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Director

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A program of the Queens Community House

October 22, 2009

FOR THE RECORD

Oversight Hearing on the performance of taxi dispatch system service for people with disabilities

City Council Transportation Committee

I am Patricia Dolan the director of Queens Connection, a program of the Queens Community House. Queens Connection works with senior service programs to ensure that older Queens residents can obtain safe, reliable, accessible and affordable transportation, a critical component of the continuum of services that helps seniors remain independent and in their homes and communities as they age.

Two years ago when the Commission announced that wheel chair accessible taxis would soon be part of the city's yellow cab fleet, people with disabilities—young and old—cheered. The creation of a pilot dispatch system in 2008 greatly encouraged consumers with disabilities and their advocates that perhaps the dread of being marooned on a city street with no way home would soon be a thing of the past.

Today, there are fewer than 300 wheelchair accessible yellow cabs on the street and the pilot dispatch system remains one of the city's best kept secrets.

Sadly, Queens seniors and senior service providers are unaware of the dispatch program. More disturbing, our hospitals, nursing homes and medical providers have never heard of the system. Queens community boards—our little city halls—are also in the dark on this critically needed service. The Queens Borough President's office—the place where many desperate seniors turn to in time of crisis—is in the dark.

As a long time Queens resident and advocate of community based services, I believe the challenges.

First, in the boroughs outside Manhattan, yellow taxis are largely absent from our local streets. In Queens, except for two small hack stands, yellow cabs are seen only as they pass through local neighborhoods on the way to or from the airports.

Second, 300 out of 40,000 wheelchair accessible taxis are simply not enough. Replacing older vehicles with ones compliant with the ADA is long overdue and must be the Commission's goal.

And finally, the failure of the Commission to notify and publicize the dispatch system is an all too common phenomenon among city agencies. All too frequently, city agencies fail to notify community boards, local community groups and the very citizens who rely on public services of changes in policy or practice.

On behalf of the service providers and seniors that I work with, I want to thank Chairman Liu as he prepares to leave the Council. Over the past eight years, under Councilman Liu's leadership, the Transportation Committee has made a huge difference in the quality of transportation in our city. In response to the Committee's strenuous oversight, agencies have improved public transit, moved Access A Ride closer to its potential and provided funding for senior van service in all five boroughs.

Thank you.

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FOR THE RECORD

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October 19, 2009

Councilman John Liu

Re: Handicapped Taxi Dispatch System

Dear Councilman Liu:

On the request of Commissioner Matthew Sapolin from the Mayor's Office for People With Disabilities, I submit this statement regarding my experiences with the handicapped taxi dispatch system. I have used the dispatch system over four times this year and each experience was positive. I used the system to get from my home to the Courts at Brooklyn Bridge, the Bronx Supreme Court, and a CLE event at the Harvard Club. Each time the cab arrived on time and access to the cab was easy. The drives were save and uneventful.

Some of my rides were as a tester for Councilman Micah Kellner. I reported my experiences to him. .

Feel free to contact me for any addition al information.

Thank you.

Cordially,

Nelson M. Stern

Nelson M. Stern

Testimony of Taxi and Limousine Commission

City Council Transportation Committee October 22, 2009

Good Morning Chairman Liu and members of the Transportation Committee. I am Samara Epstein, Assistant Commissioner for Constituent Affairs at the New York City Taxi and Limousine Commission. I am joined today by Jason Mischel, General Counsel for the Mayor's Office for People with Disabilities (MOPD), and Deputy Commissioner Charles Fraser, General Counsel for the NYC Taxi & Limousine Commission. Thank you for this opportunity to speak to you today about the Accessible Dispatch Demonstration Program. The Accessible Dispatch Program is a temporary demonstration project that was launched in the summer of 2008. This program allows passengers that use wheelchairs to call 311, which connects them to a central dispatcher, who matches them up with an available accessible taxi.

One of the main goals of this program to help us to determine how we can best provide service for people with disabilities through our regulated industries. Other goals are evaluating how a central dispatching facility works in New York City where taxis cannot be pre-arranged, testing dispatch technology, assessing the demand for non-subsidized wheelchair accessible for-hire service, assessing driver training and ability to provide accessible service, and determining how to best leverage the fleet of accessible taxis that are already on the road. I appreciate you asking us here today to hear about this program and offer your feedback. We can utilize the discussion we have today to continue to improve the dispatch program itself and build towards future programs.

