

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON TRANSPORTATION

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October 22, 2009

Start: 10:24 a.m.

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HELD AT: Council Chambers
City Hall

B E F O R E:

JOHN C. LIU
Chairperson

COUNCIL MEMBERS:

Gale A. Brewer
Daniel R. Garodnick
Jessica S. Lappin
G. Oliver Koppell
Darlene Mealy
Diana Reyna
Larry Seabrook
Eric Ulrich

A P P E A R A N C E S (CONTINUED)

Samara Epstein
Assistant Commissioner for Constituent Affairs
New York City Taxi and Limousine Commission

Jason Michele
General Counsel
Mayor's Office for People with Disabilities, MOPD

Charles Frasier
Deputy Commissioner, General Counsel
New York City Taxi and Limousine Commission

Michael Kelner
Assembly Member
New York State Assembly

Marvin Wasserman
Executive Director
Brooklyn Center for Independence and the Disabled

Jean Ryan
Vice Chair, Vice President
Taxis for All Campaign, Disabled in Action

Michael Trotcha
Wheelchair User
Central Dispatch Program User

Bill Lindauer
Member
New York Taxi Workers Alliance

Osmen Chatterry
Member
New York Taxi Workers Alliance

Beersford Simmons
Member
New York Taxi Workers Alliance

Terry Mulkaly
United Spinal (training not Easter Seals for TLC)

A P P E A R A N C E S (CONTINUED)

Lawrence Carter-Long
Disabilities Network

Christopher Noelle
Disabled/User

Malagos Franco
Brooklyn Independent Living Center

Gabriella Amira

Richard Thayler
Omni Media Network

CHAIRMAN LIU: Good morning.

Welcome to today's hearing of the City Council's Committee on Transportation. My name's John Liu and I have the privilege of chairing this committee. Today we've gathered for the purposes of an oversight hearing entitled Is the Taxi Dispatch System Working For People with Disabilities?

Taxis are an iconic symbol of New York, recognized by people all around the world. Taxis serve a vital role in New York City's transportation network. Unfortunately, many New Yorkers and visitors with disabilities are unable to use taxis because of the lack of wheelchair accessible vehicles. To address this lack to access to taxis, many disability rights advocates have fought for over a decade to convert the taxi fleet to accessible taxis.

In response to this advocacy, the Taxi and Limousine Commission approved a two-year pilot program which created a central dispatch system for accessible taxis. Under this system wheelchair users call 311, which then routes their calls to the dispatcher who arranges for an

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2 accessible vehicle to meet the passenger. The
3 pilot program began in July 2008 and it is to
4 operate for two years, after which the Taxi and
5 Limousine Commission will evaluate the results.

6 Feedback on the pilot program has
7 been mixed. Some people have had positive
8 experiences while others have been far more
9 critical, citing reliability issues and long waits
10 to get an accessible taxi. New York State
11 Assembly member Michael Kelner, one of the loudest
12 voices for the rights of disabled, wrote a
13 critical 50-page report on the dispatch system.
14 We expect to hear from Assembly Member Kelner
15 today.

16 It's been 15 months since the pilot
17 began and now is as good a time as any to take a
18 look at the preliminary findings with regard to
19 the pilot program. We expect to hear from the
20 Taxi and Limousine Commission as well as advocates
21 and members of the community.

22 We've been joined by Council Member
23 Jessica Lappin and also Council Member Daniel
24 Garodnick, who had been here earlier and we'll
25 await other members of the committee as well. But

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2 I want to thank the work of the committee staff,
3 Phil Hamm, our Legislative Counsel, Chimo
4 Bicherry, our Finance Analyst. With that, I want
5 to welcome the officials of the Taxi and Limousine
6 Commission testifying here on behalf of the
7 Bloomberg administration and also, Jason Michele
8 from the Mayor's Office of People with
9 Disabilities. Welcome.

10 SAMARA EPSTEIN: Thank you. Good
11 morning Chairman Liu and members of the
12 Transportation Committee. I am Samara Epstein,
13 Assistant Commissioner for Constituent Affairs at
14 the New York City Taxi and Limousine Commission.
15 I am joined today by Jason Michele, General
16 Counsel of the Mayor's Office for People with
17 Disabilities, MOPD and Deputy Commissioner,
18 Charles Frasier, General Counsel for the New York
19 City Taxi and Limousine Commission. Thank you for
20 the opportunity to speak to you today about the
21 accessible dispatch demonstration program.

22 The accessible dispatch program is
23 a temporary demonstration project that was
24 launched in the summer of 2008. This program
25 allows passengers that use wheelchairs to call

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2 311, which connects them to a central dispatcher
3 who matches them up with an available, accessible
4 taxi. One of the main goals of this program is to
5 help us determine how we can best provide service
6 for people with disabilities through our regulated
7 industries.

8 Other goals are evaluating how a
9 central dispatching facility works in New York
10 City where taxis can not be pre-arranged, testing
11 dispatch technology, accessing the demand for non-
12 subsidized wheelchair accessible for-hire service,
13 assessing driver training and their ability to
14 provide accessible service and determining how to
15 best leverage the fleet of accessible taxis that
16 are already on the road.

17 I appreciate you asking us here
18 today to hear about the program and offer your
19 feedback. We can utilize the discussion we have
20 today to continue to improve the dispatch program
21 itself and build towards future programs.

22 Over many years we have had
23 numerous and detailed conversations with advocates
24 for people with disabilities and people that use
25 wheelchairs, who have all clearly expressed their

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2 desire to be able to take taxis and car services.
3 This program came out of these discussions. It
4 had become clear that although we had made strides
5 in providing better accessible service, it was
6 still difficult to wheelchair and scooter users to
7 obtain for-hire and yellow taxi service.

8 These advocates suggested that taxi
9 service would be very popular and it was important
10 that any program be designed to handle enough
11 capacity to provide at least 1,000 rides a day in
12 lieu of a fully accessible fleet. All drivers
13 that participate in the dispatch system re
14 required to attend two training courses before
15 operating an accessible taxi.

16 One course trains drivers in the
17 actual operation of the dispatch system
18 technology, including the requirement to wait to
19 respond to a dispatch message until safely pulled
20 off the road. The other course instructs them on
21 passenger assistance techniques such as how to
22 load and safely secure passengers in the
23 accessible taxi as well as sensitivity training on
24 working with people with disabilities.

25 To date there have been over 3,500

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2 dispatched rides, servicing all five boroughs and
3 the airports. The current breakdown of dispatched
4 activity shows that 93% of trips begin in 84% of
5 trips end in Manhattan, 221, which is 6% of all
6 trips start in a borough other than Manhattan.
7 Queens has the most of these trips with 108
8 dispatched to date. However, of these outer
9 borough trips, only 52% of the trips end in
10 Manhattan, with approximately 30% of the trips
11 starting and ending in the same borough. Of all
12 the trips, 73% of the trips start and end in the
13 same borough and 27% of trips are taken to a
14 different borough.

15 While not a perfect comparison,
16 looking at regular taxi trips we see that over 97%
17 of the trips start in Manhattan. This means that
18 the dispatch system is able to link riders who
19 live outside of Manhattan, which is the primary
20 work area for taxis with a vehicle that is
21 virtually impossible to hail on the street.

22 In addition, there have been 30
23 pick ups and 133 drop offs at local airports.
24 There have also been 193 trips that start or end
25 at a hotel. This data suggests that this service

1
2 is being used by guest who are traveling to, from
3 and around New York City.

4 Weekday trips are slightly more
5 popular than weekend trips with 15% to 17% of
6 dispatches occurring on weekdays compared to 11%
7 of dispatches occurring on each weekend day. Most
8 trips occur between 11:00 am and 4:00 pm, which
9 represents 41% of all trips. Between midnight and
10 8:00 am only 7% of trips occur. The most canceled
11 trips occur between 4:00 pm and 8:00 pm, with 35%
12 of all canceled trips.

13 Additionally, since the program
14 began wait time has remained generally consistent
15 at approximately 30 minutes. We calculate wait
16 time as the time between the requested pick up and
17 the arrival of the accessible taxi. At the same
18 time, data indicates that a little more than 10%
19 of all requested trips are canceled. Some of
20 these trips are canceled because passengers were
21 not able to get service in the timeframe the
22 desire or they find an alternate means of transit.
23 Other times the dispatcher cancels a trip in order
24 to send out a new message to drivers about the
25 same far opportunity.

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2 Our trip data demonstrates that the
3 program is working. 1,450 individuals have used
4 the dispatch system. There's a core group of
5 individuals that have taken more than 50 trips
6 each since the program began. While these numbers
7 are not exceptionally high, these people are
8 satisfied enough with the service that they
9 continue to use it. We have spoken with these
10 users, who stated that it is working for them. I
11 met with one of these users in person who told me
12 she didn't know how she would accomplish what she
13 needed to each week without the taxi service.

14 One of the purposes of the
15 demonstration project was to test dispatch
16 technology and how it could work for taxis. The
17 technology is working. Drivers are able to
18 communicate with the dispatcher quickly and safely
19 and pick up passengers in a timely fashion. This
20 project also set out to test the passenger demand
21 for wheelchair accessible taxi service. We are
22 getting a good idea of how many people are
23 interested in taking unsubsidized taxis in their
24 daily lives.

25 The accessible dispatch program has

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2 given us valuable information about how we should
3 be looking to provide service or people with
4 disabilities though our regulated industries.
5 This program still has some months to go and we
6 will continue to evaluate trip activity and
7 passenger and driver feedback to determine what
8 next steps should be. The trip data tells us that
9 there are people who will use accessible taxi
10 service that the demand for these services is much
11 lower than we expected and that it is important
12 that services available in all five boroughs.

13 We are committed to continuing to
14 provide service for people who required the use of
15 a wheelchair accessible vehicle. In order for us
16 to be able to gauge demand for this service, it
17 was critical to reach out to potential users. We
18 have made numerous outreach efforts to make sure
19 that potential users know about the dispatch
20 program.

21 We currently have a section of our
22 web site dedicated to the dispatch program,
23 including passenger and driver information,
24 details on how to become trained to operate an
25 accessible taxi and a link to a passenger survey.

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2 Along with the Mayor's Office for People with
3 Disabilities, or MOPD, we have worked with an
4 advisory committee of 20 individuals that also
5 helped us test and launch the program in July
6 2008.

7 In November and December 2008, we
8 participated in taxi forums organized by the
9 Disability Network of New York City. These forums
10 focused on taxi and for-hire service for people
11 with disabilities and took place in every borough.

12 In an effort to increase ridership,
13 we further enhanced our outreach program this past
14 spring in order to reach more people about this
15 service. With MOPD, we developed public service
16 announcements, featuring Commissioner Matthew Daus
17 and Matthew Saplin that played on local radio
18 stations including 1010 WINS, WPLJ, WABC-AM, WWOR,
19 WCBS 880AM, WNYE and Radio NYC. Also the dispatch
20 program is written about in the New York Post. In
21 March we saw an increase in ridership which we
22 believe was due to this publicity.

23 In addition to these efforts,
24 organizations and non-profits that advocate for
25 people with disabilities have posted information

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2 on their web sites and in their newsletters to
3 promote the service. We have completed surveys.
4 And will continue to work with advocates to make
5 sure that we are getting the word out. Along with
6 MOPD, we have spoken with a number of advocates
7 and people with disabilities about the dispatch
8 system to see what their experiences have been.

9 We have also participated in a
10 disability summit this past summer that was
11 organized by the Disability Network of New York
12 and the Fund for the City of New York. Some of
13 the people we talked to at the summit expressed
14 that they feel that taxis are just too expensive
15 for them to use more than once in a while.

16 In general, the program ha been
17 successful for those who have chosen to use the
18 service. However usage of the service remains
19 much lower than we anticipated. We have spoken
20 with the core group of dispatched system users and
21 they report that the service is working well for
22 them. They have been impressed with the quality
23 of the drivers and have found the wait times to be
24 manageable.

25 We have gotten phone calls and

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2 emails from people all over the world, from Buenos
3 Aires, Argentina for example, about the program.
4 So though it is possible some people do not know
5 about it, we are confident that many potential
6 users do.

7 The largest concern we have heard
8 from system users is that they feel communication
9 with the dispatcher could be improved so that they
10 know when to expect their taxi. We are working
11 with the dispatcher on this to make sure that
12 passengers feel more secure about when their
13 vehicle will be arriving. We have learned that
14 this program is working well for the people that
15 use it. People that use wheelchairs that could
16 not take taxis before are now able to do so and
17 pay the regular taxi fare for this service.

18 Before this program began,
19 passengers that use wheelchairs were not usually
20 able to obtain a taxi on demand. One user
21 reported his happy surprise at being able to take
22 a taxi home for a midnight showing of a movie to
23 his home in the Bronx. Another rider told us this
24 program has changed her life. A different
25 passenger told us he was looking forward to being

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2 able to take his date out in a taxi rather than
3 having to use the bus.

4 We feel that this program is
5 accomplishing what it set out to do. We now know
6 more about how wheelchair users want to use taxis.
7 We have also learned more about how accessible
8 taxi vehicles and drivers provider service. We
9 are surprised at how low usage has been and hope
10 that this hearing will result in more people using
11 the dispatch service so that we can learn more.

12 Thank you for the opportunity to
13 talk to you today about the dispatch program. We
14 look forward to continued support from members of
15 this committee as we know you share a commitment
16 to making sure that people with mobility issues
17 are able to take taxis and car services. I will
18 be happy to address any questions that you might
19 have.

20 CHAIRMAN LIU: Thank you very much.
21 We've been joined by Council Member Diana Reyna of
22 Brooklyn and Queens, Council Member Larry Seabrook
23 of the Bronx and Council Member Oliver Koppell of
24 the Bronx.

25 You stated at least three times in

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2 the testimony that the usage has been lower than
3 expected. Had the Taxi and Limousine Commission
4 published the expectations or provided what those
5 initial expectations were?

6 MS. EPSTEIN: No. One of the
7 reasons that we decided to do a demonstration
8 project was when we talked to advocates for people
9 with disabilities and wheelchair users that were
10 interested in taking taxis, they indicated that
11 they thought that many people were going to want
12 to use these services. It was important to us to
13 build a system that could accommodate many rides a
14 day. We just haven't seen that many rides a day.

15 CHAIRMAN LIU: Well, when you say
16 lower than expected basically the TLC is
17 testifying that there have been about 3,500
18 dispatched rides since the beginning of the
19 program in July of 2008.

20 MS. EPSTEIN: Yes.

21 CHAIRMAN LIU: What was the
22 expected number?

23 MS. EPSTEIN: Honestly we didn't
24 know. One of the reasons we wanted to do this was
25 to see who was going to use taxis. But the

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2 advocates had expressed, as I mentioned in the
3 testimony, that they thought there could be up to
4 1,000 trips a day and we haven't seen that kind of
5 activity.

6 CHAIRMAN LIU: Well, did the TLC
7 put together a system that could handle 1,000
8 rides a day?

9 MS. EPSTEIN: Yes.

10 CHAIRMAN LIU: Let's take turns
11 when we're testifying. All right. So you're
12 saying--how many days has it been? It's been
13 maybe 450 days since this program went into
14 effect. So the TLC was anticipating 450,000
15 dispatched rides?

16 MS. EPSTEIN: I'm saying we didn't'
17 know how many we were expecting. We were told to
18 expect a lot of rides so we built up a system that
19 could accommodate many more rides than we are
20 seeing.

21 CHAIRMAN LIU: And that's the basis
22 for the comment at least three times in the
23 testimony that the usage has been a lot lower than
24 anticipated?

25 MS. EPSTEIN: Yes.

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2 CHAIRMAN LIU: Even though there's
3 not really any expectation that the TLC had?

