

Testimony of Commissioner Meera Joshi

Committee on Transportation

Oversight Hearing: Evaluating the TLC's Street Hail Livery Program

June 9, 2014

Good afternoon Chair Rodriguez and members of the Transportation Committee, I am Meera Joshi, Commissioner and Chair of the New York City Taxi and Limousine Commission. Thank you for this opportunity to speak today about the Street Hail Livery program (SHL), also known as boro taxis or green cabs. Your hearing is timely; it falls almost exactly on the anniversary of the first issuance. On June 12, 2013, the first permit was sold to a Bronx resident who I spoke with just two weeks ago at a Vision Zero Town Hall in the Bronx hosted by Chair Rodriguez. And we have much to report on the program's operation since that first permit was sold.

The goal and purpose of the program is simple: to replace an illegal hail system prevalent in the boroughs with one that provides customers and drivers with a safe and legal means of obtaining and providing for hire service. This goal has been met. Since inception, SHLs have completed over 5.8 millions trips for approximately 6.9 million customers. Prior to the creation of SHLs, yellow taxis were the only vehicles that were permitted to pick up street-hailing passengers and 94% of all yellow taxi pick-ups occurred in Manhattan or at the airports, leaving Northern Manhattan, the Bronx, Queens, Brooklyn, and Staten Island without any meaningful legal street hail service.

Today SHLs are completing over 43,000 trips per day and are providing much needed hail service in the boroughs. In Northern Manhattan they made 1.8 million trips closely followed by Queens with 1.6 million trips, and Brooklyn with 1.4 million trips. In the Bronx, SHLs made 600,000 trips and 1,600 trips in Staten Island. A large majority of these trips start and end in the same borough. For example, of the 1.6 million trips starting in Queens, 1.4 million of those trips also had a destination in Queens. SHL trips are taking place all across the boroughs and are not limited to certain areas. As more SHLs come into service, we are seeing more and more trips spreading across Northern Manhattan, the Bronx, Brooklyn, Queens, and Staten Island.

And SHLs are bringing benefits to passengers and drivers beyond simply getting from point A to point B. Borough hail passengers can get a car that will charge a regulated metered fare, is equipped with a credit card reader, and whose passenger trips can be identified through GPS. These features

allow the TLC to monitor payment data for potential overcharges, let passengers use credit cards for payment, a feature over 39% of passengers are using, and allow us to reunite passengers with lost property. These are critical benefits yellow cab passengers have long enjoyed.

SHLs have also created a small business opportunity for permit owners to legally provide service that they had been providing illegally for many years. Apart from the increased earnings they have reported, permit owners have also been quick to share their excitement about the benefits associated with small business operation. They have gone from simply having a job to owning a tangible stake in our city, and in their own future. Their pride of ownership is apparent, and others want to join them, so much so that we currently have over 6,300 prequalified licensees on the second-issuance wait list. That's more than the number of permits that will be available.

We learned a lot from the first wave of 6,000 permits that were issued. And as we begin the next issuance, we are cognizant of the fact that we need to continue and increase enforcement against illegal operators and increase outreach about the program to our licensees and the riding public.

Part of how we promote safe and reliable service for the public is by protecting licensees who play by the rules and provide service within the scope of their licenses. Today, we have 171 inspectors and we plan to add 50 more this summer. Our enforcement team, together with our unlimited towing capacity, gives us the necessary tools to remove illegal operators from our streets. In this calendar year, we have issued over 4,600 summonses for illegal street hails and we have seized over 3,600 unlicensed vehicles. Seizing unlicensed vehicles ensures that only licensed drivers who have passed drugs tests and vehicles that have passed inspections are offering service to the riding public. We are also enforcing against SHLs that pick-up in the Exclusionary Zone (South of West 110th Street and East 96th Street and at the airports). In this calendar year we have issued over 870 summonses to drivers and owners for picking up in the Exclusionary Zone.

Additionally, in response to confusion about where passengers can hail an SHL, we are considering a door decal clearly defining the no hail zones. Going forward, we will continue to focus on unlicensed operators and SHLs making illegal pickups in the exclusionary zone.

In terms of outreach, because the Vision Zero Town Halls have proven to be so helpful and informative, we will be holding similar town halls throughout June and July as one method of educating the public on the benefits of using legal transportation and an opportunity to review for potential

purchasers the ins and outs of permit ownership and operation. We welcome all drivers and members of the public to attend.