Over many years, we have had numerous and detailed conversations with advocates for people with disabilities and people that use wheelchairs, who have all clearly expressed their desire to be able to take taxis and car services. This program came out of these discussions. It had become clear that although we had made strides in providing better accessible service, it was still difficult for wheelchair and scooter users to obtain for-hire and yellow taxi service. These advocates suggested that taxi service would be very

popular and it was important that any program be designed to handle enough capacity to provide at least 1,000 rides a day in lieu of a fully accessible fleet.

All drivers that participate in the Dispatch program are required to attend two training courses before operating an accessible taxi. One course trains drivers in the actual operation of the dispatch system technology, including the requirement to wait to respond to a dispatch message until safely pulled off the road. The other course instructs them on passenger assistance techniques, such as how to load and safely secure passengers in the accessible taxi, as well as sensitivity training on working with people with disabilities.

To date, there have been over 3,500 dispatched rides servicing all five boroughs and the airports. The current breakdown of dispatched activity shows that 93% of trips begin and 84% of trips end in Manhattan. 221, which is 6% of all trips, start in a borough other than Manhattan. Queens has the most of these trips with 108 dispatched to date. However, of these outer borough trips, only 52% of the trips end in Manhattan, with approximately 30% of the trips starting and ending in the same borough. Of all of the trips, 73% of the trips start and end in the same borough and 27% of trips are taken to a different borough. While not a perfect comparison, looking at regular taxi trips, we see that over 97% of the trips start in Manhattan. This means that the dispatch system is able to link riders who live outside of Manhattan, which is the primary work area for taxicabs, with a vehicle that is virtually impossible to hail on the street.

In addition, there have been 30 pick-ups and 133 drop-offs at local airports. There have also been 193 trips that start or end at a hotel. This data suggests that this service is being used by guests who are travelling to, from, and around New York City.

Weekday trips are slightly more popular than weekend trips, with 15 – 17 percent of dispatches occurring on each weekday compared to 10 – 11 percent of dispatches occurring on each weekend day. The most trips occur between 11 AM and 4 PM, which represent 41% of all trips. Between midnight and 8 AM, only 7% of trips occur. The most cancelled trips occur between 4 PM and 8 PM, with 35% of all cancelled trips.

Additionally, since the program began, wait time has remained generally consistent at approximately 30 minutes. We calculate wait time as the time between the requested pick-up and the arrival of the accessible taxicab. At the same time, data indicates that a little more than 10% of all requested trips are cancelled. Some of these trips are cancelled because passengers are not able to get service in the time frame they desire or they find an alternate means of transit; other times, the dispatcher cancels a trip in order to send out a new message to drivers about the same fare opportunity.

Our trip data demonstrates that the program is working and 1,450 individuals have used the dispatch system. There is a core group of individuals that have taken over 50 trips each since the program began. While these numbers are not exceptionally high, these people are satisfied enough with the service that they continue to use it. We have spoken with these users, who stated that it is working for them. I met with one of these users in person, who told me she didn't know how she would accomplish what she needed to each week without the taxi service. One of the purposes of the demonstration project was to test dispatch technology and how it could work for taxis. The technology is working. Drivers are able to communicate with the dispatcher quickly and safely and pick up passengers in a timely fashion. This project also set out to test the passenger demand for wheelchair accessible taxi service. We are getting a good idea of how many people are interested in taking unsubsidized taxis in their daily lives.

The accessible dispatch program has given us valuable information about how we should be looking to provide service for people with disabilities through our regulated industries. This program still has some months to go, and we will continue to evaluate trip activity and passenger and driver feedback to determine what next steps should be. The trip data tells us that there are people who will use accessible taxi service, that the demand for these services is much lower than we expected, and that it is important that service is available in all five boroughs. We are committed to continuing to provide service for people who require the use of a wheelchair accessible vehicle.

In order for us to be able to gauge demand for this service, it was critical to reach out to potential users. We have made numerous outreach efforts to make sure that potential

users know about the dispatch program. We currently have a section of our Web site dedicated to the dispatch program, including passenger and driver information, details on how to become trained to operate an accessible taxi, and a link to a passenger survey. Along with MOPD, we have worked with an advisory committee of 20 individuals that also helped us test and launch the program in July 2008. In November and December 2008, we participated in taxi forums organized by the Disability Network of New York City. These forums focused on taxi and for-hire service for people with disabilities and took place in every borough. In an effort to increase ridership, we further enhanced our outreach program this past spring in order to reach more people about the service. With MOPD, we developed Public Service Announcements featuring Commissioners Matthew Daus and Matthew Sapolin that played on local radio stations including 1010 Wins, WPLJ, WABC-AM WWOR, WCBS 880AM, WNYE, and Radio NYC. Also, the dispatch program was written about in the NY Post. In March, we saw an increase in ridership, which we believe was due to this publicity.