4 MS. EPSTEIN: Right.

5 CHAIRMAN LIU: And while there are
6 many anecdotes that are present in the testimony
7 that speak to how happy people are, is it possible
8 that you haven't heard from people that aren't
9 happy or that people try to use the system and
10 just were frustrated with the system and therefore
11 stopped using the system and that's why. Is it
12 possible that the usage has been low because of
13 the unreliability of the system?

14 MS. EPSTEIN: It is possible that
15 that's the case for some people. I think that
16 what we're saying here today is it works for some
17 people; it may not work for other people. We want
18 as much feedback as we can possibly get so we can
19 understand what those issues are.

20 CHAIRMAN LIU: Does the TLC have
21 any clues as to what kinds of people or what kinds
22 of rides the system works better for? And the
23 circumstances that the system may not work?

24 MS. EPSTEIN: At this point, this
25 is sort of preliminary look at the data, I don't

1
2 feel comfortable with those overarching trends.
3 I'm not sure. We looked at some of the
4 cancellation numbers. You can see between 4:00 pm
5 and 8:00 pm, which is rush hour, that's where 35%
6 of the cancellations take place. So I do think
7 that's there's probably some rational connection
8 between it's hard to get a cab for anybody on the
9 street during rush hour. It's going to be harder
10 for you to get a cab if you're calling for it as
11 well.

12 But other than that the reasons
13 that it does or doesn't work for people and where
14 they're taking it to and from. We see where the
15 trips are coming to and from but really it's jus
16 the feedback from the people that are willing to
17 speak to us that gives us that information so it's
18 all anecdotal.

19 CHAIRMAN LIU: Do you think a two-
20 year period is going to be sufficient to gather
21 all this information and analyze the trends?

22 MS. EPSTEIN: I think it will
23 definitely give us some idea. I think that one of
24 the things that I said in the testimony and there
25 are some people who are here today to talk about

1 the program, we want more people to take the
2 program, we want more people to talk to us about
3 experiences with the program. Could we use more
4 feedback? Absolutely. Will two years be enough
5 for that? I'm not really sure at this point. I
6 think we are learning a lot and we know a lot more
7 than we did when we started the program.

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9 CHAIRMAN LIU: There was a lot of
10 skepticism at the outset whether the program will
11 work or not. Why was the two-year time period
12 set? Was that a funding issue?

13 CHARLES FRASIER: Two years is the
14 legal maximum a demonstration project could be.

15 JASON MICHELE: I just wanted to
16 add one of the things that we've noticed or I
17 found out about why those--

18 CHAIRMAN LIU: [interposing] Yeah,
19 could you just identify yourself for the record.

20 MR. MICHELE: I'm sorry, Jason
21 Michele. I'm General Counsel of the Mayor's
22 Office for People with Disabilities. One of the
23 things that we've noticed is that we've tried to
24 explain to many advocates that the fact that there
25 is an accessible dispatch system available does

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2 not mean that we are not trying to advocate in the
3 future for a fully accessible fleet. That's
4 something in our executive order that created our
5 office, we are to advocate for the disabled.

6 We've run in to a feeling out there
7 of people who think that just because we have an
8 accessible dispatch system that's somehow taking
9 our eye off the ball of a fully accessible fleet.
10 I think one of the major reason for such low usage
11 is because there are people out there that are
12 refusing to use it because they think that it's
13 some sort of tourniquet or some sort of band-aid
14 on the problem. And saying, we'll just walk away
15 from trying to get a fully accessible fleet.

16 I've tried to explain and
17 Commissioner Saplin has tried to explain to many
18 of these advocates that that's just not the case.
19 We wanted to be able to give people with
20 disabilities something that they didn't have
21 previously. It would be a stepping stone to our
22 continued efforts, which we will continue to do,
23 to advocate for a fully accessible fleet. But
24 that's something that we've run in to and it's a
25 very difficult thing to overcome, I have to say.

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2 CHAIRMAN LIU: What about the
3 drivers that are part of the system? Are they
4 fully happy with the system or has there been some
5 criticism from the drivers?

6 MS. EPSTEIN: The drivers have
7 mixed feelings about it. I see at least one
8 driver in the audience today who will probably
9 testify how the experience has been for him.
10 Drivers aren't used to being dispatched, yellow
11 cabs are normally only hailed on the street so
12 there is some resistance in general that drivers
13 are afraid that it's going to take them out of
14 their way, that they're not going to make as much
15 money, it's unfamiliar territory for them.

16 But I did attend some of the
17 trainings with the drivers and I can tell you
18 there were a number of very committed drivers.
19 Some of these guys spent the money to buy an
20 independent medallion and drive it themselves and
21 they chose to buy a wheelchair accessible
22 medallion so they are very committed to providing
23 that service. It really varies. We have a core
24 group of drivers that are really doing the bulk of
25 these trips.

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2 There is an incentive in place for
3 the drivers. After they do an accessible dispatch
4 they have four hours to go to the airport at JFK.
5 We work with the Port Authority and MOPD on that
6 and they get priority at the airport. That is
7 something that the drivers do enjoy. They, of
8 course, would like more incentives and we kind of
9 came up with what we could at the time. But
10 drivers have mixed feelings about it.

11 CHAIRMAN LIU: That's the only
12 incentive that's in place right now?

13 MS. EPSTEIN: Yes.

14 CHAIRMAN LIU: Basically a surety
15 ticket to the airport?

16 MS. EPSTEIN: Yes.

17 CHAIRMAN LIU: Okay. I think they
18 are not issues that you can separate out from
19 another, how the drivers feel about the program
20 and how that impacts riders or potential riders.
21 We've got questions from Council Member Lappin.

22 COUNCIL MEMBER LAPPIN: Thank you
23 Mr. Chairman. Thank you for holding this very
24 important hearing today. I'm just going to dive
25 right in because I have quite a few questions so I

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2 hope you will indulge me. I'm going to start with
3 your statement that there just hasn't been the
4 demand you expected. I know you talked a little
5 bit about how you publicized the program but I
6 listen to the radio, I read three papers a day and
7 I haven't heard too much about it other than what
8 we've discussed in the hearing. So I'm curious as
9 to what your budget was for advertising?

10 MS. EPSTEIN: As you mentioned, we
11 were able to promote it through all kinds of free
12 programs. This is a demonstration project so we
13 did what we could.

14 COUNCIL MEMBER LAPPIN: So that's
15 \$0?

16 MS. EPSTEIN: Yes.

17 COUNCIL MEMBER LAPPIN: Okay, I
18 think that's part of the problem, pretty
19 obviously. I understand that you used existing
20 networks and that's fine. But there are quite a
21 few disabled New Yorkers who don't happen to
22 belong to a disability network or club so I think
23 investing some dollars to actually communicate
24 with New Yorkers that this program exists would
25 have helped you in terms of your ridership. So I

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2 guess I would just dispute this concept that the
3 demand isn't there.

4 I wanted to go to some of the
5 statistics you gave or actually rather didn't
6 give. As of February 2009, 311 reported 2,287
7 calls that were transferred to central dispatch.
8 I have been told that as of March 2009, the TLC
9 stated there were only 1,275, which is a pretty
10 large discrepancy, I think about 44%. So what's
11 your response to that?

12 MS. EPSTEIN: I think that there
13 are two different numbers that we're talking
14 about. The number of people that have called 311,
15 the way that we get those statistics-- I'm sure
16 that you're probably looking at them through the
17 same screen that we are in Sebol, it's the number
18 of people that call 311 about accessible dispatch.
19 It doesn't necessarily mean that they have called
20 to get transferred to the dispatch or they want a
21 ride, maybe they're just getting information about
22 it. So the numbers that we have are the people
23 that actually have spoken with the dispatcher and
24 that's the combination of cancelled and dispatched
25 trips so that's the full number of people that

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2 have spoken with the dispatcher. But I don't know
3 how many of those 311 callers were calling for a
4 ride or just calling for information.

5 COUNCIL MEMBER LAPPIN: Because you
6 don't track initial requests calls to 311, you
7 only track what you get from central dispatch?

8 MS. EPSTEIN: We have the same
9 numbers that you have from 311 and we do look at
10 those but we don't--

11 COUNCIL MEMBER LAPPIN:
12 [interposing] But didn't that concern you that all
13 these people were calling and either weren't
14 getting transferred to central dispatch or maybe
15 ultimately aren't using the service for some
16 reason.

17 MS. EPSTEIN: My take on it was
18 it's a new program; people have questions about
19 it. 311 is there as a resource to answer them
20 about it. I get calls about people who are
21 planning a trip and they want to know what's
22 happening or they've come to this city or they're
23 heard from a friend. I'm just not sure that we
24 can draw that kind of conclusion from those
25 numbers.

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2 COUNCIL MEMBER LAPPIN: If 1,000
3 people call my office to ask for information I
4 would want to make sure I serve them in some way.

5 MS. EPSTEIN: Maybe they got the
6 service they wanted, maybe they were just asking a
7 question.

8 COUNCIL MEMBER LAPPIN: I have so
9 many questions. Let me go to kind of how the
10 system works because I don't want to monopolize
11 too much of the time of the committee. When
12 people call central dispatch or 311 do they have
13 to disclose where they want to go, their
14 destination?

15 MS. EPSTEIN: The dispatcher will
16 ask them that but something that is I think
17 important to note is the driver doesn't get that
18 information until the driver has accepted the
19 trip. So the dispatcher sends out a message to
20 drivers, there's a fare opportunity. This is
21 where the pick up is, this is the time they would
22 like to be picked up. It's not until the driver
23 accepts it that they then tell them where the
24 destination is. TLC is requested that the
25 dispatcher collect that information for our

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statistically purposes.

COUNCIL MEMBER LAPPIN: Good. But
it's not disclosed.

MS. EPSTEIN: No.

COUNCIL MEMBER LAPPIN: Great. So
in the taxicabs, how many people are using
Blackberrys and how many people are using the
passenger information monitoring system?

MS. EPSTEIN: 129 taxis are using
the Ttap system which includes the passenger
information monitors and 111 are using
Blackberrys.

COUNCIL MEMBER LAPPIN: My pen
stopped working. 129, could you give me those
numbers again.

MS. EPSTEIN: 129 are using the
taxi information monitors and 111 are using
Blackberrys.

COUNCIL MEMBER LAPPIN: How many
people are signed on to receive dispatches are any
given time?

MS. EPSTEIN: It's averaging about
150 a day.

COUNCIL MEMBER LAPPIN: Are drivers

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2 required to participate? I'm confused. You've
3 got how many total people signed up to provide
4 this service?

5 MS. EPSTEIN: There are 240
6 accessible taxis so they are participating and--

7 COUNCIL MEMBER LAPPIN:
8 [interposing] And there are 240 people who are
9 signed up at any given time or how many people are
10 signed up at any given time to provide service?

11 MS. EPSTEIN: Whoever operates
12 these taxis has to participate in the program but
13 it varies who operates the taxis. Some of the
14 taxis are run out of garages where a different
15 driver drives it every day. Whoever operates the
16 cab does have to go through those two training
17 programs that I mentioned.

18 COUNCIL MEMBER LAPPIN: So how do
19 you track who is participating and who's not? How
20 do you do enforcement against the people who are
21 supposed to be participating but are not?

22 MS. EPSTEIN: We have the rules
23 that we wrote when we established this program and
24 we issues summonses based on that. We have issued
25 a slue of summonses for drivers that were not

1 logging on to the program or not participating in
2 the program. There are some others as well--

3 COUNCIL MEMBER LAPPIN:

4 [interposing] How many summonses?

5 MS. EPSTEIN: I'm waiting for that
6 number right now. If it comes through this
7 morning I'll send it to you, otherwise I can
8 follow up with the number.

9 COUNCIL MEMBER LAPPIN: Okay. Why
10 not have everybody use the PIN system instead of
11 Blackberrys? Blackberrys can be turned on and off
12 and you have this GPS system that's hard wired
13 into cabs. I think one of the medallion owners
14 has spent some significant resources to put that
15 system into cabs. Why not use the PIN system?

16 MS. EPSTEIN: One of the reasons we
17 are testing is we wanted to test both types of
18 technology to see what works best instead of
19 trying to go one or the other. We have found that
20 Blackberry users are doing approximately 95% of
21 the dispatched trips.

22 COUNCIL MEMBER LAPPIN: What does
23 that mean?

24 MS. EPSTEIN: That of all the trips
25

1
2 that have taken place, 95% of those have been done
3 by drivers that use the Blackberry for technology.

4 COUNCIL MEMBER LAPPIN: Why would
5 that be?

6 MS. EPSTEIN: I don't know. I
7 think it indicates that the users of the
8 Blackberrys are more responsive.

9 COUNCIL MEMBER LAPPIN: I guess the
10 question that I have is it's so easy for somebody
11 to turn a Blackberry off or to choose not to
12 participate even if they're signed up. Moving
13 forward, wouldn't it make sense to use the
14 technology that's hard wired in?

15 MS. EPSTEIN: I understand where
16 you're coming from on that and I might have agreed
17 if I haven't seen that the guys that are using the
18 Blackberrys are doing so many of the trips. I'm
19 not sure if there is a relationship between the
20 type of technology and their ability to serve the
21 passengers. My personal opinion is that it has
22 something to do with the drivers and whether the
23 drivers are committed to providing this service or
24 not.

25 COUNCIL MEMBER LAPPIN: The last

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2 thing I wanted to ask, just go back to one. I
3 think the demand is there and I think we have to
4 make sure that we are tapping into it. But I'm
5 also sort of concerned about people who don't get
6 added, even who do call central dispatch, don't
7 get added into your numbers because either they
8 never get picked up, your cancellation figures.

9 MS. EPSTEIN: But they would be
10 captured in the cancellation figures because those
11 come from our dispatcher. Our dispatcher has a
12 log of everyone that calls there so a cancellation
13 number shows up there.

14 COUNCIL MEMBER LAPPIN: But a
15 cancellation, does that show I waited for two
16 hours for a cab and then I cancelled because it
17 didn't show up? Does it distinguish between
18 people who called and said I've decided not to go
19 on this trip and who've said I've just sort of
20 thrown up my hands and I've given up.

21 MS. EPSTEIN: It captures everyone
22 that's spoken with our dispatcher.

23 COUNCIL MEMBER LAPPIN: Does it
24 distinguish is my question.

25 MS. EPSTEIN: About the reason why

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they canceled the trip?

COUNCIL MEMBER LAPPIN: Yeah,
because that's an important question. If I call
and it's canceled because I've waited for three
hours and I couldn't get a cab then that means the
program is not working versus I chose to use
another means of transportation.

MS. EPSTEIN: Of the 10% of that
total number, it's about 10% canceled trips, we
don't know what the reasons are and we think there
are two major reasons. One is passenger driver
and one is the dispatcher actually canceling it
him or herself to let it out to another group of
drivers.

COUNCIL MEMBER LAPPIN: I think it
would make sense to figure out what that
cancellation data really means. Thank you Mr.
Chairman.

CHAIRMAN LIU: Thank you very much
Council Member Lappin. We've also been joined by
Council Member Eric Ulrich from queens and Council
Member Gale Brewer from Manhattan. We have
questions from Council Member Koppell.

COUNCIL MEMBER KOPPELL: Thank you

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2 Mr. Chairman. I might note just briefly that I
3 was somewhat surprised to see this come up on the
4 agenda without the committee I chair being a co-
5 sponsor of this because we've had great interest
6 in this from the beginning. Since we do cover
7 disability rights as part of our charge, we should
8 have been co-sponsors. But nonetheless I'm
9 obviously glad we're having the hearing but we
10 didn't have a chance to participate in the
11 preparation. We'll review the records.