In addition to enforcement and outreach, we are also working on a plan to improve accessibility options. Before we move forward with the next issuance of SHL permits, we will be submitting the Disabled Accessibility Plan (DAP) to the New York State Department of Transportation for its review and consideration by June 12. And we look forward to City Council's input on our draft DAP before it is submitted.

The DAP is required by the State HAIL law, the law authorizing the creation of the Street Hail Livery Program, and must be approved prior to selling additional yellow wheelchair accessible taxi medallions. The DAP provides a framework for dramatically improving wheelchair accessible taxi service and wheelchair accessible for-hire vehicle service in all five boroughs. Right now 1,200 wheelchair accessible SHLs permits have been issued and 400 additional wheelchair accessible taxicab medallions have been sold. Once approved and implemented, the plan will facilitate the creation of more than 16,900 accessible vehicles (approximately 8,800 yellow taxis and 8,100 SHLs) operating for hire in New York City, making it one of the largest fleets of accessible taxis in the world. This means that ultimately, 54% of all hail-able vehicles in NYC will be wheelchair accessible, offering passengers with wheelchairs true access to spontaneous for-hire transportation. I would like to thank the advocates and the Mayor's Office for People with Disabilities for working with us to reach this goal.

In closing, we believe the SHL program has gone far in filling a transportation gap in areas underserved by mass transit with safe and legal service. And we recognize that continued growth requires continued discussions with and feedback from Council, passengers, drivers, and owners. Thank you for the opportunity to testify today. I would be happy to answer any questions you may have.

Testimony of United Spinal Association
Oversight: Evaluating TLC Street Hail Livery Program

June 9, 2014

Presented by

James Weisman

United Spinal Association, a national membership organization of over 40,000 members, the vast majority of whom use wheelchairs and scooters to ambulate, appreciates this opportunity to comment regarding the City's plan for street hail livery service, which includes vehicles accessible to those with mobility impairments. United Spinal Association will attempt to limit its comments to the plan as it relates to the needs and rights of those who use wheeled mobility aids.

United Spinal Association was founded in 1947 as Eastern Paralyzed Veterans Association (EPVA). EPVA has long advocated for accessible transportation options for wheelchair users. In 1979, EPVA sued New York City's MTA and five years later settled the litigation. The Settlement Agreement required accessible buses, the alteration of key subway stations so that they are accessible, and the creation of a paratransit program, now called Access-A-Ride. MTA opposed accessibility and convinced then Mayor Koch that paratransit – i.e. Access-A-Ride – would be cheaper than making buses and subway stations accessible. Moreover, MTA opted to make as few stations accessible as possible (currently there are about 81 accessible stations, with 19 more to be made accessible by 2020). The alternatives to accessible subway stations are extremely limited – buses or Access-A-Ride. Compounding an already bad situation as it relates to travel by disabled passengers, MTA eliminated most of the City's inter-borough bus routes, increasing the Access-A-Ride burden. Access-A-Ride's budget is approximately \$575 million annually and costs per trip exceed \$60. Wheelchair users make over 100,000 trips per month on the City's bus system. Most of these trips are at peak hours, indicating that they are work related.

Medicaid pays for transportation for poor wheelchair users' medical trips. These trips are made on ambulettes. In 2010, Medicaid spent \$200 million, just in New York City, getting poor wheelchair users to the doctor by ambulette.

Two and half years ago NYC's disability community, the Bloomberg Administration, the State Legislature and Governor Cuomo created the framework for accessible taxi service throughout the City by negotiating the terms of the HAIL Act. The Act created a street hail livery program for the boroughs including a mandate that at least 20% of street hail liveries be accessible, authorization for the City to sell 2000 new yellow cab medallions, all of which had to be accessible, and a mandate that the Disabled Accessibility Plan (DAP) be created to ensure the availability of taxi and livery services accessible to wheelchair users throughout the City. Approximately 4 years ago, United Spinal Association and other plaintiffs sued the City and its Taxi and Limousine Commission for failure to provide accessible service. In order for the City to continue to sell medallions and/or street hail permits, the plan must be approved by the New York State Department of Transportation. That plan was statutorily required to include input from stakeholders. The Disabled Accessibility Plan (DAP) is before the City Council for review now. This review is also required by the statute.

It is our understanding that permits for street hail liveries sold quickly and that there is a waiting list of potential purchasers for the next tranche of permits issued by TLC. Accessible green street hail cabs are becoming available in the boroughs as vehicles are converted and put into service. Accessible yellow cab service is also available and can be dispatched as well as hailed.