In addition to these efforts, organizations and non-profits that advocate for people with disabilities have posted information on their Web sites and in their newsletters to promote the service. We have completed surveys and continue to work with advocates to make sure that we are getting the word out. Along with MOPD, we have spoken with a number of advocates and people with disabilities about the dispatch system to see what their experiences had been. We also participated in a Disability Summit this past summer that was organized by the Disability Network of New York and the Fund for the City of New York. Some of the people we talked to at the summit expressed that they feel that taxis are just too expensive for them to use more than once in a while.

In general, the program has been successful for those who have chosen to use the service. However, usage of the service remains much lower than we anticipated. We have spoken with the core group of dispatch system users, and they reported that the service is working well for them. They have been impressed with the quality of the drivers and have found the wait times to be manageable. We have gotten phone calls and emails from people all over the world (from Buenos Aires, Argentina, for example) about the program,

so although it is possible some people do not know about it, we are confident that many potential users do.

The largest concern we have heard from system users is that they feel communication with the dispatcher could be improved so that they know when to expect their taxi. We are working with the dispatcher on this to make sure that passengers feel more secure about when their vehicle will be arriving.

We have learned that this program is working well for the people that use it. People that use wheelchairs who could not take taxis before are now able to do so and pay the regular taxi fare for this service. Before this program began, passengers that use wheelchairs were not usually able to obtain a taxi on demand. One user reported his happy surprise at being able to take a taxi home from a midnight showing of a movie to his home in the Bronx. Another rider told us this program has changed her life. A different passenger told us he was looking forward to being able to take his date out in a taxi rather than having to use the bus. We feel that this program is accomplishing what it set out to do – we now know more about how wheelchair users want to use taxis. We have also learned more about how accessible taxi vehicles and drivers provide service. We are surprised at how low usage has been and hope that this hearing will result in more people using the dispatch service so that we can learn more.

Thank you for this opportunity to talk to you today about the Accessible Dispatch Program. We look forward to continued support from members of this committee, as we know you share our commitment to making sure people with mobility issues are able to take taxis and car services.

I would be happy to address any questions that you might have.



MICAH Z. KELLNER
65th Assembly District

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The TLC Central Dispatch Program is Failing to Provide Adequate Services to Wheelchair Users

Testimony by Assembly Member Micah Z. Kellner
Before the New York City Council Committee on Transportation
Thursday, October 22, 2009

My name is Micah Z. Kellner and I represent the 65th Assembly District in Manhattan, including parts of the Upper East Side, Yorkville, and Roosevelt Island. Thank you to Chairman John Liu and Council Speaker Christine Quinn for the opportunity to testify today.

Central Dispatch was launched as a two-year pilot program in July 2008 to match scattered wheelchair users looking for a taxi with the limited number of accessible taxis. I was very supportive of this program's creation; I wrote an Op-Ed in the New York Post saying so. I did have a number of concerns about how I heard it was being structured—and many of my gripes have unfortunately proven to be real problems.

After receiving a number of complaints from wheelchair users who told me that the program was not working, I conducted a study between December 2008 and January 2009 to determine how well the two-year pilot program was meeting its own goals and the needs of our city's 60,000 wheelchair users.

For the study, my office monitored twenty calls to Central Dispatch requesting taxi pickups in the Bronx, Queens, Brooklyn, and Manhattan, with varying destinations.

While Central Dispatch is supposed to be available 24 hours a day, 365 days a year, I found that, in practice, service is largely unavailable on weekends and outside of normal '9 to 5' business hours. Of the seven calls my office monitored outside of weekday business hours, four didn't even result in reaching Central Dispatch. 311 attempted to transfer these calls, but no one at Central Dispatch picked up. Of the remaining three, only one resulted in the dispatcher successfully obtaining a taxi for the caller.

Even when Central Dispatch could be reached, problems abounded. The TLC has a stated goal of meeting 25% of service requests within 20 minutes, 50% within 40 minutes, and 100% within an hour. An immediate comment to make on this very questionable standard is that the TLC does not include the time a customer spends waiting for Central Dispatch to *confirm* a pick-up appointment in their calculations for this. In my study, the wait time for call-backs was significant—often several hours. All in all, I did not find that Central Dispatch was able to meet its goals, even applying its own standard. Very rarely were taxis available, and more rarely were they scheduled within an hour of the requested pick-up time.