12 I might note also Mr. Chairman that
13 from the beginning I didn't think this was going
14 to work, as you probably know. I actually opposed
15 installation of this system because I was fearful
16 of what you said, which may or may not be in fact
17 true, and that is that this would delay movement
18 toward a fully accessible fleet. Maybe that has
19 happened, maybe it hasn't. That was my concern,
20 remains my concern that we think this is going to
21 substitute for a fully accessible fleet, which I
22 don't believe is in fact really providing the kind
23 of service we want to provide for the disabled
24 community.

25 The fare, what is the fare? Is it

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2 the standard fare that people pay or do they pay a
3 supplement when they order a cab through a
4 dispatched system?

5 MS. EPSTEIN: It's the metered
6 fare?

7 COUNCIL MEMBER KOPPELL: So they
8 don't pay any supplement?

9 MS. EPSTEIN: No.

10 COUNCIL MEMBER KOPPELL: I know
11 we've been discussing sort of generally why people
12 cancel but you keep a record of the time between
13 the call and the time of the pick up.

14 MS. EPSTEIN: We do. That's what
15 we track as the wait time and that has averaged
16 about 30 minutes since the program began.

17 COUNCIL MEMBER KOPPELL: So if one
18 calls for a cab one has to wait approximately 30
19 minutes. Do you know how many people have to wait
20 substantially in excess of 30 minutes?

21 MS. EPSTEIN: I do. Give me one
22 moment. 90% of the people get their trip within
23 60 minutes. So it's about 10% may wait longer
24 than that.

25 COUNCIL MEMBER KOPPELL: So 90% get

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it within 60 minutes.

MS. EPSTEIN: Yes.

COUNCIL MEMBER KOPPELL: Well since I don't need to wait for a disabled taxi that accommodates a wheelchair because I don't need a wheelchair, I can tell you that it would be intolerable for me as in contrast to picking up a cab on the street to have to wait for up to 60 minutes. It just doesn't provide anywhere near--

MS. EPSTEIN: [interposing] Well, half of the trips are really about 20 minutes. I don't know what your experiences are but when I take yellow cabs there are times I can't get them depending on the time of day and the weather.

COUNCIL MEMBER KOPPELL: Sometimes but mostly that's not the case. That is sometimes the case. What has been your experience with the fleet? I assume especially since you're involved in dispatching the fleet, what has been your experience with the quality of the fleet and the serviceability of the fleet, the durability of the fleet.

MS. EPSTEIN: You're asking about the particular vehicles right?

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2 COUNCIL MEMBER KOPPELL: The
3 vehicles that accommodate the wheelchairs, yes.

4 MS. EPSTEIN: These days the vast
5 majority of them are Dodge Grand Caravans and
6 Toyota Siennas that are modified. These vehicles
7 the owners are happy with. We've approved a few
8 different models. We first started with the
9 restricted medallions for the wheelchair
10 accessible taxicabs, there are different cars we
11 used. We searched to find better cars and we
12 listened to the owners and we made changes. I can
13 tell you that the people seem pretty happy with
14 the Grand Caravans and Toyota Siennas.

15 COUNCIL MEMBER KOPPELL: What is
16 about the repair record? Are they off the street
17 any more frequently than cabs that don't
18 accommodate wheelchairs?

19 MS. EPSTEIN: I don't have those
20 numbers. I can try and find them for you.

21 COUNCIL MEMBER KOPPELL: I think
22 it's important because one of the arguments that
23 we've heard over the years that the accessible
24 taxis are not durable, that they require--

25 MR. FRASIER: Councilman, I can

1
2 tell you this. As to the original vehicles, which
3 were the Freestars and the next generations which
4 were the Uplanders, they had substantially more
5 downtime and repair problems than our average
6 taxicab. Samara is right, we don't have the
7 precise percentage comparisons for the current
8 models but they're roughly comparable. They're
9 not orders of magnitude, more maintenance problems
10 than our other taxis at this point. We're fairly
11 satisfied that the vehicle models we have now are
12 good taxicabs.

13 COUNCIL MEMBER KOPPELL: I know
14 that there are several manufacturers that are
15 testing and showing new models for accessible
16 fleets. I think one is called the Standard taxi,
17 something to that effect. Are you looking at new
18 models at this point?

19 MR. FRASIER: We've looked
20 extensively at the Standard. First, let me just
21 say anyone who approaches us about any new vehicle
22 we talk to. We had conversations about the
23 Standard for probably, I think that started before
24 I even got to TLC so it's five years or so and
25 they just aren't able to produce a vehicle that

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we're comfortable with as a taxicab.

COUNCIL MEMBER KOPPELL: I was told by someone relatively recently, within the last few weeks, that there were some new models that were about to be introduced. Are you familiar, are you aware of that?

MR. FRASIER: I'm not the car guy, of course, so I don't necessarily know last week's introduction. But we do keep track of new models and I can say with confidence that TLC does know whatever is being offered and we'll be looking at it. I just don't happen to be that person.

COUNCIL MEMBER KOPPELL: Since we're on the subject now, could you provide us, both committees with a report as to what is out there in the marketplace. Because it is my understanding that there are several new proposed models that are coming online, so to speak, that are being proposed for mass production. I assume that you have people that are looking into that. I would like to get a report as to what appears to be on the horizon. Can you--

MR. FRASIER: We'll follow up on that, yes. I will say this, that we have since

1 the Freestar when there wasn't an ADA compliant
2 option. After that we have insisted that an
3 accessible vehicle be ADA compliant. Many of the
4 vehicles that have been brought to us and offered
5 for use have not been ADA compliant so we have not
6 accepted them on those grounds. I know there are
7 people who disagree with us about that but that's
8 been our position.
9

10 COUNCIL MEMBER KOPPELL: Are there
11 any specific plans in the works to increase the
12 number of accessible cabs that will be required of
13 purchasers of medallion owners?

14 MR. FRASIER: We don't have the
15 legal authority to sell new medallions on our own.
16 That requires state and local legislation.

17 COUNCIL MEMBER KOPPELL: I'm not
18 saying new medallions, I'm talking about requiring
19 existing taxis to be replaced by accessible
20 vehicles.

21 MR. FRASIER: The second part of my
22 answer, there are going to be three, we have
23 incentivized accessible vehicles by allowing them
24 a longer retirement period. That incentive has
25 been only modestly accessible, nine accessible

1
2 vehicles are hacked up to non-accessible
3 medallions at this point. The third part of my
4 answer, though, is you raised this earlier our
5 Taxi of Tomorrow project proceeds full speed
6 ahead. It has never been set aside. It has never
7 been delayed. Our intention is to achieve an
8 accessible fleet.

9 I'm not going to tell you that's
10 going to happen tomorrow. That's not going to
11 happen next year either. First of all, you've got
12 to cycle out all of the existing taxicabs. So
13 even once we come up with the vehicle you're
14 talking about a seven-year cycle out until you've
15 replaced all the existing taxicabs. But
16 nonetheless, we are proceeding full speed ahead
17 with that project.

18 Unfortunately, the RFI was issued.
19 We're in the process of evaluating the RFI and I
20 legally can not say specifically the status. I
21 can not publicly discuss the status of that
22 because the RFI is under consideration.

23 COUNCIL MEMBER KOPPELL: What is
24 the RFI provide?

25 MR. FRASIER: I'm sorry?

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2 COUNCIL MEMBER KOPPELL: What does
3 the RFI provide?

4 MR. FRASIER: The RFI was a request
5 for information. It's a predicate to a further
6 action which might be a request for proposals, it
7 might be rulemaking, to proceed with the project.

8 COUNCIL MEMBER KOPPELL: We're
9 certainly very interested. The Council has as its
10 objective the fully accessible fleet. I think I'm
11 encouraged by one thing I hear this morning and
12 that is that the durability of these accessible
13 vehicles is better than originally and they're no
14 longer a claim that we can't put a durable vehicle
15 on the road. I'm glad to hear that. I think
16 given the fact that that is the case, we should
17 move ahead promptly and we'll be looking if the
18 Commission doesn't do it, that the Council
19 expanding the number of requirement for accessible
20 vehicles. Thank you Mr. Chairman.

21 MR. MICHELE: I'd just like to
22 reiterate, too. We're working with TLC on the
23 Taxi of Tomorrow project. We insisted that
24 accessibility be part of the Taxi of Tomorrow
25 project and it is. Again, it's just another

1
2 reason why people should understand that we are
3 not overlooking the fight to have an accessible
4 fleet. We would not be doing our jobs had we not
5 partnered with TLC on the accessible dispatch
6 program. This is something that people with
7 disabilities did not have and now they have.

8 At the same time, we're working
9 towards getting an accessible fleet and in no way
10 is this program meant to be any sort of substitute
11 or any sort of reason to delay that. But we had
12 the opportunity to provide this service for people
13 with disabilities when they didn't have it and
14 we're quite happy that they did this for them
15 because it was something they did not have.

16 COUNCIL MEMBER KOPPELL: I don't
17 mean to argue with you.

18 MR. MICHELE: I just wanted to say.

19 COUNCIL MEMBER KOPPELL: I'm glad
20 you're committed to the fully accessible fleet.

21 MR. MICHELE: Thank you.

22 CHAIRMAN LIU: Thank you very much
23 Council Member Koppell and thank you for your
24 leadership on this issue. Mr. Michele, you're
25 kind of going out on a limb hear, unnecessarily

perhaps. If you're going to keep saying that the administration and your office wants to see a fully accessible fleet and that you're working on the Taxis for Tomorrow project, what exactly has been done? What kind of timetable do you have?

MR. MICHELE: I think Mr. Frasier just answered that, we're in the beginning cycle of that. We're just in the discussion.

MR. FRASIER: We're well beyond the beginning cycle. I expect. The evaluation of the RFI is nearly complete. My hesitation is I've probably been saying that for three or four weeks now--

CHAIRMAN LIU: [interposing] Mr. Frasier, didn't we finish the Taxis of Tomorrow project already?

MR. FRASIER: I don't know what you're--

CHAIRMAN LIU: [interposing] TLC published a book, a nice glossy book.

MR. FRASIER: No, no, no, that was a--actually that was an interesting--

CHAIRMAN LIU: [interposing] From the Commission that the TLC actually had a direct

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hand in.

MR. FRASIER: Yes, but had a hand in. Let me explain what it was--

CHAIRMAN LIU: [interposing] It was the right hand in. Put together the members of the commission.

MR. FRASIER: No, that's not correct. No, that was a study by a private not for profit that we did share information with and support. That was a predicate to our RFI. In other words, their findings and their information was an important part of what we used releasing our RFI. You can't just take that and say okay Detroit, go produce the Taxi of Tomorrow. A lot of work has to be done.

I believe we're near the conclusion as to the decision whether and how we're going to proceed. But I can't, because of the confidentiality of procurement rules, I can not discuss the details publicly. I'm sorry.

CHAIRMAN LIU: I'm not asking for details. I'm asking Mr. Michele what's the timetable.

MR. FRASIER: It's our timetable,

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it's not his. It will be our rules or our RFP.

CHAIRMAN LIU: Okay, but he's
testifying to it. I'm asking him.

MR. FRASIER: I'm saying we're
almost complete.

CHAIRMAN LIU: He's representing
the Mayor's Office for People with Disabilities.

MR. FRASIER: We're almost complete
with it. It may be as soon as--I hope that it
will happen next month, that we will release the
RFP but I can only say that I hope that.

CHAIRMAN LIU: Could you just state
one more time exactly what that RFP would be for
if it is released next month?

MR. FRASIER: I really can't get
into that. I really can not. It would be for a
taxi that would--if we release an RFP, if that's
the route we choose to go it will call for
production of a taxicab that would be mandatory
for owners to buy and use as taxicabs.

CHAIRMAN LIU: Okay. You have
anything else you want to add Mr. Michele?

MR. MICHELE: No, I'm fine. Thank
you.

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CHAIRMAN LIU: Thank you.

COUNCIL MEMBER KOPPELL: Mr.
Chairman. I'm a little confused; maybe you can
ask. Now he talked about an RFP before he was
talking about a RFI.

CHAIRMAN LIU: He's saying--

MR. FRASIER: [interposing] An RFI
is a predicate to a decision whether to do an RFP.
A request for information so we got a bunch of
information back from both our stakeholder groups
but also from manufacturers and potential bidders
and proposers. Based on that information we're
determining whether to proceed to a request for
proposals, which is a procurement technique by
which these taxis would be made and bought, not by
us but by vehicle owners. Or--

COUNCIL MEMBER KOPPELL:
[interposing] Done the RFI and you've gotten the
information.

MR. FRASIER: Correct.

COUNCIL MEMBER KOPPELL: Okay, I
understand now.

CHAIRMAN LIU: Thank you Council
Member Koppell. Questions from Council Member

Reyna

COUNCIL MEMBER REYNA: Thank you Mr. Chair. I just wanted further clarification on that last statement concerning what you had asked Mr. Chair. The request for vehicles with accessibility, you're trying to determine-- the RFI has been completed, which will lead to an RFP.

MR. FRASIER: It may lead; that's one option. That's right.

COUNCIL MEMBER REYNA: The RFP will request or require a vehicle that is accessible for future purchases at 100% wheelchair accessible.

MR. FRASIER: Accessibility is included. I really can not get into more details about how the scoring would be done and how the factors would be weighed. I've said it so far so I'll stick to it: accessibility is part of it.

COUNCIL MEMBER REYNA: And as far as the study is concerned, was the study conclusive with 100% accessibility?

MR. FRASIER: The car that would be produced, if we were to proceed to an RFI would be required for all medallion owners so yes. As I

1
2 said there's a cycle out time. You don't require
3 people who just bought a car to get it off the
4 road and replacement. They have a regular
5 retirement cycle which goes as long as seven
6 years, most of them are three or five but some go
7 out as far as seven. And so--

8 COUNCIL MEMBER REYNA:

9 [interposing] I'm sorry. I just want to make sure
10 that I have a full understanding. There is one
11 requirement as far as wheelchair accessibility and
12 then there's the other requirement for a hybrid
13 vehicle. Is this RFP going to include a
14 wheelchair accessible hybrid vehicle?

15 MS. EPSTEIN: I'm just going to
16 jump in here for a second. The Taxi of Tomorrow
17 project is something we haven't--I don't want to
18 keep hitting on the whole RFP idea because we
19 don't know what we're doing with it yet. We did
20 this request for information. We heard back from
21 a number of different people, including advocates,
22 manufacturers. A lot of people expressed interest
23 in. The request for information was us just
24 saying what do you think about this. Do you think
25 that this is something that is possible.

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2 What we were looking for is a Taxi
3 of Tomorrow that's going to be usable for
4 everyone. It's going to be more comfortable for
5 drivers, it's going to be more comfortable for
6 passengers, it would be accessible, it would be
7 green like this whole list of everything that we
8 really want. What we heard back is a lot of this
9 stuff people seem interested in doing.

10 Now, we don't know exactly how we
11 can get tot hat point yet. We haven't determined
12 what we're going to do. But there does seem to be
13 interest in producing the vehicle and we're hoping
14 that we can get something that is all of these
15 things.

16 COUNCIL MEMBER REYNA: I completely
17 understand. We've had multiple hearings concerning
18 each of the different requests, as far as
19 accessible taxis and hybrid taxis. But combining
20 both so that we're not mandating on behalf of
21 medallion owners and drivers that we're throwing
22 one mandate and then changing our minds and adding
23 another layer and then adding another layer so
24 that every seven years we're having a new and
25 improved taxi when we can do it all at once.

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2 Not too long ago, we were imposing
3 dates as far as deadline dates to create hybrid
4 and forcing medallion owners and drivers to
5 purchase by certain dates requiring hybrids. So
6 we're no longer doing any of that.