It is inevitable that as more green taxis become accessible, Medicaid will attempt to shift its load of disabled passengers from costly ambulettes to less costly livery service. City by city, around the United States, as accessible taxis become available Medicaid subscribes to the service, making spontaneous travel by wheelchair users extremely difficult because vehicles are tied up on Medicaid trips. It is imperative that enough of the green fleet become accessible to avoid this dilemma.

We are pleased to report that after extensive discussions with TLC, the stakeholder group that includes wheelchair users has reached an agreement with the TLC which will eventually require that half of the green fleet is wheelchair accessible. While this will not be achieved until 2024, and may not be achieved at all if a third tranche of permits is not sold, we appreciate TLC's efforts to complement the accessible yellow cab fleet, 50% of which will be accessible by 2020, with 50% accessible greens. Moreover, it is the TLC's plan to create a central dispatch program for these vehicles so that both the yellow cabs and the green fleet may be dispatched to wheelchair users as well as hailed.

The DAP currently before you provides a structure for accessible taxi services throughout the City. There are things missing, however. First, if the last third of permits for green vehicles is not sold, there is no provision in the plan to require those operating inaccessible green vehicles to replace those vehicles when they need replacement in the ordinary course of business, with accessible vehicles. Since a 30-cent fare increase has been imposed on passengers to pay for accessibility features and maintenance of these features on the green cabs, it stands to reason that if 50% of them need to be made accessible, this money can be used for second generation green vehicles – that is, those replacing the first ones – to become accessible. There is no provision in the plan to require that accessible green vehicles be dispersed throughout the boroughs and we fear, since they are street hail vehicles, they may only be available within central business districts or on main thoroughfares. There is no provision made for Access-A-Ride or Medicaid load shifting; however, the gradual nature of that process, as well as the gradual addition of accessible vehicles into fleets may make any problem caused by this load shift easier to solve.

The sleeping giant in the taxi industry is smart phone dispatch apps like Uber, Lyft and Hailo. We are imploring the Council to act now to require that these services include accessible vehicles for wheelchair

users. If not, the yellow and green fleets will be required to provide service to wheelchair users while vehicles dispatched via smart phone apps do not. The convenience of these apps ensures their success and may in fact change the nature of the taxi industry. However, people with disabilities must be included in the dispatch app business plan and City regulation should ensure that they are.

United Spinal Association is a founding member of the Taxis For All Campaign (TFAC) formed 16 years ago. After 16 long years, during 12 of which the Bloomberg administration opposed taxi access, the Taxi & Limousine Commission has come up with a plan to provide meaningful service, assuming it is implemented. We encourage the Council to endorse the plan, seek improvements such as those suggested here, continue to hold oversight hearings as the plan is implemented, and legislate a 50% guarantee of accessible green taxis so that the percentage is not dependent on the sale of the third tranche of permits. There are many other for-hire vehicles available to able-bodied New Yorkers. If all 18,000 green permits are sold, 9000 will be accessible by 2024. However, unaffected by any of the plan are liveries (also known as car service or community car service), which make about 500,000 trips per day and comprise about 25,000 vehicles, black car services which include 10,000 vehicles, luxury limousines which include 7,000 vehicles, and commuter vans which include about 500 vehicles. We encourage the Council to address all modes of transportation for future legislation so that access is ensured.

United Spinal Association thanks the Council for its interest in the DAP and the opportunity to be heard today.



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June 9, 2014

Good afternoon Chairman Rodriguez and the Councilmembers of the Transportation Committee. My name is Erhan Tuncel, Managing Director of the League of Mutual Taxi Owners. Thank you for allowing me to testify today.

It's extremely important that the Street Hail Livery industry be kept vibrant to ensure that a high quality service is provided to the riding public. Drivers are essential to the success of the industry and they must be allowed to make a living wage so that they remain happy and profitable. This will not be possible if the supply is more than what the market demands. I ask you to carefully consider how many new green SHL licenses are issued so that the supply does not exceed the demand.

We support the TLC on their decision for 50% of SHLs to be accessible – on par with the yellow medallion industry bringing fair and equitable service to all of the people in our city.

Enforcement of illegal street hails is a very important part of a balanced approach of providing service to the riding public. Certain individuals called 311 to register a complaint concerning a green SHL picking up a street hail in the Hail Exclusionary Zone and the operator refused to take the complaint. We commend Chairwoman Joshi and her staff for immediately taking action and starting the process of adding this particular violation to the 311 operator's list for hail and for-hire vehicles. The TLC is taking all appropriate steps in this matter and we want this committee to be aware of what is happening with this most serious problem.

