSORS=YES&REPORTS=YES&HISTORY=YES

19 The Vehicle Production Group LLC (2009). *The Vehicle Production Group. About Us* [WWW document] URL <http://www.vpgautos.com/about/> (Accessed May 27, 2009).

20 The Vehicle Production Group LLC (2009) *A Revolution in Taxi Design: The MV-1*.

21 The Vehicle Production Group LLC (2009) *Mobility Reinvented. Introducing MV-1*.

22 Ibid.

23 Ibid.

24 Ibid.

25 The Vehicle Production Group LLC (2009, January) *Prototype Progress: January 2009*.

26 The Vehicle Production Group LLC (2009, February) *Prototype Progress: February 2009*.

27 Ibid.

It is exciting to see the development of a vehicle with specifications that fall within the guidelines proposed by the TLC's "Taxi of Tomorrow" project, which would give New York City a purpose-built vehicle that meets our energy conservation goals and is also accessible.

Sections 606 and 210 of the New York State Tax Law provide a tax credit "equal to the incremental cost associated with upgrading a vehicle so that it is accessible by individuals with disabilities as defined in paragraph (b) of this subsection [oo]. Provided, however, that such credit shall not exceed \$10,000 per vehicle."²⁸ Legislation introduced by Assembly Member Kellner and Senator Duane (A.8508/S.5657) on March 25, 2009,

28 Consolidated Laws of New York. TAX § 606 and § 210.

would expand that credit to a credit towards the purchase of new vehicles that are manufactured to be wheelchair accessible, like the MV-1.²⁹

VPG Autos is not the only company working towards the creation of a vehicle which would incorporate the needs of people with disabilities and the drive for environmentally friendly taxicabs. According to Jim Mayfield, Vice President of Autovan, the company is currently looking to design wheelchair accessible conversions of hybrid platform vehicles.

29 2009-2010 Regular Session of the New York State Senate - Assembly (2009, May 26) *Bill Summary of A.8508* [WWW document] URL <http://www.assembly.state.ny.us/leg/?bn=A08508&sh=t> Bill (Accessed May 28, 2009).

APPENDIX

Methodology for Central Dispatch Data Collection

Between December, 2008 and January, 2009, 20 calls requesting accessible cab service through the Central Dispatch System were monitored. The breakdown of pick-up and drop-off locations for those calls were as follows: 6 calls had both the pick-up and drop-off locations in Manhattan; 5 had a pick-up location in Manhattan and a drop-off location in another borough; 6 had a pick-up location in an outer borough and a drop-off location in Manhattan; 2 had Roosevelt Island as the pick-up location and a drop-off location on The Borough of Manhattan; 1 had an outer borough as the pick-up and drop-off location. The majority of calls (13) were made between regular business hours (9 am to 5 pm) on weekdays. Five calls were made on weekdays either before 9 am or after 5 pm and 2 calls were made after 5 pm (at 5:15 pm and 6:15 pm) on a Saturday and Sunday.

To supplement this data, 3 customers who are heavy users of the Central Dispatch were interviewed in detail about their experiences. In addition, several customers filled out an anonymous online survey about the Central Dispatch System and their thoughts have been included in this report. Finally 3 taxi drivers who participate in the Central Dispatch System were interviewed and their responses are included as well.

While this sampling of data is limited in scope, taken together it provides useful basic information on what the TLC and Central Dispatch System pilot program have been able to accomplish in the 8 months that it has been active. The lack of ample data on individual customer experiences is also indicative of the fact that many people in New York City who could take advantage of this service either do not know that the program exists, are wary of using it, or choose to use another mode of mass transit due to financial considerations.

Data on customer call requests, cancellations, driver refusals, driver training, summonses, and penalties issued by the TLC and other data were requested from the TLC with varying results. Much of this information was relayed in phone conversations during which the TLC was reluctant to have any data be released from their office in writing and instead described this information as "soft numbers." This data, while it cannot be confirmed in written form, has been included throughout the report for lack of hard numbers or statements being released from the TLC to supplement them. Additional data from the TLC is included which was provided in a presentation in December, 2008 at accessible taxi and livery forums hosted by the Disabilities Network of New York City.

Data on accessible taxi pick-up requests transferred from 311 call centers to the Central Dispatch System has also been included, which was provided by the NYC Department of Information Technology and Telecommunications.