7 MR. FRASIER: If we were to develop
8 a Taxi of Tomorrow and if it were not a hybrid,
9 those couple hundred medallion vehicles that run
10 on alt fuel medallions would not legally be able
11 to use this new vehicle, they would have to
12 continue using hybrids. On the other hand, if the
13 car we develop I hybrid then obviously, all of the
14 medallions in the entire fleet would be able to
15 and would have to use it.

16 COUNCIL MEMBER REYNA: And all of
17 the vehicles--

18 MR. FRASIER: [interposing] We
19 can't know that until we get the proposals back.
20 If we do an RFP we will get proposals and the
21 proposals will tell us what can be done. We've
22 told them what we would be telling them what we
23 want and they would be telling us what they can
24 do.

25 COUNCIL MEMBER REYNA: So the Taxi

1
2 and Limousine Commission understands what it
3 wants.

4 MR. FRASIER: As I said, we are
5 really through our analysis of the RFI.

6 Re: AS far as what TLC wants from
7 previous hearings is a wheelchair accessible--

8 MR. FRASIER: [interposing] I
9 really can't discuss what will be in the RFP. I
10 can refer you to the RFI.

11 COUNCIL MEMBER REYNA: I'm not
12 referring to an RFI, I'm not referring to an RFP--

13 MR. FRASIER: But I can't talk
14 about--

15 COUNCIL MEMBER REYNA: --I'm only
16 referring to hearings that we've had in the last
17 eight years concerning both topics and we've yet
18 to see a product out there.

19 MR. FRASIER: I understand. I can
20 tell you what was in the RFI and you can read it
21 but I can not tell you what our thinking has been
22 based on that; it must remain confidential so that
23 competitors don't gain advantages over each other
24 based on special knowledge.

25 COUNCIL MEMBER REYNA: Is there a

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2 goal date as far as when you will be releasing
3 what the TLC will be mandating?

4 MR. FRASIER: No, I think that's a
5 little far off. As I said, I personally hope
6 we'll be able to release the RFP if we decide to
7 do the RFP next month. My point is that we're
8 that close to a final decision.

9 COUNCIL MEMBER REYNA: Again, is
10 there a deadline that TLC is self imposing because
11 you're close to releasing an RFP next month as to
12 how soon you would like to see all of this Taxi of
13 Tomorrow--

14 MR. FRASIER: [interposing]
15 Unfortunately, that would be in the RFP and I can
16 not discuss that.

17 COUNCIL MEMBER REYNA: Understood.

18 MR. FRASIER: I can say as a
19 general matter we want to have an all accessible
20 fleet as soon as that can be practically done,
21 practically and cost effectively done.

22 COUNCIL MEMBER REYNA: So we will
23 see the RFP released next month and we will--

24 MR. FRASIER: [interposing] That's
25 my personal hope. Please don't--

COUNCIL MEMBER REYNA:

[interposing] Maybe--

MS. EPSTEIN: [interposing] We don't know that we're doing it at this point. We are doing something with the Taxi of Tomorrow. We are moving forward with something but we don't yet know what that's going to be.

COUNCIL MEMBER REYNA: But there will be an RFP.

MS. EPSTEIN: We don't know that.

MR. FRASIER: No, no. I can't--

COUNCIL MEMBER REYNA:

[interposing] So there is no--

MR. FRASIER: [interposing] I can not legally tell you whether there's going to be an RFP or not until that final decision is made and the RFP is released.

COUNCIL MEMBER REYNA: Okay. So I want to wait to see what is going to happen, whether there's an RFP or not, whether there's a decision on mandate of a vehicle for tomorrow or not. But in the meantime we have this dispatched program. I'm curious to understand the 3,500 number of dispatched rides. Does it include a

1
2 record keeping of the number of wheelchair users
3 who hailed for an accessible taxicab?

4 MS. EPSTEIN: No, it does not. The
5 3,500 is people who called and got a ride through
6 the dispatch program.

7 COUNCIL MEMBER REYNA: And do you
8 have a figure, a number that can relate to the
9 number of wheelchair users who have hailed an
10 accessible taxicab?

11 MS. EPSTEIN: We don't have the
12 ability to track that right now. Sometimes we
13 hear anecdotally from people who are able to hail
14 taxis on the street but we do not have numbers on
15 that.

16 COUNCIL MEMBER REYNA: Is there
17 some type of information on the teleprompter of
18 the taxicab that would allow for the wheelchair
19 accessible taxicabs to announce that you have the
20 option of a dispatch program for that taxicab
21 user.

22 MS. EPSTEIN: That isn't in their
23 monitors right now. That's something that we
24 could consider.

25 COUNCIL MEMBER REYNA: It goes back

1
2 to what Council Member Lappin had mentioned as far
3 as marketing is concerned. We have those that
4 understand that this program exists based on the
5 number of dispatched rides at 3,500 but we don't
6 know because we do not track hail users. And we
7 don't know if those hail users understand that
8 there's a dispatch program. I'm imagining that
9 there is no cost to, at least, announcing that
10 this is an option.

11 MS. EPSTEIN: When we talked about
12 doing some outreach like that, I would just
13 mention that one of the things that we had heard
14 concern about was that a lot of people were going
15 to call 311 and try and get the cab that didn't
16 use wheelchairs. So we were really trying to
17 focus our outreach efforts on people that maybe
18 knew someone that used a wheelchair, scooter or
19 used one him or herself. So that was why we
20 didn't sort of do outreach to everybody that used
21 taxis because we didn't want people to think they
22 could call 311 for a cab when they could hail a
23 can on the street.

24 COUNCIL MEMBER REYNA: And for the
25 sake of just understanding that we want to be able

1
2 to give people the choice of understanding that
3 there's a dispatch program versus a hail, whether
4 it's 311 or a teleprompter, informing them. It's
5 just the basis of being aware that there is a
6 choice. 311 to me is the same as the teleprompter
7 because the teleprompter is supposed to be serving
8 as a 311 service.

9 MS. EPSTEIN: I'm not sure where
10 the passenger information monitor and 311, where
11 they're the same service. I'm not quite
12 following.

13 COUNCIL MEMBER REYNA: The service
14 of the teleprompter is supposed to be for
15 information.

16 MS. EPSTEIN: Right.

17 COUNCIL MEMBER REYNA: 311 is for
18 information.

19 MS. EPSTEIN: Okay.

20 COUNCIL MEMBER REYNA: So just on
21 pure information, could we quickly just try to
22 advertise the dispatch program for hail users with
23 wheelchair accessibility or for wheelchair
24 accessibility.

25 MS. EPSTEIN: That's something that

1
2 I can look into. Again, my only hesitation is I
3 don't want the majority of the people that are in
4 these cabs who don't use wheelchairs to thin that
5 they can call 311 and get a cab.

6 COUNCIL MEMBER REYNA: But these
7 are specific wheel chair users, why would--

8 MS. EPSTEIN: [interposing] The
9 wheelchair accessible taxicabs drive around
10 Manhattan just like all of our taxicabs.

11 COUNCIL MEMBER REYNA: Right.

12 MS. EPSTEIN: And pick up whoever
13 wants to get them so there are many people that
14 take these cabs that are not wheelchair users so
15 there's lots of different kind of users taking
16 these cabs all the time, that's all.

17 COUNCIL MEMBER REYNA: Obviously,
18 if there is a fine, a summons ability to enforce
19 one way wouldn't you be able to use it in the way
20 where there's a passenger abusing the dispatch
21 ridership.

22 MS. EPSTEIN: We have rules that of
23 course govern everything that we can do and in the
24 dispatch rules we did build in something that if a
25 person calls a dispatch system and the cab goes

1
2 there, the driver has the right to either double
3 charge that passenger because they do not use a
4 wheelchair or they can turn them away. But from
5 an operational perspective, what that would do to
6 the drivers that were taking the time and
7 committed to serving people with disabilities,
8 that's not something that, we haven't had a
9 problem with that yet and that's not a problem
10 that I want to start having so--

11 COUNCIL MEMBER REYNA:

12 [interposing] Did you get the figures because we
13 were waiting for those figures?

14 MS. EPSTEIN: I did, about 5,000
15 summonses have been issued.

16 COUNCIL MEMBER REYNA: So this is
17 on top of 3,500 dispatched rides.

18 MS. EPSTEIN: There are 5,000
19 summonses that we have issued against drivers or
20 owners for not complying with the accessible
21 dispatch program rules. I don't have the
22 breakdown of exactly what the rules are. I know a
23 lot of those are for log ons but there are other
24 violations that are captured in there as well.

25 COUNCIL MEMBER REYNA: My last

1
2 questions, I just wanted to ask. TLC allowed for
3 liveries to voluntarily join the program. Do you
4 have a figure as to how many livery, if any at
5 all, joined?

6 MS. EPSTEIN: None of them joined
7 the program.

8 COUNCIL MEMBER REYNA: Thank you
9 very much.

10 CHAIRMAN LIU: Thank you Council
11 Member Reyna and questions from Council Member
12 Brewer.

13 COUNCIL MEMBER BREWER: Thank you
14 very much. I had another meeting. I'm sorry I
15 was late. I don't own a car so I don't know one
16 car from the other. I take more cabs than anybody
17 else in the world. So my question is the Dodge or
18 the Sienna, whatever they are, is that the cab
19 that when I get in has all the checker space, like
20 a checker cab?

21 MS. EPSTEIN: I don't--

22 COUNCIL MEMBER BREWER:
23 [interposing] I want checkers back. I want
24 accessible checkers that are clean.

25 MS. EPSTEIN: You would recognize

1
2 them by the big blue logo on the hood. They're
3 the only cars that have a big blue logo on the
4 hood.

5 COUNCIL MEMBER BREWER: But is it
6 like the cab that I get in and I can actually
7 stretch out my legs. Because I always say to the
8 disabled community, thank you for curb cuts, thank
9 you for making the handle, thank you for
10 everything. And this would be another example.
11 In other words is this the cab that I can actually
12 stretch out in?

13 MS. EPSTEIN: It's a minivan that
14 has a lot of extra space in front of that seat.

15 COUNCIL MEMBER BREWER: Thank you
16 disabled community. So that particular is what
17 we're looking for in general if we ever are
18 accessible for all? Is that the idea, if it can
19 be manufactured in all the other ways that we're
20 hoping.

21 MS. EPSTEIN: Yes, that it would be
22 comfortable for everybody. Absolutely.

23 COUNCIL MEMBER BREWER: Great.
24 Number two is just on the marketing and I'm sorry
25 I missed it, but tourists and outer borough. In

1
2 terms of tourists and other boroughs, I'll get in
3 trouble, tourists there are many, many people that
4 come to New York in wheelchairs, we all know them.
5 I know you mentioned in your testimony that it has
6 gotten around the world but can they email from
7 Buenos Aires to state that they're coming to the
8 airport and that would be something that would be
9 accessible to them?

10 MS. EPSTEIN: I'm trying to
11 remember. That was an email that we talked about
12 for a while, I don't think it was particularly
13 from the airport. I have gotten a lot of calls
14 from people also like in New York State that are
15 coming to ask about the program. I'm sorry, it's
16 all kind of fuzzy.

17 COUNCIL MEMBER BREWER: I'm
18 forgetting everything. I'm just thinking about
19 tourists and the tourism world. We're always
20 trying to make New York City an accessible city in
21 many different ways but it is for tourists. I
22 have a lot of friends in wheelchairs who visit.
23 We do whatever we got to get them, to get them
24 into the taxi. The issue is--I'm just suggesting.
25 Tourists email from Buenos Aires, meet me at the

1
2 airport. It would be great. It's something to
3 think about. That would be, I guess, New York
4 City and Company working with you, it would help.

5 If I live in Queens can I call for
6 a taxi?

7 MS. EPSTEIN: Yes, you can.

8 COUNCIL MEMBER BREWER: Okay. Then
9 the other question I have is just in terms of
10 these what we call apps or applications.
11 Obviously, the technology community is putting a
12 lot of this material online in terms of the
13 information. Is the city doing anything either
14 through DoITT or through you to do your own apps
15 or applications so that people understand this
16 program and how it works? You know what that
17 means.

18 MS. EPSTEIN: Yeah. I know TLC has
19 been working with 311 and DoITT on one of the
20 applications that would have to do with lost
21 property but we haven't talked about the dispatch
22 program at this point.

23 COUNCIL MEMBER BREWER: That would
24 be something to discuss. That would be my
25 suggestion, just get a small developer. Maybe

1
2 this will get discussed. It does seem very high
3 in terms of the summonses but are drivers
4 surveyed? How do you get their input?

5 MS. EPSTEIN: We actually called a
6 bunch of the drivers that are doing the bulk of
7 the trips to talk to them about their experiences.
8 We have talked to other drivers that we meet when
9 we're doing outreach and stuff and it's really
10 varied. I also met a ton of the drivers during
11 training when we initial kicked off the program,
12 many of whom were sort of surprised it was a
13 sensitivity training and how to work with people
14 with disabilities. Some of them were really
15 surprised and other drivers said this is something
16 that I've been doing for a really long time so I'm
17 glad to see that you're formalizing this. It
18 really varies depending on the driver.

19 COUNCIL MEMBER BREWER: The issue
20 would be, obviously, after being trained, doing
21 it, whether there's an income satisfaction, that
22 would be the question and the bottom line.

23 MS. EPSTEIN: Yes.

24 COUNCIL MEMBER BREWER: So you're
25 still going to do that in the future with the

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drivers to do a more formalized survey?

MS. EPSTEIN: Yes.

COUNCIL MEMBER BREWER: Then just finally contact, obviously, I know people can call 311, people can use TDY but can you email for an accessible taxi?

MS. EPSTEIN: You can't email for an accessible taxi right now.

COUNCIL MEMBER BREWER: Would that be something to look at for the future?

MS. EPSTEIN: That's definitely something that we could look into when we evaluate the program and determine what we're going to do next.

COUNCIL MEMBER BREWER: What would be the timing on that?

MS. EPSTEIN: Well, this is a demonstration project that can operate for a maximum of two years so the end of that would be July 2010 and we're going through a lot of the numbers now and we should have some analysis before then, I'm not sure exactly when.

COUNCIL MEMBER BREWER: Okay.
Thank you Mr. Chair.

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2 CHAIRMAN LIU: Thank you Council
3 Member Brewer. You mentioned before that there
4 are no for-hire vehicle services that have signed
5 up for the program, but yet that was part of the
6 expectation that the dispatch system would
7 include. Is there any reason as to why no for-
8 hire vehicle company or driver has signed up for
9 this?

10 MS. EPSTEIN: We gave them the
11 option. They haven't said why or why not; they
12 haven't. Part of the demonstration project was
13 really to leverage the yellow taxi fleet that we
14 know is there, that we know is on the road and see
15 how they would respond to a central dispatch
16 system. Whereas the liveries are already
17 dispatched, that's commonplace for them.

18 MR. FRASIER: Also, the provision
19 that we wrote into the rules allowing liveries to
20 opt in was actually based on a particular base
21 that plan to get funding to buy, as I recall, five
22 accessible cars. I don't know the reasons but
23 that particular base either didn't get the funding
24 or chose not to go forward or whatever. So we had
25 an expectation that there would be livery

1 participation but our expectation was five cars
2 from a single base that didn't pan out.

3 CHAIRMAN LIU: So that's another
4 expectation that didn't quite meet expectations.

5 MR. FRASIER: That's right. Yes.

6 CHAIRMAN LIU: So maybe there are
7 different conclusions to be drawn from these
8 expectations that have fallen short.

9 MR. FRASIER: That's right, yes.

10 CHAIRMAN LIU: Maybe the system is
11 not working all that well.

12 MR. FRASIER: I don't agree that
13 the livery non-participation indicates that. In
14 fact, we've been talking about this as if it were
15 purely a taxi program. The number of people who
16 use this service in the boroughs where they should
17 not be able to get taxis by street hail, period,
18 end of discussion, shows that to some extent,
19 disabled passengers are using this as a substitute
20 for livery service.