Enforcement of Street Hail rules is very important for keeping the drivers honest to their task and to provide the service they are assigned to provide. We respectfully request this Council to consider recruiting the NYPD officers to actively assist the TLC enforce these rules. Similar taxi service already exists in Chicago where medallion taxis and suburban taxis bring hail service to the riding public in Chicago's downtown and the suburban areas. Suburban taxis are not allowed to pick up a street hail in Chicago's Downtown Business District. That rule is almost never broken because the Chicago Police Department enforces this law. The consequences of breaking the law can be significant – rule violators spend a night in jail, have their vehicle impounded, and receive a hefty fine. Impounding vehicles along with heavier fines and having the NYPD keep a close eye on the behavior of all for hire vehicles is a huge step towards providing an environment where a safe and superior transportation service is guaranteed to the riding public of our great city.

Thank you for your time.



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New York City Council Committee on Transportation Hearing – Monday, June 9th Evaluating TLC's Street Hail Livery Program

Good afternoon Chairman Rodriguez and members of the Committee. On behalf of the Committee for Taxi Safety ("CTS") that represents licensed leasing agents and drivers in the Driver Owned Vehicle segment of the yellow taxi agency, we would like to thank you for the opportunity to speak with you today.

Recently resolved court case regarding 88 claims made by accessibility advocates have resulted in hastily enacted policies from the last administration. The new settlement and new rules, promulgated by the Taxi and Limousine Commission ("TLC"), mandate that 50% of all yellow medallion taxis must be accessible. It is no surprise that this has rightly stirred controversy. The Bloomberg Administration's settlement lacked cohesion and disregarded all segments of the for hire vehicles regulated by the TLC except for medallions. Now, New Yorkers are left with conflicting taxi policies that will actually negate the attempts to provide greater accessibility. We believe, however, with just a few adjustments, we can ensure that all New Yorkers will be able to access their choice of transportation services, regardless of their particular needs.

The original intent of the Street Hail Livery Licenses (SHLL) program was that both green and yellow taxis would provide the same level of services. And, it was clearly intended that all taxi cabs and for-hire vehicles will provide greater accessible services, than what is currently in service. Specifically, the law provides:

Not later than one year after the initial issuance of HAIL vehicle licenses, the TLC shall prepare and submit to the New York state department of transportation a comprehensive plan (the "disabled accessibility plan") that: sets forth an accessibility plan that (i) will lead to meaningful accessibility over a period of years for individuals with disabilities to all taxicabs, for-hire vehicles and HAIL vehicles... (emphasis added).

Accordingly, the state law makes it clear that all segments of the for-hire industry, not just the yellow medallion segment, is to provide accessible service.

However, in practice, this has not held true. The recent announcement by the TLC regarding the green taxi's requirement to provide more than 20%, but less than 50% accessible vehicles is a nice start but is inadequate in providing accessible services to all New Yorkers. Even today, as we have heard the goal of reaching 50% for SHL Licenses, there is no mechanism for making this happen. To provide a historical perspective concerning this matter, at the onset of the accessibility advocate's lawsuit, the city pursued a vigorous defense of its accessible dispatch program.

In its defense, the city argued that it had no obligation to provide accessible taxi service under the ADA, due to the ADA's *express exemption* of privately run taxis from the accessible vehicle requirement. The Second Circuit Court of Appeals upheld this plain reading of the ADA and reversed the lower federal court, which had held that due to its pervasive regulatory scheme, the



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city was actually the operator of the taxis. The Court of Appeals, upon a reexamination of the evidence, concluded that taxis in the city are operated by private businesses, and as such are exempt under the ADA.

The prior administration then reversed its position, deciding that as a matter of public policy, the city should provide accessible service and offered as a settlement of the ADA lawsuit a policy mandating that 50% of yellow taxis be accessible by 2020. Many believe the administration offered this settlement solely to avoid a summary judgment by disability advocates, not as good public policy. A motion would have resulted in the further dismantlement of the Taxi of Tomorrow program, which mandated the use of a single vehicle, the untested Nissan NV200. As the Nissan NV200 was classified as a van, the ADA exemption for the taxi industry would not have applied, meaning that the Nissan would have to be ADA compliant, which it is not, and therefore could not be placed on the road.

Leaving aside this issue, the 50% policy does not apply to any other for-hire vehicles other than yellow taxis. Black car services, the green taxi, community car services, or commuter vans, are not required to provide anywhere near the level of service that would ensure that any New Yorker who had a last minute, unanticipated, transportation need would be able to successfully street hail, or e-hail, a car to accommodate them. The green taxi fleet is only required to be 20% accessible. The black car and neighborhood car service fleets are not even required to have *one* accessible vehicle available. A central service is supposed to send an accessible vehicle if you call a base station, but as the TLC readily admits that regulation has never been enforced. And, as any New Yorker who needs this service knows, they can be left stranded indefinitely waiting for such a ride.

Putting aside the inadequate legal and regulatory hurdles, the policies currently proposed ignore the biggest factor in providing greater accessible service. Our experience and knowledge of the industry as operators show that drivers will attempt to avoid using an accessible car if non-accessible alternatives are available. Drivers will migrate from garage to garage to avoid having to drive a non-accessible vehicle. This is due in part to extremely poor gas mileage, especially when compared to driver-favored hybrids. Moreover, drivers seek to avoid the difficulty in operating much larger and heavier vehicles, which can cause more severe injuries and damages.

The state law authorizes the TLC to issue up to 18,000 HAIL licenses, 20% of which must be accessible. Section 5 (b) of the State law sets forth: "Twenty percent of the HAIL licenses issued in the first issuance will be restricted to accessible vehicles, and for every block of 1,000 HAIL licenses issued, the 20% requirement **must** be met prior to the issuance of any additional HAIL licenses" (emphasis added). And, if this were not clear enough, the NYS Assembly Memorandum in Support of Legislation sets forth as the very first justification for the Bill "the lack of accessible vehicles for people with disabilities."

Yet, despite the plain language of this law, and the unequivocal justification set forth for the law, the TLC has taken the position that accessible vehicles do not need to be on the



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road, but rather, only accessible licenses need to be issued before an additional 6,000 SHL licenses may be issued. As the TLC runs around the law, they in turn defeat one of the very basic premises for law itself: to provide adequate accessibility to New Yorkers City-wide. To further its agenda, the TLC has once again disregarded the law by attempting to stretch its interpretation to the point of defeating the very purpose of the law itself, as courts have repeatedly held over the last several years.

At a minimum, the law's mandate should be met and enforced. Twenty percent of borough licenses need to be accessible. But to accomplish the goal of providing accessible service to the public, current licenses must be on the road and available to the public before additional borough licenses are issued. The TLC's misguided application of the law that issues licenses, but keeps them off of the road, does not serve the public. This is outrageous and, in effect, plays a game of three-card Monty with the disabled community. The TLC is living in a state of denial to expect that yellow taxi drivers seeking to avoid driving an accessible car will not migrate to another service offering more opportunity for driving a non-accessible vehicle.

Accordingly, the 50% requirement for only yellow taxis will have the adverse effect of not providing as many street hail options as the settlement envisions. Approximately only 500 of 1,200 accessible street hail vehicles sold are currently operating on the road. Many of the livery street hails are currently trading for five times the value, and in the case of livery street hails, many permits are sitting in offices waiting for greater increases in the value of livery street hails without any intention of actually putting them on the road. The only way to avoid driver avoidance of accessible vehicles, and to ensure that everyone who is required to put an accessible street hail livery vehicle on the road will do so, is to not create incentives or options to avoid doing so. The current policies in place will actually discourage obtaining the accessibility that the policies purport to promote.

The problem is compounded by services such as Uber. The TLC had coerced Uber, which had originally intended to only be a vendor to FHV drivers or bases, into becoming its own car service base. Thanks to its surge pricing that charges passengers three or more times its typical fare during periods of heavy use, Uber is now the largest base in the city, with roughly 7,800 affiliated drivers. Uber has no plans to limit expansion, and their e-hail app steers customers that would normally hail and use a yellow taxi into using a more expensive black car service. Uber's fleet is not required to be accessible, despite Uber having a valuation of \$17 billion dollars with hundreds of millions of dollars of its funding from venture capitalists.

With all of these conflicting policies, the goal of providing more accessible service to the residents and visitors to the City of New York will not be fulfilled to the extent needed service all New Yorkers. Why should someone who lives below 96th Street on the East Side of Manhattan, who needs an accessible street hail vehicle, have a greater chance of getting that need fulfilled than someone living in a wheelchair in the Bronx, Queens, Brooklyn or Staten Island? The technology and resources have been found for pieces of this equation. Yet, no one is looking at the disjointed pieces of policy to make a cohesive plan that will provide needed services and allow drivers and operators to make a good living.