21 And in fact, the percentage of
22 trips that begin and end in the same borough, so
23 begin in Queens and end in Queens, also shows that
24 people are using this as a livery service. Taxi
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2 riders who pick up a cab in Queens are typically
3 are not going to Queens. If they're lucky enough
4 to get one, they're going to Manhattan 98% of the
5 time or something like that. So the fact that the
6 percentage is much different shows that people are
7 in fact using this partly as a livery substitute,
8 although I grant you very largely as a taxi
9 substitute.

10 CHAIRMAN LIU: What is the average
11 wait time?

12 MS. EPSTEIN: It's 30 minutes.

13 CHAIRMAN LIU: It's 30 minutes.
14 Okay. Isn't that kind of high?

15 MR. FRASIER: I guess if you're
16 talking about Midtown Manhattan, yes. If you're
17 talking about Douglaston, probably not. Because
18 you have to figure that the cabs spend their time
19 in Manhattan--

20 CHAIRMAN LIU: [interposing] I
21 understand that, is there a breakdown between
22 boroughs?

23 MS. EPSTEIN: I don't have wait
24 time broken down by borough.

25 CHAIRMAN LIU: The vast majority of

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the trips are originating in Manhattan.

MR. FRASIER: That is true.

CHAIRMAN LIU: Is that right?

MS. EPSTEIN: Yes.

MR. FRASIER: Large majority, yes.

CHAIRMAN LIU: So if the average is still 30 minutes, you got to figure that it might be two hours in Douglaston.

MR. FRASIER: I don't think that's likely.

CHAIRMAN LIU: Well, if the vast majority.

MR. FRASIER: No, I think what that means is the average wait time in Manhattan is probably 20, 25 minutes.

CHAIRMAN LIU: Right.

MS. EPSTEIN: Half of the trips are dispatched within 20 minutes so that's an average so it's somewhere in the middle. It kind of varies depending on the trip. I haven't seen trends that really show that it's a certain location. It seems to be more time of day and just availability of drivers on any given day.

CHAIRMAN LIU: Don't forget that

1
2 yellow taxicab service is supposed to be on demand
3 and a 30 minute wait on average is a pretty long
4 wait. That could be a huge factor in people not
5 calling 311, even if they know about the system.
6 So those are all things that the TLC has to work
7 on improving as opposed to thinking that at the
8 end of the day, at the end of the two year pilot
9 program, that oh, the system is not working
10 because not as many people need the accessible
11 taxi service.

12 I still am troubled by the
13 testimony's emphasis on the demand not meeting
14 expectations seeming to suggest that this service
15 is not necessary.

16 MS. EPSTEIN: I don't think we're
17 suggesting anything from that apart from the fact
18 that usage has been low. We haven't drawn
19 conclusions from where we're going with next
20 steps. We feel good that it's working for a
21 number of people, that people are able to get
22 taxis that couldn't before and it's a work in
23 progress. I don't think that we said that.

24 CHAIRMAN LIU: When a testimony is
25 that, oh, the program is working well and

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2 everything is honky dory with regard to the
3 program. And then you combine that with testimony
4 three times, at least, that says the usage is low,
5 far lower than expected. That suggests that well
6 maybe the service is not needed as much. The
7 implication is clear there. What we're
8 suggesting--

9 MR. FRASIER: [interposing] With
10 all due respect, we're not saying that. You may
11 be concluding that. We're not saying that. We
12 think the service is needed. We think it is used.
13 It is not used as much as we had expected or hoped
14 but it is used and it is valuable to the people
15 who use it.

16 CHAIRMAN LIU: Okay but nowhere in
17 your testimony do you analyze--

18 MR. FRASIER: [interposing] Do we
19 want to prove it? Of course we want to prove it.
20 Do we want to reduce waiting times? Of course we
21 do.

22 CHAIRMAN LIU: Nowhere in the
23 testimony--all I'm saying is that there is nowhere
24 in the testimony that talks about possible reasons
25 why the usage may be low and what could be done

1
2 better with the system so that the demand can
3 actually be better met by the system.

4 MS. EPSTEIN: Well there is one
5 thing I did mention in testimony that I had heard
6 from some potential users that told me that it's
7 just too expensive for them to use very much.
8 It's not subsidized. I don't take taxicab that
9 much. There are a lot of people that don't take
10 taxicabs that much.

11 CHAIRMAN LIU: It would be more
12 helpful that you would agree that, number one,
13 some of the comments that you have heard from the
14 committee members could be valid. For example,
15 not enough people know about the system and so the
16 TLC and the administration and the Mayor's Office
17 for People with Disabilities could do a better job
18 of making sure that people with disabilities know
19 that there is this option out there. That's one
20 suggestion.

21 MR. FRASIER: You should be assured
22 we heard. I heard two things very clearly. We
23 need to do more outreach and we need to be
24 concerned about wait times. I heard those loud
25 and clear. You should not assume that we're not

1
2 interested in following those up and pursuing
3 those. We heard you--

4 CHAIRMAN LIU: [interposing] That's
5 all--hey

6 MR. FRASIER: I always order
7 transcript every time--

8 CHAIRMAN LIU: [interposing] So
9 you're going to work more towards those goals?

10 MR. FRASIER: We absolutely will.
11 I will hear, I will read because I always order
12 transcript, I will read the testimony of the
13 advocates and I will what they say. They will,
14 presumably, have other criticisms in addition to
15 those two. We read the Kelner report several
16 times in great detail. We're not interested in
17 not hearing what's wrong.

18 CHAIRMAN LIU: Okay. That
19 certainly is helpful rather than simply sticking
20 to the testimony and saying, hey, that service
21 works well for some people and that the average
22 wait time, well that's Manhattan, rush hour and
23 all sorts of excuses. Just an acknowledgement
24 that those are things that have to be worked on
25 and that those could be substantial reasons why

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2 the usage has not been as high as expected not
3 because the demand is not there but because the
4 system is not actually meeting the demand.

5 With that, I want to hear testimony
6 from some of the advocates and certainly our
7 Assembly Member who has been a leader on this
8 issue. I invite you to--you're not required to
9 but I invite you to stick around for the
10 testimony. It's often more colorful than the
11 transcripts. Thank you very much.

12 COUNCIL MEMBER KOPPELL: Mr.
13 Chairman, I just would observe. We know that
14 there's an event on November 3rd that may change
15 things and may not. It certainly will change
16 things with respect to you Mr. Chairman. I know
17 you're going on to very important responsibilities
18 so you will not be here to lead this effort next
19 year. However, I expect to be here and I don't
20 know whether you will be here or not.

21 But let me just say that I can
22 assure you as you're looking at this RFP idea that
23 I will continue to be a firm advocate of a fully
24 accessible fleet and will re-double my efforts,
25 especially in light of your testimony that we now

1
2 have an acceptable or looks like we have an
3 acceptable vehicle.

4 I don't believe that a dispatch
5 system is in any way a substitute for taxis on the
6 street. Look, right now if I want to have a car
7 pick me up and take me from point A to point B. I
8 can call a livery service, one of a hundred livery
9 services to do that. That doesn't provide me the
10 same service as I have when I go out on the street
11 and hail a cab. It's a completely different
12 service.

13 So to say to a disabled person,
14 well, the substitute for being able to hail a cab
15 is to call and have a cab dispatched is telling
16 that person that they can't use the taxi fleet
17 because the taxi fleet is there to be picked up on
18 the street, not to be called. It's just not a
19 substitute. That's why I wasn't an enthusiast
20 about this from the beginning. It's just not a
21 substitute and an attempt to make it a substitute
22 I think is ultimately doomed to fail as this as
23 failed.

24 Because frankly speaking, if you're
25 going to call for someone to come and pick you up

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2 with an accessible vehicle and take you from A and
3 B, except in an emergency example, you call Access
4 A Ride, which costs what a dollar or two rather
5 than a taxi that's going to cost you maybe \$20.
6 it's just not a substitute. I'm not surprised
7 it's not used very much. I didn't expect it would
8 be used very much from the beginning.

9 CHAIRMAN LIU: Thank you Council
10 Member Koppell and look forward to your continued
11 leadership on this issue. Thank you. I'd like to
12 call up our next panel consisting of--I'm sorry.
13 Assembly Member Kelner, a singular panel, a
14 unitary force. Welcome Assembly Member Kelner.

15 ASSEMBLY MEMBER KELNER: Thank you
16 Council Member Liu. I really appreciate you
17 holding these hearings. I apologize that Council
18 Member Reyna, Lappin and Koppell had to leave. I
19 thought they all asked incredibly incisive
20 questions, as did you and Council Member Brewer
21 about this program. I have been skeptical about
22 this program from the beginning and that's why I
23 wrote my report. I think you can tell it's a
24 critical report from the title. It's entitled
25 Stranded.

1
2 I just want to talk about some of
3 the statistics we found. We made 20 monitored
4 calls, six of which were in Manhattan with pick
5 ups and drop offs also in Manhattan. Only three
6 received pick ups and only one of those was on
7 time. For outer borough calls we made seven calls
8 with pick ups in the outer boroughs. Six were
9 told there were no cabs available. One was told
10 that they could receive an early pick up but not
11 at the time they requested. All of these calls
12 had given at least 90 minute wait times. They
13 called 90 minutes before their requested pick up.

14 When it came to weekend and off
15 hour service, out of seven calls made outside of
16 the regular business hours of 9:00 am to 5:00 pm
17 only three were actually connected to a dispatcher
18 and none resulted in a scheduled pick up. Two of
19 these calls were made on a Saturday, one of the
20 weekend calls made at 12:30 for a 1:30 pick up
21 receive a pick up but the cab was 22 minutes late
22 and the caller never received the required call
23 back and confirmation.

24 In total out of 20 calls made, only
25 six were told that the cab was available and only

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2 two of those had confirmed pick up times that
3 matched the passenger's request.

4 Earlier, Council Member Lappin had
5 hit on the lack of advertising. As you saw the
6 TLC just sort of threw their hands up and said,
7 well we didn't have the budget. Well they didn't
8 need a budget. We have advertising for all of our
9 city agencies 10% of all MTA advertising is
10 reserved for the city. Where they could have done
11 some strategic marketing by reaching out the
12 disabilities community, finding out where the bus
13 shelter was in front of say, ICS or the Brooklyn
14 Independent Living Center or other places where
15 wheelchair users usually congregate, outside of
16 Sellars Manor, on buses, in the subways that many
17 wheelchair users currently use. So there is no
18 reason for them not to do this.

19 I also thought that they provided a
20 good amount of data but I thought it was a bit
21 misleading at times, particularly they're not
22 looking, they're not separating out calls of
23 people who are told that no cab is available.
24 That's not a cancellation when you're told that no
25 cab is available. I was also surprised to hear

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2 that they were saying at about 150 cabs are signed
3 on at any one time. That's a lot better than what
4 they told me back in April, which was only 31 cabs
5 were signed on at any one time. We're talking
6 about 240 cabs out of 13,000, that is not a
7 particular number. And when you even lowering
8 that it gets it even worse.

9 Just getting back to the
10 advertising, I heard a lot from Mr. Michele that
11 the administration and the TLC are committed to a
12 100% accessible taxi fleet. Well, that's great to
13 say here but you've seen very few words or even
14 actions over the course of the last 15 months that
15 suggest that's the case. I point to a couple of
16 things.

17 First, in the time period starting
18 in 2007, the Mayor has at least had seven events
19 and press releases talking about how he's going to
20 make this a fully hybrid fleet by 2012. In that
21 same period the Mayor has mentioned the accessible
22 taxi fleet, how many times? A total of zero
23 times. I think it's nice that there was a very
24 small piece in the Post about accessible taxis but
25 I've gotten more coverage about accessible taxis.

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2 I've probably sent out more information about
3 accessible taxis than the TLC and the Mayor's
4 Office for People with Disabilities combined,
5 including it in several newsletters as well as
6 having several Op Ads in the New York Post.

7 Council Member Koppell, you were
8 asking about the RFI. I thought that the TLC was
9 a bit misleading about the RFI because nowhere in
10 the RFI does it mandate accessibility. And in
11 fact, I can quote from you from section 2.5 of the
12 vehicle technical specifications which actually
13 contradicts itself. In one sentence they talk
14 about one goal being exploring through this
15 project is a single model taxi fleet that is 100%
16 ADA compliant. But they later suggest however the
17 paper then backs away from this apparent to
18 rectify the inaccessibility of New York City's
19 taxi fleet suggesting that the TLC is also
20 interested in accessibility strategies from
21 prudent ability for a fleet that may not be 100%
22 accessible or may not even meet ADA compliance.
23 Now I think that's a real shame.

24 Later they talk about three brand
25 values that they want in their Taxi of Tomorrow.

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2 One of those brand values is a trend setting urban
3 design for diverse users. Well that's great but
4 it's not actually talking about accessibility.
5 They go on to talk about how they want a loveable
6 and warm taxi, something enjoyable like the
7 checker cab. I don't need to be able to love my
8 taxi, I need to be able to get into it. So I'm
9 not sure that the commitment is really there.

10 They talked about earlier talking
11 about the Standard taxi and the MV1. Well in fact
12 for the longest period of time the creators of the
13 Standard taxi, the MV1 have been trying to meet
14 with the TLC and the TLC has hid behind the RFI
15 saying they could not meet with them. It was only
16 after the Speaker of this City Council went and
17 viewed the MV1 that suddenly the TLC was prepared
18 to look at it. I think that was because of the
19 political pressure that she brought.

20 One of the reasons I can give, I
21 think, for probably why this service isn't used as
22 much besides the long wait times, having to call,
23 having to hope the taxi shows up. You don't have
24 all the same advantages as a regular taxi user.
25 There are 12 different violations that you can get

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2 for not picking up somebody through the central
3 dispatch program. All of those violations, the
4 fine is smaller than regular violations. Never is
5 the driver required to appear at the TLC. They're
6 also allowed something that the TLC did not
7 mention is every day a driver is allowed to deny
8 two requests without fine. So we're only talking
9 about less than 3,500 pick ups. If you're allowed
10 to deny two requests, you're basically allowed to
11 deny the vast majority of them. With 38% of calls
12 not being able to end without knowing the ride,
13 this program is not working.

14 I know I'm running out of time.
15 One thing I want to point to in terms of usage and
16 this is the Mayor's own plan. If we had a fully
17 accessible taxi fleet, if we did the Koppell bill
18 or my bill in the Assembly, one of the things that
19 we could do is an accessible taxi fleet could be
20 an alternative to Access a Ride. You could do a
21 debit card system wherein it is closed loop. You
22 have the MTA pay the fare minus \$2.00 which is
23 paid for. You're putting money in taxi drivers'
24 pockets, you're getting people there quicker and
25 we're reducing the cost of Access A Ride.

ASSEMBLY MEMBER KELNER: Thank you

Council Member Liu.

CHAIRMAN LIU: Council Member Koppell.

COUNCIL MEMBER KOPPELL: I just want to thank the Assemblyman. He's been a terrific force in favor of this. We couldn't agree more with your position. As we look at the new Council and the whatever administration is there. I can assure you that we're going to push even more firmly than we have in the past on this because the argument that they used before was they didn't have a proper vehicle. They don't seem to be able to argue that anymore. That gives us the opportunity to really push hard.

ASSEMBLY MEMBER KELNER: My one experience, Council Member Koppell, that I've seen is we have two vehicles on the road now and they're very reticent to look at new vehicles. Even when both the industry is pushing new vehicles as are designers. To speak to one more point, and I apologize.