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Currently there are 13,437 yellow taxis in the city, 269 of which are accessible. There are approximately 5,997 SHL vehicles, 20% of which are accessible. By 2020, there will potentially be 18,000 SHL Vehicles of which only 3,600 will be required to be accessible. Even those 3,600 only need to be sold, not necessarily on the road and in service. There are 45,000 FHV's, none of which are required to be accessible, and more base licenses are issued every day. This means that under the current 50% policy, only 7,500 of the 77,000 cars licensed by the TLC would need to be on the road and available to accommodate the entirety of disabled passengers in the city.

In the past, we may have advocated that the lower demand for accessible service justified fewer accessible options. However, given that we have moved beyond usage to justify increased accessibility, predicated on the idea that every New Yorker, regardless of their circumstance, should have the opportunity for street hail service, then there is no justification for anyone who is getting a license from the TLC to not provide accessible service to any passenger who needs it.

Moreover, driver avoidance of the mandated accessible cars will keep many accessible taxis sitting idle in garages or on the side of the road and out of service. Many passengers in need of accessible services, especially those outside of Manhattan, will likely see little or no change in their ability to get reliable service. Accordingly, continuation of the current policy would endorse a system that discriminates against passengers in need by negating a service they are rightly entitled to receive.

We can do better and we should do better. Subsidies and tax breaks can make accessible cars more affordable for every for hire service under the jurisdiction of the TLC. Mandating accessible service throughout the licensed system will encourage automakers to provide better options. For guidance, we can look to a similar agreement reached by the MTA in the 1980s. Only half of their fleet was required to be accessible, but the commissioners and advocates saw the wisdom in a self-motivated program to convert the entire fleet of buses to being wheelchair accessible. It was a cost effective way and they did it without further legal action.

With regard to the TLC's overall administration of the livery street hail program, we also note that the state law providing for the issuance of SHL licenses, requires the TLC to issue a "hail market analysis" prior to the second and third issuances of licenses. The law requires the TLC to prepare and submit to the City Council and the Department of Transportation an analysis that includes the following items:

HAIL market analysis examining HAIL vehicle rider demand, shortages, and need for adequate and affordable transportation, including analysis of (a) the need for additional HAIL licenses to meet rider demand, (b) the adequacy of enforcement provisions governing HAIL licenses, (c) the adequacy of the HAIL exclusionary zone, (d) the state of the market for issuance or other transfer of such licenses, (e) the impact of such new licensing on for-hire vehicle license owners, taxicab license owners and other industry participants that have not obtained such license, (f) the impact of additional license issuance on traffic safety and street congestion within the city of New York, (g) the



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need for related statutory or regulatory changes, (h) actions by the TLC on: (i) the promulgation of rules and regulations governing HAIL vehicles and the enforcement of existing laws, rules and regulations governing for-hire vehicles, taxicabs, HAIL vehicles and vehicles that operate without a valid license issued by the TLC, (ii) the allocation of resources for enforcement and (iii) deterring and punishing individuals who repeatedly violate such laws, rules and regulations; and (i) implementation of the HAIL license system and its integration into the New York city transit system.

Although the TLC issued a HAIL Market Analysis, we direct the attention of this Council to the date of the report, December 19, 2013, and the critical admission by the TLC on page 9 of that report, seventh bulleted point, that as of December 17, 2013, *only 2,106 green taxis were providing service*. Accordingly, we ask a very simple question as to how the TLC report provides data and conclusions concerning all of the above criteria when only one third of the 6,000 green taxis were on the road at the time the report was issued. Obviously, even less were on the road when the report was prepared. It is evident that the statistical information contained in this report was premature and inadequate.

It is therefore our contention that the TLC has not complied with the state law and that its report, utilizing data compiled with only approximately 1/3 or less of the borough taxis on the road, is a brazen attempt to mislead this council, the public, and the Department of Transportation.

Many other unintended consequences resulted from the prior administration's rush to implement the SHL program. Accordingly, one of our purposes in testifying today is to ensure that the program, along with other private transportation options, remains available and accessible to all New Yorkers, as the law was not only intended to accomplish but also was explicit in setting forth to accomplish.



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Disabled In Action of Metropolitan New York applauds the reality of borough taxis which can be called or hailed in the outer boroughs and Northern Manhattan. The need to be able to hail a cab in the outer boroughs, where the majority of New Yorkers live and many tourists visit, brings equality and the same options to everyone, not just to people who are at the airports or in the main tourist and business districts of Manhattan where yellow cabs mostly are. In my neighborhood in Southwest Brooklyn, it is rare to see a yellow cab and you could never count on finding one to hail any more than you could find a helicopter to hail.

We need more accessible legal outer borough hail vehicles so people can count on getting one.

Until a year ago, most people in the outer boroughs and upper Manhattan could never legally hail a vehicle and would either have to hail an illegal vehicle at Costco, hospitals, Barclay's, stadiums, or train stations or people would have to know the number or 2, 3, or 4 local car services, then wait patiently until a vehicle was available. That might not be so bad if one is at home, but if you are on the street and are trying to get car service phone numbers in a different neighborhood and wait in the rain or cold for a car to show up, it's not ideal. That's how the illegal hails came into being – because there is demand for hail service in the outer boroughs.

Borough hail taxis are also an improvement over people taking illegal hail vehicles because the new vehicles are regulated and insured and the drivers are licensed. Doing that increases training and safety for drivers and makes sure that their vehicles are kept in good condition. It also makes it safer for passengers because we know we are riding in an insured vehicle.

When there are more accessible green vehicles, people in wheelchairs will be able to count on being able to hail a green taxi when we need to go somewhere. It is also possible that medical transportation and paratransit will be able to use the borough hail taxis for people who are stranded and save money for those programs.

Respectfully submitted,

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Testimony of Peter Mazer of the Metropolitan Taxicab Board of Trade New York City Council Transportation Committee Hearing June 9, 2014

Good afternoon Chairman Rodriguez and members of the Transportation Committee. I am Peter Mazer, General Counsel to the Metropolitan Taxicab Board of Trade (MTBOT), a 65-year old organization comprised of 38 taxi fleets owning and/or operating more than 5,500 yellow medallion taxicabs with garages throughout Brooklyn, the Bronx, Queens and Manhattan. More than 60% of all corporate medallions are part of MTBOT, as are a number of independent medallion owners. MTBOT fleets lease taxis to more than 20,000 drivers each year and employ thousands of mechanics, dispatchers, managers and other direct and indirect employees that ensure that taxi service is provided to the riding public 24/7.

The Street Hail Livery Law went into effect in last year. While MTBOT was involved in litigation opposing the law, specifically how it circumvented the New York City Council and ignored legitimate concerns from the industry, we want to be clear that if properly licensed and regulated, street hail liveries can provide an important service for New Yorkers in the boroughs and upper Manhattan. However, many mistakes were made in the legislative process and we are seeing the effects today.

Significant numbers of drivers of green taxis are turning off their meters and picking up fares in prohibited locations in Manhattan – South of East 96th Street and West 110th Street. Other SHL drivers are overcharging passengers throughout the city by working without engaging their meters. As a result, yellow taxis' fares are being poached in the "yellow zone" and passengers everywhere are hurt. Unfortunately, the level of enforcement has been virtually non-existent.

Now in a new landscape with green taxis, Uber cars, ride sharing, as well as the traditional liveries, black cars and yellows, the responsibility on the TLC to enforce the law is greater than ever and we ask for the TLC to put the proper enforcement measures in place.

Furthermore, we are seeing driver shortages among the yellow taxis that we believe are directly correlated to the lack of enforcement.

The street hail livery program was created to provide service to underserved parts of New York City and it is clear that not all of those areas are benefitting from this service. According to its December 2013 market analysis, street hail liveries are congregating in places like north Brooklyn around Barclays Centers, Astoria, Forest Hills and in Upper Manhattan and not servicing many

other neighborhoods.

The 2013 analysis goes on to claim that an injection of new green taxis, specifically the 6000 expected to hit the streets this Fall, will even the distribution across various neighborhoods. There is no evidence that this pattern will emerge. More likely, neighborhoods such as Astoria, Long Island City, Washington Heights, Harlem, Williamsburg, and Park Slope will become oversaturated.

The issue is not just greens. The taxi space is drastically different today than what it was just two years ago and we believe a comprehensive look, or a "Master Plan," at how all the new pieces fit together in the taxi and for-hire vehicle space is needed before saturating the roads with more greens.

Just look at the numbers. As of now, there are 5,100 street hail liveries hacked up and on the road. 479 community car service bases operate 27,885 licensed for-hire vehicles, and 149 black car bases have 14,731 affiliated vehicles. At one location in Queens alone, operated by Uber, 7,371 black cars are affiliated and presumably dispatched. Add to that total 6,139 luxury limousines and 472 commuter vans. That's a total of 54,327 non-medallion vehicles providing service, an increase of 16,542 vehicles, or about 30%, in just three years, without any marketing study or environmental or economic analysis with respect to the necessity of such services.

Each new base submitted an EIS and a business plan for TLC review, but after the base is approved, additional vehicles can be added at any time without further review or analysis. While only a handful of new bases have been added, yet more than 16,000 new cars are on the road. One street hail livery base alone has 960 cars. And if 6,000, or even 12,000 more street hail liveries are added, and an unspecified number of Uber-affiliated cars, other black cars, and community car services proliferate in our streets, we will see added congestion, cut-throat competition for fares, and a general decline in service quality.