Council Member Liu talked about livery non participation. The problem is we have a law that's not enforced. We have every livery

1
2 base station is supposed to have access to an
3 accessible vehicle. My follow up report is
4 actually about livery cabs. We found that for
5 those livery cabs that even contract, they're all
6 contracting with three or four providers, none of
7 them have more than five vehicles. So the reason
8 why liveries aren't participating is there just
9 aren't the accessible livery vehicles in this
10 city.

11 I think what was so interesting
12 about this administration was they constantly
13 stated, as you just said Council Member Koppell,
14 that the vehicles aren't there. But they always
15 stated when it came to hybrids that if we mandate
16 it, the innovation will come. Well, why not
17 mandate this? The innovation is coming. We can
18 do something that not only opens up a whole new
19 group of people, a new transportation option, but
20 actually saves the city money and creates a more
21 efficient government. I think that is a laudable
22 goal. I just wish the TLC would get on board.

23 CHAIRMAN LIU: Thank you Council
24 Member Koppell, thank you Assembly Member Kelner.
25 Our next panel, I'd like to invite up to the

1
2 witness table Marvin Wasserman, Jean Ryan and
3 Anthony Trotcha. They'll be followed by a panel
4 of drivers consisting of Osmen Chatterry, Beersford
5 Simmons and Bill Lindauer. Mr. Wasserman, please
6 proceed.

7 MARVIN WASSERMAN: Good morning
8 Council Member Liu and members of the Committee.
9 I'm Marvin Wasserman, I'm Executive Director of
10 the Brooklyn Center for Independence and the
11 Disabled, a non-residential service and advocacy
12 organization in Brooklyn, part of the nationwide
13 network of the independent living centers.

14 One of my concerns has been that as
15 the major disability advocacy organization in
16 Brooklyn, we have never received any information
17 whatsoever from the Taxi and Limousine Commission
18 regarding this program. The only information that
19 I got was when the program started which arose as
20 a result of our participation in the UJA
21 Disabilities Task Force and that information was
22 received by a private citizen, Ronnie Raymond.

23 I dutifully unloaded the brochure
24 and had it available for distribution among our
25 consumers. Frankly, I don't understand it, even

1
2 with a no budget for publicity. I couldn't even
3 get an email from them. Certainly Assistant
4 Commissioner Epstein is very well aware of who I
5 am and who I represent, met with her many times
6 before and since the program started regarding
7 accessible taxis.

8 The other issue that I'm concerned
9 about which was brought up before was the lack of
10 any livery service vehicles involved in the
11 program. As you know, livery service is the
12 primary source of taxi type transportation outside
13 of Manhattan and other than below 96th Street in
14 Manhattan. Anecdotal evidence suggests, just as I
15 thought from the very beginning, that even though
16 on paper they state that anyone in the city can
17 access the program, the anecdotal evidence
18 indicates to me that the people that I know of in
19 Brooklyn who have tried to access the program have
20 not succeeded.

21 As I see it, there are two remedies
22 to the issue of accessible taxis. The first one
23 is what Assembly Member Kelner brought up before
24 was the smart card program for taxis and liveries
25 for Access A Ride riders. This smart card program

1
2 is working in San Francisco and Chicago. It would
3 provide the industry with a steady source of
4 wheelchair users as riders and they will have an
5 incentive to buy and utilize vehicles to serve
6 this new market.

7 The second remedy is what has been
8 mentioned before, a mandate toward a gradual
9 forming of 100% wheelchair accessible and green
10 fleet. Thank you.

11 CHAIRMAN LIU: Thank you Mr.
12 Wasserman. Ms. Ryan?

13 JEAN RYAN: Hi, I'm Vice Chair of
14 Taxis for All Campaign and Vice President of
15 Disabled in Action. The 311 central dispatch
16 system was extensively set up as a pilot program
17 to gauge interest and need in accessible taxis.
18 Come on, of course we have a need for accessible
19 taxis and quick accessible transportation as we've
20 been talking about today.

21 It's just a stalling tactic. Just
22 look at our web site, www.taxisforall.org
23 everybody knows that we have a need for accessible
24 transportation and quick transportation just like
25 everybody else. We need to get places. We can't

1
2 go on slow buses all the time and we can't just
3 use Access A Ride and book a ride 24 hours in
4 advance. We need taxis and we need livery
5 service.

6 Sometimes I can use a manual chair
7 but I usually need to use this 300 pound chair,
8 which obviously does not fit in a sedan. Why
9 isn't the TLC enforcing the accessible livery
10 regulations and working to make better ones? They
11 admit to us that the regulations are a shambles
12 but they do nothing about it. Why? It's not even
13 worth trying to call an accessible car service,
14 not even worth it. They don't come. They don't
15 have anything.

16 The way that the central dispatch
17 system is set up now is flawed and set up to fail.
18 In other cities accessible medallions, which are
19 cheaper than regular medallions to buy, come with
20 obligations, too. Not here, it's a bonanza. Just
21 head to the airport in New York City if you want
22 to join the central dispatch here, it's optional.
23 Not in other cities, there you have to join the
24 central dispatch system. You have to take calls
25 and you're sanctioned if you do not take calls

1 from people with disabilities when they come in.

2 In New York City it is optional to
3 join the central dispatch system if you have an
4 accessible medallion and you don't have to take
5 calls if you don't want to. No wonder why we
6 can't get rides. We know that. That's why they
7 say they're gauging the demand for it - Ha.
8 That's putting us down, it really is.

9 For us who live in the outer
10 boroughs we know we're not going to get a ride so
11 why should we bother calling. How to remedy
12 this? It's time for the City Council to act
13 and/or for the Mayor and the TLC to act and
14 mandate that all the taxis become gradually
15 accessible so that all of us can get rides. So
16 all New Yorkers can put their hands out and say
17 taxi.

18 Now, I have one more story. It's
19 an anecdotal story but it's true. Somebody who
20 can't testify today tried to call 311, her
21 daughter was sick and has 103 degree temperature.
22 She called 311 to get to the doctor. It was
23 connected to dispatcher. The dispatcher was told
24 the daughter had a high fever and she needed to
25

1
2 get to the doctor for an appointment. The
3 dispatcher said this, honey, if this is my
4 daughter I wouldn't want to depend on this taxi
5 showing up. This person said, I asked her what I
6 should do to get there. She suggested I call an
7 accessible car service, which is what I did and
8 this person lived in Manhattan.

9 I had no problems using the car
10 service but it was very expensive and taxis would
11 have been at least 25% less. This is what this
12 person said to me. This is not my story. This
13 person contacted Samara, who testified a few
14 minutes ago, and told her what happened. Samara
15 said she would look into it and this person never
16 heard from Samara again. Dispatchers themselves
17 are telling the customers don't count on us for a
18 taxi showing up if you really need us.

19 CHAIRMAN LIU: Thank you Jean. Mr.
20 Trotcha.

21 ANTHONY TROTCHA: Thank you Council
22 Members. I'm glad to be here to give my
23 testimony. I would like to preface my testimony
24 by saying that I vividly recall going to an out of
25 the way location in Queens in 1997 to look at

1 wheelchair accessible taxi models. The TLC
2 Commissioner then was Diane McGrath-McKaffney. It
3 is now 2009, two commissioners later and we are
4 having a public hearing to gauge the success of
5 failure of TLC's pilot program for wheelchair
6 accessible taxis. Clearly this issue has never
7 been of importance to the TLC despite what
8 officials say today or what they said, rather.

9
10 On the evening of May 27, 2009 my
11 Chihuahua was ill. I felt she needed medical
12 attention. I could have taken her to a 24 hour
13 medical clinic in Rego Park, Queens or the large
14 animal medical center in Manhattan on East 62nd
15 Street. I reside in the Williamsburg section of
16 Brooklyn so I decided on the AMC in Manhattan.

17 It was late evening, approximately
18 11:15 pm. I do not drive so I needed to explore
19 my options. Access A Ride does not provide same
20 day service. Registrants must call one to two
21 days in advance to make reservations and the
22 reservation center is only open 7:00 am to 5:00 pm
23 seven days a week. I use a motorized wheelchair
24 and can not walk. My motorized wheelchair can not
25 be folded. Even if it could, I am physically

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2 and after the announcements an information agent
3 transfers me to the TLC. I speak to the same man
4 I spoke earlier, he puts me on hold and I am
5 disconnected. I called 311 yet again to be
6 transferred to the TLC. I am disconnected.

7 At this point I am disgusted beyond
8 explanation. I called 311 to speak with a
9 supervisor. He takes my complaint. I receive a
10 complaint number referred to as a service request
11 number. I also get an email acknowledgement. At
12 2:30 am a taxi driver rings all the doorbells in
13 the building. It was the taxi I requested more
14 than three hours earlier. I was asleep. To this
15 day, nobody from TLC has contacted me about my
16 complaint.

17 TLC must be forced to implement the
18 central dispatch program successfully. TLC has
19 proven it can not monitor itself. Hefty financial
20 penalties must be assessed to senior officials at
21 TLC when a requested service by a disabled
22 customer is not fulfilled. Sadly, it is the only
23 way that the TLC will take wheelchair accessible
24 taxi service seriously.

25 Quite frankly, I am tire of hearing

1
2 about the TLC's research, studies, analyses,
3 investigations and explorations pertaining to
4 wheelchair accessible taxis. They next statement
5 is to my Council Member, who is on the
6 Transportation Committee. For whatever reason
7 Diana Reyna is not here. I will go to her
8 district office to tell her my feelings.

9 I just want to say I don't believe
10 for one minute the Mayor's Office for People with
11 Disabilities is committed. We've been hearing
12 about this for years. Actions speak louder than
13 words; there have been no actions. Thank you for
14 your attention.

15 And John Liu, when you become
16 Public Advocate, since you have the background
17 about this. I'm sorry, Comptroller, I am
18 mistaken, I take back that comment. But you'll
19 still be kept abreast of what goes on. Thank you
20 for your attention.

21 CHAIRMAN LIU: Thank you very much
22 Mr. Trotcha and thank you all for the compelling
23 testimony. Our next panel consists of Osmen
24 Chatterry, Beersford Simmons and Bill Lindauer
25 followed by a panel consisting of Terry Mulkaly,

1
2 Lawrence Carter-Long, Malagos Franco and Chris
3 Noelle. Gentlemen please proceed.

4 BILL LINDAUER: I'm Billy Lindauer
5 of the New York Taxi Workers Alliance. The
6 Alliance is 110% for having an all accessible
7 fleet of cabs. I know it won't happen over night.
8 The system has to be changed a bit so the drivers
9 will not be hurt.

10 One thing, Blackerrys are being
11 used and drivers are not being told that they have
12 to have two sessions of training. Then the TLC
13 using the city's GPS system sends them a summons
14 in the mail. They have no idea they needed two
15 training periods. The garages are not held
16 liable. They're supposed to tell the drivers of
17 the wheelchair accessible vehicles that they need
18 to trainings. They do not do that and they do not
19 get penalized by the TLC.

20 Another thing, I think that perhaps
21 funds from the Americans Disabilities Act from the
22 federal government can be used to subsidize this
23 program and it can replace the Access A Ride
24 eventually. Of course, drivers should be
25 compensated though this program. I don't want

1 disabled people to pay but drivers, of course, if
2 they participate they don't get paid for going the
3 20 minutes across town to pick up somebody. So
4 they could use some subsidy.
5

6 The city will save money because
7 what does it cost the cit, \$70 plus a ride for the
8 Access a Ride, cabs would be much less and save
9 the tax payers much money.

10 CHAIRMAN LIU: Thank you.

11 OSMEN CHATTERY: Good afternoon
12 everybody. My name is Osmen Chattery, I'm a
13 member of the New York Taxi Workers Alliance. I
14 have been driving for the last 13 years. Last
15 year I started driving the wheelchair accessible.
16 I know the law probably says there is a game,
17 what's going on with the driver suffering and this
18 thing.

19 The main thing I want is a
20 wheelchair accessible thing. The first came the
21 Chevy minivan. The Chevy minivan, the sixth month
22 the door it didn't work. The drivers suffering
23 that time the car is one to three months is in the
24 shop broken, the door. At that time I was driving
25 this car, suddenly door is opening, that car is

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going out.

Next time was Dodge Caravan, I'm also driving and still have a wheelchair accessible driving because I've been given the definition there. The first time I was driving this car, suddenly - - sign everywhere. Of course, before we down anybody, the TLC said the coalition, when he drive the wheelchair you have to take the course but it doesn't make any sense, permission. Keep driving and some driver are getting summonses. My court was December 4 and early in the morning at 6:00 am, I finished my work, like 13 hours.

And then in front of my garage, 30 drivers together and they recall, they bring this car and it's sort of demonstration like and this is there. There's 30 people and they're putting a car showing like there is nothing learned. And then they give you this certificate, that's fine. It's easy to get this certificate but Dodge Caravan very hard to get tied up for business. A lot drivers scared. They don't know how to tie it so they have a lot of summons issues.

Other things the Sienna is

1 comfortable too. Anybody can use their bin, set
2 up in this thing. Also, that point the - - talent
3 taxi management, he measured everybody and their
4 habit. But the car is now the grass car is now,
5 the situation is very. When they go to drive, I'm
6 scared how to a regular passenger carry them
7 because the car is too noisy, shocks very low;
8 it's very difficult. How you does a cab delivery
9 person? Several time I made a complaint and they
10 don't care because it's disparately but they have
11 a lot of power, that's why.
12

13 Second thing, what's happening next
14 step is they put the one hour course and they
15 issue the Blackberry and issue the summonses. As
16 provided with the Blackberrys, what can a driver
17 get a summons. Drivers are suffering.

18 Second thing, I had a course but
19 still the 5,000 summonses I got five. I have
20 started with - - that TLC provided them with TLC
21 record. I still getting summons.

22 Then what's happening now, first
23 thing, one thing I get a fare from I get up to
24 Queens Blvd. It's like a 30 minute across town.
25 I get the wheelchair and the dispatcher send me a

1 message that you have to pick up a response. I
2 response, what's the location, 65th and Broadway.
3 I went there in the limited time, I cleared the 30
4 minutes because 5:30 the Lincoln Center must
5 traffic to close 65th is 30 minutes.
6

7 Like I took the fare, I arrived
8 there I was working, nobody there. I called the
9 311 three times and nobody response left, right,
10 go another mode. Finally I just disparately I
11 guess I needed a supervisor. I finally found a
12 supervisor, I said what's going on.

13 I went in the 30 minutes, I don't
14 get any fare here. They said, well hold on my
15 system is very bad. Okay, you can go to JFK and -
16 - fare. I already lose one hour then I go to JFK
17 without information. Who's going to give me the
18 fare. I lose the one hour, how am I going to pay
19 rent? We have to ask the disability company to
20 lag but the driver loses one hour. That's the
21 problem we're suffering.

22 The person I hear them say the
23 driver 50 is enough, the driver how much making
24 money. Nobody thinking about the driver
25 situation. They're thinking about the taxi

1
2 future, tomorrow taxi, you talk about the future
3 driver, who's going to drive these kinds of things
4 barring the driver. Should be something immediate
5 taxi driver is in a crisis who have to drive.
6 They can either rob or they can not drive because
7 driver now is very bad situation like disability
8 community. Thank you very much for the
9 opportunity.

10 CHAIRMAN LIU: Thank you very much
11 Mr. Chatterry. Mr. Simmons.

12 BEERSFORD SIMMONS: Good morning,
13 good afternoon. Congratulations to you Mr. Liu.
14 My name is Beersford Simmons and I'm a member of
15 the Taxi Workers Alliance. I was one of the first
16 wheelchair accessible drivers in the city and I
17 can give you some information why the system is
18 not working.

19 The system is not working because
20 these medallions should not have been sold to any
21 fleet owners. They should be sold to individual
22 drivers who have been driving these taxis for a
23 long time. What an individual owner can do a
24 fleet can not do. These cabs should not be
25 roaming the streets picking up passengers off the

1
2 streets. They should be stationary where anybody
3 can get to them.

4 For a 311 call to come to me from
5 Zone 60, which is in JFK airport to go to Zone 3
6 in Manhattan to pick up. As a matter of fact, the
7 young man works here in the City Council, I'm
8 surprised he's not here today. He lives on 129th
9 Street and Lenox Avenue. For me to leave JFK to
10 come all the way to Manhattan empty to pick up a
11 passenger is way out of bounds, which I did
12 anyway. I was about an hour and the young man
13 waited because he needed me desperately.

14 As a matter of fact I'm doing
15 something illegal right now and if the TLC knows
16 about it, they will send me a summonses but I
17 don't care.

18 CHAIRMAN LIU: Are you sure you
19 want to talk about it.

20 MR. SIMMONS: Yes, I want to. I
21 want the TLC to know how flawed their system is.
22 This young man gave me his number, he took my
23 number and whenever he needs me desperately,
24 especially when it's raining I go and pick this
25 young man up because he needs a cab. He's very

1 disabled.

2
3 This system needs to be over run
4 properly and the people who are running this
5 system have never driven a cab in New York City
6 don't know. I don't want to be dirty but these
7 people do not know what they're doing. They have
8 never driven a cab in New York City. They don't
9 know what the cab drivers are going through out
10 there. For me to have a passenger in my cab and
11 ac all come to me, I have to give this wheelchair
12 at least 311 call at least a half an hour before I
13 can get to the call.

14 We are not compensated by the 311
15 call because I've done wheelchair accessible jobs
16 where I can go to JFK and get a job. The people
17 in JFK who basically is running a dictatorial
18 system out there tells me they haven't heard from
19 311 so the cab driver is at the loss just as much
20 as the wheelchair accessible people. I'm willing
21 to work alongside any wheelchair accessible person
22 to give them information and what's going on out
23 there. Thank you very much, sir.

24 CHAIRMAN LIU: Thank you Mr.
25 Simmons. Thank you. I'd like to invite our next

1
2 panel, Terry Mulkaly, Lawrence Carter-Long,
3 Malagos Franco and Chris Noelle. Great to see you
4 Mr. Mulkaly.

5 TERRY MULKALY: Good to see you too
6 and my congratulations as well. I have written
7 testimony, which is being distributed. I just
8 want to talk about, highlight a few things in my
9 testimony rather than read it to you. We are one
10 of the two agencies in New York City that was
11 given a training contract, competitively bid for,
12 to train the drivers who are in the accessible
13 taxi program.

14 In general, I think my main comment
15 is that the design of this system was that it was
16 designed to fail. That's the bottom line when you
17 look at the big picture. It's what, 16 months
18 into this program? Chairman Liu, we are still
19 training taxi drivers who participate in this
20 program. We train them in disability etiquette.
21 We teach them how to use the tie down, the
22 securement systems, how to properly attach
23 seatbelts to passengers who use wheelchairs.

24 We have another training a week
25 from today at our facility in Queens. So we have

1
2 trained 314 taxi drivers, over 26 events. But
3 this contract should have been to get the drivers
4 trained within the first couple of months of this
5 program. To me it's ridiculous that we're still
6 training drivers but we are.

7 I'm not going to harp on my second
8 main point, which is if you consider a brochure
9 that's posted on the Taxi and Limousine Commission
10 web site good marketing because that's all I've
11 seen. They have a brochure that's a guide to the
12 accessible taxi program but they haven't bothered
13 to tell anybody that the brochure exists. It's
14 just on their web site and you have to be a little
15 computer literate to find it. That's not
16 marketing. This program, I believe, mot
17 wheelchair users who live in the city don't even
18 know that the 311 program exists because it has
19 not been marketed.

20 I think the other thing, that's
21 again the lack of marketing is a prescription for
22 failure, it just simply is. I think what's also
23 kind of, to me, I recall it remarkably unfair is
24 that the TLC decided to keep track of demand from
25 day one of this program. To me, that's absurd.

1
2 Again, the demand is not that great but any new
3 program that involves keeping track of demand
4 there should at least have been a phase in period.

5 I know this because I participated
6 in one of the disability network of New York City
7 forums that Lawrence is going to talk about and
8 the TLC had, that was last November and they
9 handed out demand figures from July 1, 2008 at
10 that meeting. To me, this program should have had
11 a phase in time before they started keeping track
12 of demand but it wouldn't matter anyway because
13 again, as I said, we're still training drivers.

14 There are a number of things we
15 have learned from the drivers we have trained.
16 The most onerous to me is that the garages, and I
17 assume that means the fleets, refuse to give
18 Blackberrys to drivers as they're leaving an
19 accessible vehicle. We were told this time and
20 time again by drivers who we train over the last
21 16 months. So they can not participate in the
22 program at that time without that piece of
23 equipment.

24 The Toyota Siennas that are out
25 there operating don't have, none of them that we

1
2 have seen. What we do, Mr. Chairman, is we have a
3 classroom session and then we go out and actually
4 train the drivers in a Toyota Sienna and a Dodge
5 Caravan how to properly attach the securement
6 devices. But they don't have the right parts in
7 the Toyota Sienna to properly attach the harness
8 seatbelt. Dodge Caravans, the problem that we
9 have made note of is that any slightest bit of
10 amount of damage to the right side door and it's
11 almost impossible for the driver to manually
12 deploy the ramp in that vehicle.

13 Other thing is the aggressive
14 ticketing of taxi drivers driving accessible
15 vehicles at the airports simply because they
16 couldn't produce a certificate from us or from the
17 other contractor, which is Easter Seals of New
18 York State that they had completed training. To
19 me, everything that the TLC has done with this
20 program from the beginning until now, it's a
21 prescription for it to fail.

22 Again, the reason they want to do
23 that is they want to be able to have evidence, so
24 called evidence, as to why there shouldn't be a
25 broader number of accessible taxis. Again, United

1
2 Spinal and the Taxis for All Campaign, we're
3 asking you again to pass a law requiring gradual
4 conversion of the fleet to accessibility.

5 We all know a manufacturer with an
6 accessible cab that's purpose built is on the
7 horizon; it's right around the corner. You saw
8 the vehicle Phil because I was there the same day.
9 And others will follow. So rather than keep doing
10 things that are designed to fail, let's create an
11 accessible street hail system for people in
12 wheelchairs and others with disabilities and that
13 system will succeed. Thank you.

14 CHAIRMAN LIU: Thank you Mr.
15 Mulkaly. Mr. Carter-Long.

16 LAWRENCE CARTER-LONG: Thank you.
17 I appreciate your time and your attention. Many
18 of the problems and many of the things have been
19 talked before so I'll sort of cut to the chase
20 here. The Disabilities Network is essentially an
21 organization of organizations and individuals.
22 We've got over 70 different disability
23 organizations in all five boroughs of New York
24 City, thousands of individuals. We held taxi and
25 livery forums in every borough of New York City

1 last winter. We reached out directly to the
2 public to find out what their needs were, what
3 they wanted, where the situation was and where we
4 should be going. The Taxi and Limousine
5 Commission took part in those and they were
6 partners in that. I think the doors have been
7 more open than they ever have been with the TLC
8 and I appreciate their attention at that time. I
9 think what we need to be talking, though, about
10 now is where we go in the future. Because a lot
11 of things came out of that. There's been a little
12 bit of talk here today. I'm a proud New Yorker.
13 I moved here from the Mid west, from Indiana, I
14 want to be in New York City. Something happened
15 to me yesterday that I don't think should ever
16 happen. I'm there talking to a news crew from New
17 Zealand about accessibility in New York City and
18 I'm trying to talk up New York City to these folks
19 in New Zealand, in the face of New York City. The
20 reporter, who is a wheelchair users says, well
21 you're talking about the taxis, let's see if we
22 can hail one. Fine. We try to do that. About 45
23 minutes later we give up and we decide to get an
24 inaccessible vehicle which we then get in. We'll
25

1
2 have to fight to sort of get her in using her
3 chair. About three seconds later her crew, none
4 of which are wheelchair users hails down an
5 accessible taxi. We hop out of the vehicle that
6 we're in. When the driver sees her in the chair,
7 he says no, no, no. And speeds away. Now what
8 kind of face does that put on New York City. What
9 is going to go out now across the airwaves, on the
10 internet you name it, about New York City. We
11 already were embarrassed by the Mayor of Vancouver
12 so how much more are we going to take?

13 There is an opportunity here with
14 the new vehicles coming out for us to take the
15 lead, not to whine and complain and moan about
16 what's not possible or what we can't do. But to
17 develop something that's not been done before.
18 I'm in a unique position and then my girlfriend
19 lives in London. In London they have 100%
20 accessible taxi fleet. They have a hail system.
21 They also have a system where you can call up and
22 get a vehicle if you prefer to do it that way.

23 We can make this work if we decide
24 to make it work. The question is how are we going
25 to do that. Who's going to put forth the

1
2 pressure? We hear a lot of talk about how we want
3 to make the fleet accessible. What we need in
4 order to make that meaningful are dates, times,
5 time lines, benchmarks, something that where we
6 can gauge what's working and what's not working.
7 We're told that they got seven years to retire a
8 vehicle then okay, let's give them ten years.
9 We've given them a little bit ago wiggle room, a
10 little bit of buffer room. Let's see something
11 meaningful in that amount of time. Thank you.

12 CHAIRMAN LIU: Thank you very much
13 Mr. Carter-Long.

14 CHRIS NOELLE: Good afternoon.

15 CHAIRMAN LIU: Good afternoon.

16 MR. NOELLE: My name is Christopher
17 Noelle. I've been using the accessible dispatch
18 system since its inception. I was part of the
19 program that was testing it out. I also attended
20 Lawrence Carter-Long's DDNYC presentations.
21 Honestly, I was really ashamed today to hear that
22 there still is no progress and the TLC is painting
23 a rosy picture when it's very bleak. I know that
24 we've worked with Samara Epstein to get this
25 system to work and not to really fault her because

1
2 I'm sure there are powers above her that are
3 basically halting the system. So no matter what
4 the disabled advocates say, nothing seems to get
5 done.

6 Myself, what I've been doing is
7 hailing a lot of the cabs on the streets. As that
8 cab driver over there mentioned, getting a cab
9 drivers phone number and calling them directly.
10 That seems to work better than 311 or the dispatch
11 system. My main thing is I had a list of problems
12 or complaints or things that I think should be
13 fixed or can be fixed. So I would definitely want
14 to go through it to make sure that it's documented
15 because a lot of times they're saying that the
16 system isn't being used and they thought that
17 there would be a lot more users than there are.
18 But as Terry said, it should have been a program
19 that was phased in. When you're starting with
20 very limited promotion, you can't expect great
21 results in the beginning, especially the first
22 year. Everyone knows that in marketing. When you
23 have no prior marketing done, you're not going to
24 get fabulous results.

25 As we go on and more and more

1
2 people find out, as little ways as there are to
3 find out, hopefully we can get an increase. But
4 when they do use the system they're turned off
5 because when you call 311 most of the time they
6 don't even know what the accessible dispatch
7 system is. Then when you explain it to them over
8 and over then they transfer you over to the TLC's
9 dispatch system and sometimes you do get hung up
10 on. In terms of a system that's fool proof, this
11 thing has a lot of flaws. I think for a city as
12 big as New York City, we should be one of the
13 leaders in saying, hey, this is what we want for
14 our disabled riders. This is what the ADA says.
15 We should set the benchmark.

16 For example, I went to Vegas.
17 Vegas you call for an accessible taxi, they get
18 there in five minutes. Now granted, it's Vegas
19 that's where a lot of people go when they are
20 retiring so they obviously have a market out there
21 to have an accessible fleet. And obviously the
22 number of people that live out there aren't the
23 same as the number of people that live in New York
24 City. But if we're having an accessible taxicab
25 in New York City that's supposed to work, let's

1
2 make it all accessible. Let's get a fully
3 accessible fleet.

4 The way you look at it, you have
5 New York City buses. New York City buses you
6 won't find one that's non-accessible but if there
7 are no wheelchair users on it, it's fully
8 accessible for everyone else. If a wheelchair
9 passenger needs to use the bus it can be made
10 accessible. I think we need to have the same
11 protocol for taxis. Standard taxis developed a
12 model that they want to push to the TLC, so we're
13 talking about an RFI, a request for information
14 and an RFP, request for proposal. And we didn't
15 really get any sure answers. I think in a month's
16 time from now we're still not going to get any
17 answers as they promised.

18 We've had a lot of disabled
19 advocates fighting for the last 10 to 12 years to
20 get taxis in New York City. We're in the new
21 millennium and we still can't get it right?
22 They've been fighting for it even before I became
23 disabled myself. So now that I'm disabled and I
24 see the need that they've been fighting for, sure,
25 I'm going to fight along with them. Because you

1
2 know what, God forbid anybody in this room was
3 placed in a wheelchair and had to use that type of
4 method to get around for mobility. But it's not
5 easy in New York City.

6 So let's get these taxis together
7 and let's get everyone on board.

8 CHAIRMAN LIU: Thank you very, very
9 much Mr. Noelle. Ms. Franco.

10 MALAGOS FRANCO: God afternoon and
11 congratulations Mr. Liu, I voted. I'm from the
12 Brooklyn Independent Living Center and I'm here to
13 tell you basically two little synopses of what
14 happened to me when I tried to hail a cab.

15 New York City as we know is a town
16 that never sleeps so we assume that the taxi
17 drivers never sleep either. The average person
18 can go out there and hail a taxi but I'm obviously
19 not the average person. So once upon a time, I
20 used to play a game called bait and switch. I
21 would get in my manual chair, get somebody walking
22 by on the street, have them hail the taxi like it
23 was for them and then I would rush up to the door,
24 open it, start throwing in pieces of my wheelchair
25 in the door. It was underhanded and deceitful and

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2 it was wrong but at least I would get a taxi that
3 way.

4 When we were able to call for 311 I
5 was so happy that I didn't have to play these
6 games any more. But guess what? They still don't
7 how us. I called at 1:30 in the afternoon to
8 request a car at 5:00 from my workplace in
9 Brooklyn to hopefully get a ride home in
10 Manhattan. I was given a number--

11 CHAIRMAN LIU: [interposing] Ms.
12 Franco continue with your testimony. I just have
13 to say I just have to step out for a second.
14 Council Member Koppell is going to chair the
15 hearing. I'll be back.

16 MS. FRANCO: Okay, I understand. I
17 was given the number and they never showed up. I
18 again, tried from a Brooklyn address from the same
19 results. I'm frustrated because it's not fair
20 that we're trying to do it, they say that there's
21 low numbers because we're not calling. Well,
22 they're not responding to our needs. It's just
23 wrong. Thank you.

24 COUNCIL MEMBER KOPPELL: Thank you.
25 By the way, I'll interject. I don't think you did

1
2 anything wrong in pretending that you didn't have
3 a wheelchair. I don't think you should apologize
4 for that.

5 MS. FRANCO: I had a better success
6 rate of catching the driver--

7 COUNCIL MEMBER KOPPELL:
8 [interposing] I hear what you're saying but you
9 were kind of apologizing. I don't feel you should
10 apologize.