Moreover, when drivers are spending time cruising around Manhattan illegally picking up fares rather than spending time looking for fares in the other boroughs, one has to ask whether the purpose of this law is being met. Completely lacking from the TLC's analysis is any data on driver incomes. As more street hail liveries are added, we feel that more drivers will resort to earning a living unlawfully.

With the livelihoods of thousands of hard working yellow taxi drivers and businesses on the line, the Street Hail Livery Plan demands smart, careful and responsible management.

I would like to thank the Committee and Chairman Rodriguez for allowing me to present testimony and would be happy to answer any questions you may have.

We're
in
NY
16 Fl.

THE COUNCIL THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

Name: Beresford Simmons (PLEASE PRINT)

Address: _____

I represent: New York Taxi Workers Alliance

Address: _____

We're
Hastings
NY
16 Fl.

THE COUNCIL THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

Name: Bhairavi Desai (PLEASE PRINT)

Address: _____

I represent: NY Taxi Workers Alliance

Address: _____

THE COUNCIL THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

Name: Edith Prentiss (PLEASE PRINT)

Address: TAXI For ALL Campaign

I represent: _____

Address: _____

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

Name: David Pollack (PLEASE PRINT)

Address: Committee for Taxi Safety

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 6/9/14

Name: Chira Angeles (PLEASE PRINT)

Address: _____

I represent: Livery Base Owner

Address: 1642 St Nicholas Ave

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: _____

Name: Nancy Soria (PLEASE PRINT)

Address: 2679 Sedgwick Ave Apt 7B

I represent: Building 211, 211, 211

Address: _____

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: IFTIKHAR AHMED

Address: 1131 CONEY ISLAND AVE BRYAN NY 11234

I represent: PIA CAC LIMD INC (BASE

Address: 1131 CONEY ISLAND AVE BRYAN NY 11234

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: James Weisman

Address: 75-20 Astoria Blvd., E. Elmhurst

I represent: United Spinal Assoc

Address: same

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: 6.9.2014

(PLEASE PRINT)

Name: MOHAMMAD VIRK

Address: 2059 EAST 57 ST BROOKLYN NY 11234

I represent: DRIVER

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: June 9th, 2014

(PLEASE PRINT)

Name: DAVID POLLACK

Address: _____

I represent: Committee For Taxi Safety

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 9 June 14

(PLEASE PRINT)

Name: Walter Suez

Address: 541 Taylor St.

I represent: Oratory

Address: P.O. 727

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 6-9-14

(PLEASE PRINT)

Name: Fernando GARCIA

Address: 543 W 180 St. Apt 26

I represent: NEW YORK Association of Indep. N.Y.

Address: P.O. 727

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)
Name: Richard Thaler

Address: 525 E. 92nd Street, New York, N.Y. 10028

I represent: SELF

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: 06/09/14

(PLEASE PRINT)
Name: ZAHIR AHMAD

Address: 9020, 213 St. Queens NY 11428

I represent: SHL DRIVER

Address: 9020, 213 St. Queens, NY 11428.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 6/9/14

(PLEASE PRINT)
Name: Erhan Tuncel

Address: 226 East 83rd St NY, NY 10028

I represent: League of Mutual Taxi Drivers (LMDT)

Address: 50-74 Queens Blvd. Woodside, NY 11377

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 6-9-14

Name: Bill (PLEASE PRINT) LINDAUER

Address: _____

I represent: NY TAXI WORKERS ALLIANCE

Address: 250 FIFTH AVE, NY, NY 10001

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 6/9

Name: Peter (PLEASE PRINT) Mazer / MTBOT

Address: _____

I represent: MTBOT

Address: LIC, NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 6/9/14

Name: MEERA JOSHI (PLEASE PRINT)

Address: TLC COMMISSIONER

I represent: TLC

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Dustin Jones

Address: _____

I represent: DIA (Disabled in Action)

Address: in Sean Ryan

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Luis Reyes

Address: 467 WASHINGTON AVE. APT. 25

I represent: M.B.T.G.

Address: 2450 KROGER AVE. BRONX

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: 6/9/14

(PLEASE PRINT)

Name: ISIDRO PAULINO

Address: 79 POST AVE APT 54 NY 10034

I represent: PSOFINNY

Address: _____

Please complete this card and return to the Sergeant-at-Arms