11 MS. FRANCO: I feel bad that I had
12 to be sneaky like that but you're--

13 COUNCIL MEMBER KOPPELL:
14 [interposing] But don't feel bad.

15 MS. FRANCO: You got to do what you
16 go to do.

17 COUNCIL MEMBER KOPPELL:
18 Absolutely.

19 MS. FRANCO: Thank you.

20 COUNCIL MEMBER BREWER: I just want
21 to say it's always great to see Terry Mulkaly.
22 He's our hero.

23 COUNCIL MEMBER KOPPELL: I had to
24 step out for a moment. Has everyone had an
25 opportunity to speak?

1
2 MR. CARTER-LONG: Yeah, I just
3 wanted to add one quick thing about the
4 advertising. There's been some talk about the
5 advertising or lack thereof here. Anybody who
6 knows anything about advertising knows you're not
7 going to market this to people that are already
8 using taxis. That's a moot point. You've got to
9 do some specialized targeted advertising to people
10 who are wheelchair users. If you don't have a
11 budget to do it, newsletters or go out to let's
12 say the medical facilities, places where people
13 with wheelchairs hang out, I've got an offer for
14 you.

15 We've got a mailing list of a few
16 thousand people. That includes every major
17 disability organization in all five boroughs.
18 Give me a brochure, I'll send it out. If I have
19 to, I'll pay for the postage myself. It won't
20 come from the Network.

21 COUNCIL MEMBER KOPPELL: Well, that
22 should be necessary.

23 MR. CARTER-LONG: There's the
24 offer, get me the information, we'll get it to
25 people. It's a guarantee.

1
2 COUNCIL MEMBER KOPPELL: I think
3 you should make that to the Commission, not to me.

4 MR. CARTER-LONG: It's the same
5 thing.

6 COUNCIL MEMBER KOPPELL: I agree
7 with you.

8 MR. CARTER-LONG: The Commission
9 left. We sat through their testimony and they
10 left.

11 MS. FRANCO: They didn't have the
12 respect to hear what we had to say.

13 COUNCIL MEMBER KOPPELL: I agree.
14 It shouldn't be necessary for you to mail it out.
15 They're the ones who should be mailing it out. I
16 want to acknowledge the presence of my colleague,
17 Council Member Darlene Mealy who is with us, a
18 member of the committee. Thank you very much.
19 Next we have two more witnesses to come forward.
20 We have Richard Thayler from the Omni Media
21 Network and Gabriella Amari. Thank you.

22 GABRIELLA AMARI: Good afternoon
23 Council Members. My name is Gabriella Amari. I'm
24 just a consumer. I'm representing me and
25 everybody else out there who has and shares this

1 frustration, this problem.

2 I'm from the borough of Brooklyn
3 and I'm present at this hearing to address the
4 fact that I was not even aware that there were
5 accessible taxis, much less a dispatch service
6 until about two weeks ago with my first meeting at
7 the BCID. I have been a disabled person since
8 1998. I don't listen to the radio frequently,
9 almost never really. I don't read the New York
10 Post, being a Democrat. I have not seen anything
11 on local news. I watch NY One every day. I
12 didn't see anything about this.

13 I watch lots of news all day long.
14 I haven't seen anything. I didn't even know when
15 this service was implemented, when this program
16 was implemented. So you can imagine my surprise
17 and then I started to hear the horror stories;
18 four hour, three hour waits, people not showing
19 up, having to do the bait and switch.

20 I went around my neighborhood and I
21 asked a lot of people, disabled and non-disabled
22 did they now about this service. There were maybe
23 two people, both of whom knew about the accessible
24 cabs but virtually none who knew about the
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dispatch service.

My problem is with this woman, the spokes woman for TLC saying, oh, well we used a lot of promotion through free services. Okay, well how about putting a little money behind the advertising then? Put it on TV, put it on the news, put it, like the person before me said, in to areas where there are disabled people, clinics, hospitals. This is ridiculous. How could it be implemented a year ago and also not in the Access A Ride news bulletin, which I read every time I get. How am I supposed to know about this service?

Now that I do know about it, I'm wondering do I really want to use this until its improved upon. What if I do have an emergency and I can't get an Access A Ride and you have to book it one to two days in advance and I can't get into regular cab or a car service. I've never seen a car service in my neighborhood that is accessible. What do I do?

Do I charge my chair fully and pray that it will make it to where I have to go and that where I have to go is close enough; that's

1
2 ridiculous. This is just not working. I think
3 that if you're going to implement a program like
4 this, or TLC, they need to back it up with
5 advertising.

6 This spokeswoman also said we don't
7 put that message because we're afraid that people
8 aren't going to understand or they're going to
9 take advantage or not understand, I believe I the
10 terminology she used, that this dispatch service
11 is only for disabled people. What? Are we that
12 stupid that we can't understand basic English.
13 That is the worst excuse I ever heard.

14 Let's do something about getting
15 the word out that there even is such a dispatch
16 program. There are a lot of people like me who
17 had no idea. Thank you very much for your time.

18 COUNCIL MEMBER KOPPELL: Thank you.
19 We couldn't agree more. Mr. Thayler. I know you
20 have a lengthy statement, if you could summarize
21 it a little bit. The whole statement would
22 certainly be put into the record.

23 RICHARD THAYLER: I'd like to read
24 it into the record. I think it will go very
25 quickly if you wouldn't mind and then you can shut

me off.

COUNCIL MEMBER KOPPELL: It's pretty long. Let's give it a try. Go ahead.

MR. THAYLER: Let's give it a try, at least the first couple of pages.

COUNCIL MEMBER KOPPELL: I won't debate it.

MR. THAYLER: Council Members Koppell and Mealy, thank you for this opportunity. Before I read my statement, I'd like to call your attention to something that you have in front of you, which is an immediate taxi of today solution to meet the objectives of wheelchair accessibility. This is not an ethereal concept that the TLC will be floundering over while they try to figure out how many fairies can dance over the head of a pin. And I'll explain that in my comments.

Adequate available routine wheelchair accessible service for all neighborhoods throughout the city must be supported by a combination of on demand, livery service, medallion and taxi street hail service and MTA NYCT Access A Ride service. This requires

1
2 a substantial service upgrade for Access A Ride
3 pre-arrangement as well as a significant increase
4 in the number of wheelchair accessible medallion
5 taxis from the current 240, which I understand is
6 the correct number now, which must be dispatched,
7 the subject of this hearing.

8 Currently livery bases are required
9 to provide wheelchair accessible services or
10 arrange to contract to outsource the service for
11 all non-ambulatory passengers. Working to provide
12 accessible taxi livery service for all non-
13 ambulatory wheelchair passengers throughout the
14 city reveals a wide range of inter relationships
15 between the rules of operation and unintended
16 consequences resulting in the suppression of the
17 growth of taxi and livery resources for this
18 purpose.

19 The auction of reduced price
20 wheelchair accessible medallions only provided 231
21 I understand plus 9 wheelchair accessible
22 medallion taxis. In order to allocate this scarce
23 resource, the 25 year long standing prohibition on
24 medallion taxi pre-arrangement needed to be
25 violated. Clearly, other financial incentives or

1
2 legislation is required to promote the operation
3 of wheelchair accessible taxis and liveries to
4 meet active and latent demand.

5 With a sufficient number of both
6 livery and medallion taxi accessible vehicles and
7 service, non-ambulatory wheelchair passengers can
8 choose between street hail or livery pre-
9 arrangement without the need to violate the pre-
10 arrangement rule for medallion taxis or violate
11 the rules prohibiting taxi meters in liveries.

12 With regard to the objective for
13 borough wide wheelchair accessible pre-arranged
14 Access A Ride service, various reports which I
15 don't have to name, they're listed here, reveal
16 the high cost, obsolete dispatch management and
17 poor service of NYCT pre-arranged Access A Ride
18 services.

19 To finally remedy the failure of
20 NYCT Access A Ride to cure their inherent
21 difficulties to provide responsive on demand lower
22 market rate services. The New York State
23 Federation of Taxi Drivers has proposed the TLC
24 pilot program requiring the cooperation of NYCT to
25 modernized Access A Ride as a first step,

beginning with 80% of the calls to service from eligible ambulatory passengers.

This would be followed by a second phase, quickly, to address the needs of the remaining 20% of the non-ambulatory passenger calls for service. To rapidly achieve the second phase objective for adequate wheelchair accessible services, it is now feasible to modify livery town cars and Crown Victoria medallion taxicabs for wheelchair accessibility in compliance with ADA transportation, OEM manufacturer, SMVSF and TLC requirements.

This committee now has the ability to ensure that a sufficient number of medallion taxis are required and operated to satisfy the random street hail requirements of non-ambulatory taxi medallion passengers. If this committee exercises its authority for this purpose, it is feasible to realize a minimum of 2,000 wheelchair accessible medallion taxis in less than a year.

While the product life of the crown Victoria is uncertain, the wheelchair accessible modification for the Crown Victoria would apply to all current taxis as a retrofit, which will be in

1
2 operation over the next three to five years or up
3 to seven years with the retirement extension for
4 wheelchair accessible taxis. The DOV and owner
5 driver operating segments could meet this
6 objective if they were eligible for additional
7 incentives but really relief from the overwhelming
8 financial burdens they're subjected to now.

9 The first would require this
10 committee to reconsider the passage of Intro 705
11 providing the driver's independent choice of a
12 financial institution for credit/debit car fare
13 processing and settlement for the account of the
14 driver as the merchant of record.

15 Over the past several years this
16 committee has heard overwhelming evidence that the
17 TLC's blatant restraint of trade, violation of the
18 committee's authority of the Chapter 65 of the
19 City Charter and violation of the Policy
20 Procurement Boards innovative procurement
21 requirements resulted in limiting the number of
22 credit/debit card fare payment providers to a de
23 facto duopoly.

24 Moreover, this committee heard and
25 accepted incorrect vendor testimony that every

1
2 driver may not be eligible to become a merchant of
3 record. When in fact, the largest taxi industry
4 credit union lender has already made those
5 arrangements and received New York State Banking
6 department approval for end of shift credit/debit
7 card fare revenue distributions.

8 As a result of this committees'
9 inaction on 705, notwithstanding two prior
10 oversight hearings, the restricted market cost
11 premium. That is driver overpayment is estimated
12 at \$20 million per year, not including the
13 driver's additional out of pocket cost beginning
14 in November 1st when the driver will be paying out
15 of pocket 5% of the MTA taxi tax for al
16 debit/credit card trips. Not to mention the out
17 of pocket cost for 5% of the tolls they've already
18 been paying for credit/debit card trips.

19 A second incentive could require
20 the state to authorize the drivers of wheelchair
21 accessible medallion taxis adoption this
22 conversion to retain the 50 cent taxi tax. The
23 MTA would not suffer a net cost since the savings
24 achieved by the MTA NYCT in the transition of
25 Access A Ride to the livery industry would more

1
2 than cover the cost to the MTA for wheelchair
3 medallion taxi retaining the 50 cent taxi tax.

4 Realizing the financial relief
5 provided by these incentives. Within six months
6 at least 1,000 wheelchair accessible medallion
7 taxis can be hacked up for service using the ADA
8 requirement modifications to the existing Crown
9 Victoria medallion tallies. The modification,
10 which requires no modification, will be certified
11 as ADA compliant for transportation vehicles and
12 can be certified as an approved after market body
13 modification as required by Commission rules.
14 Thank you for your forbearance.

15 COUNCIL MEMBER KOPPELL: Are you
16 saying that right now the For Crown Victoria Taxis
17 can be modified in an ADA compliant way?

18 MR. THAYLER: Yes. The design, if
19 you're aware of the measurement, the 56 inch
20 height. The ADA transportation rules are very
21 explicit. A 56 inch height, a floor plan
22 dimension of 30 inches by 48 inches. There are
23 some stipulations with regard to the entrance
24 round. But the Crown Victoria modified as shows
25 in this picture meets all those requirements.

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2 In fact, conversations are now
3 taking place with the largest contract
4 manufacturer in Michigan to do this. This can
5 start up immediately. A first sample design is in
6 progress and we can have it shown very shortly. I
7 think that the idea is a concept where the very,
8 very large in place or infrastructure fleet would
9 modify.

10 Now, if you had somebody that just
11 bought a car, is a year old, he may qualify for
12 the extension. He might run that car six or seven
13 years. So while the product life of the Crown
14 Victoria is very uncertain, it could be ending in
15 2011 or maybe even 2012. But the fact is the
16 extension given to a wheelchair accessible vehicle
17 owner, we could probably go into 2015 and 2107.
18 During that period there will be other
19 alternatives that would be coming about.

20 Frankly, in my own view I can't see
21 any other alternative right now. This is work
22 horse, this is well known to the taxi industry, to
23 the fleets in terms of servicing and parts. It's
24 a hell of a durable car. With this change it
25 could be a very, very effective quick resolution

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2 to the immediate accessibility problem. We're
3 going ahead--

4 COUNCIL MEMBER KOPPELL:
5 [interposing] What is your background? How do you
6 know so much about this>

7 MR. THAYLER: I've been involved
8 with the taxi industry for many years.

9 COUNCIL MEMBER KOPPELL: Are you an
10 owner yourself?

11 MR. THAYLER: A consultant, we have
12 a company. In fact, I can tell you straight out
13 that it was in January 2004 my company Omni Media
14 Network together with Melrose Credit Union, we
15 were invited. You might want to look into this.
16 In 2004 we were invited in January to see the
17 Mayor at City Hall. We showed them a complete
18 credit card TPAP operating. And he got out of the
19 car after speaking with all his agency chief at
20 that meeting and he said to the credit union
21 people. How many do you have here that you want
22 to do optionally? The Melrose Credit Union owner
23 said well, we have 4,000 owners. He turned around
24 to all of this agency chiefs and said, well, get
25 this done. What do you know, we didn't expect it

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2 would be mandated but in March of the same year it
3 was mandated.

4 It took the TLC five years to
5 implement that when they already had a fully
6 working system, which I represent to you Council
7 Member is better now than the system you have out
8 there. And it still is. This system was
9 prevented from being deployed under very
10 questionable circumstances. You ask me my
11 involvement I'll go back further.

12 In 1973 I was hired as a consultant
13 to the MTBOT. At that time the Clean Air Act was
14 promulgated and every metropolitan region had to
15 submit a transportation control plan to achieve
16 air quality standards to the federal government.
17 The transportation control plan, if you remember I
18 '73 required a ban on cruising for taxis and a few
19 other things. I was hired to represent them
20 publicly and that started my introduction to the
21 taxi industry.

22 I was asked during the Fuel crisis
23 in '73 and '78 what should the industry do. My
24 first answer they wanted to put me in a strait
25 jacket. I said every fleet operator has natural

1
2 gas piping coming in from Con Edison. Install a
3 compressor, convert all your cars to natural gas.
4 If they did that, they would be in much better
5 shape today.

6 I said the second choice, because
7 they didn't want to do that, the second choice was
8 diesel. My company, which I formed, built all the
9 Dodge Diesels and Ford Diesels running in the 70s
10 in New York and very frankly many of the owner,
11 drivers got through those horrible waiting on gas
12 lines because I arranged for petroleum for them.
13 So that's my background. I was involved heavily
14 in vehicle modifications--

15 COUNCIL MEMBER KOPPELL:

16 [interposing] Let me interrupt you. I don't want
17 to prolong the hearing but I would invite you to
18 set up an appointment me for perhaps December
19 sometime in December so we could talk further
20 about some of your ideas.

21 MR. THAYLER: I'll be in touch with
22 your office. I'm looking forward to it.

23 COUNCIL MEMBER KOPPELL: Fine,
24 thank you.

25 MR. THAYLER: Thank you.

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2 COUNCIL MEMBER KOPPELL: I think
3 that we have no further individuals who wish to
4 testify and so we will--make sure. I want to put
5 in the record there are two statements submitted
6 for the record. One, a statement by Patricia
7 Doland, Director of the Queens Connection, a
8 program of the Queens Community House and another
9 statement by Nelson M. Sternin, attorney at law.
10 Those statements will be placed in the record of
11 the hearing. At this point, the hearing is
12 adjourned.

C E R T I F I C A T E

I, Amber Gibson, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature Amber Gibson

Date October 31, 2009