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It is important to note that the biggest problems I saw were with calls for trips originating from or going to the outer boroughs. While every monitored call was placed more than 90 minutes before the requested pick-up time, not one call from an outer borough resulted in a pick-up being scheduled for the requested time or within 30 minutes of that time. Significantly, out of the seven of these outer borough requests, five ended with the caller being told that no taxicab was available.

I question why wheelchair users are required to give their destinations to the dispatcher. Doesn't this allow drivers to screen against destinations they'd rather not drive to? The Taxicab Riders Bill of Rights is supposed to guarantee that passengers are not discriminated against in this way, but Central Dispatch seems designed to be at odds with the rights that other New Yorkers enjoy as taxicab riders.

In all, there are 19 TLC violations in the Rules specific to the Central Dispatch pilot program. All 19 carry fines in the pathetic range of \$50 to \$100 and none require a personal appearance by the offender. Side by side, the comparable rules for passengers engaging a taxi through a street hail are much tougher in their analogous situations.

The relevant example that explains the not-so mysterious lack of taxicabs available to the outer boroughs is TLC Rule §2-50(b), which prohibits a driver from refusing to take a passenger anywhere in New York City. For street hails, a violation of the rule carries a fine of between \$200 and \$350, depending on the number of offenses. In contrast, a driver participating in Central Dispatch is expressly permitted to refuse two fares per shift, with a third refusal carrying only a \$100 fine. It is unknown how many such citations have occurred or how many refusals drivers make per shift on average. The TLC, bizarrely, doesn't track this.

Since For-Hire-Vehicles (FHV) and livery cars form the bulk of taxi service in the outer boroughs, it would seem logical that they fulfill a similar purpose for Central Dispatch. TLC rules require that these companies have accessible vehicles in their fleets or that they contract with a company that does. I suspect that the reason these companies have been left out of the requirement to participate in Central Dispatch is that the TLC knows that they have done nothing to enforce this rule and that very few FHV and livery car companies are in compliance.

From the point of view of the wheelchair user in need of transportation, Central Dispatch is simply unreliable. You can't reach Central Dispatch on weekends or outside business hours. You can't travel to or from an outer borough. And you can't depend on scheduling a pick-up in a timely fashion even if you call hours in advance. What good is it?

The report I issued following my study, *Stranded*, made a number of recommendations on how to change this holding pattern and improve the services Central Dispatch provides.

An important first step in correcting the problems that exist is to have a full and clear picture of what is working and what is not. This means meaningful data collection.

It is disturbing to me that as of March 2009, the TLC said it has dispatched 1,275 calls, with 10% ending in cancellations for reasons not tracked. However, 311 reports that for roughly

the same time period (as of February 2009), 2,287 calls were transferred from their operators to Central Dispatch. The TLC has yet to provide any explanation for this discrepancy.

Of equal concern is the lack of any clarity on what the TLC counts as a "cancellation." When I asked the TLC, recently, if customers who are told there is no vehicle available to them are considered to be "cancellations," I was told that they were. How can we hope to improve services if we don't know how often vehicles are unavailable or when and where these problems tend to occur? Imagine how much more we would know about how to improve the pilot program if those who did cancel were asked why. Is it that the available pick-up time offered by the dispatcher was too far in the future from the customer's requested pick-up time? Or is it that in waiting for the dispatcher to call back to confirm a trip the caller gave up and made other arrangements? If data collection does not improve, we cannot know these things.

I have also recommended that the TLC make better use of available technology to improve services and maximize the ability of dispatchers to match consumers with drivers.

Despite training on how to use the Central Dispatch BlackBerry smartphones issued to drivers, TLC data shows that on average, only 31 drivers are logged into the system at any given time – even though there are likely almost 238 accessible vehicles on the road.

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

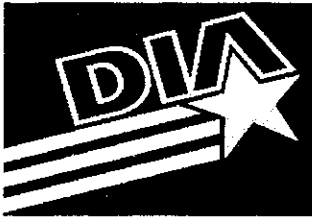
BlackBerry smartphones further impair communications because they only allow a driver to answer "yes" or "no" to a fare request. This means that there is no way to communicate that the driver currently has a fare but might be willing to make a pick-up after finishing it.

I am pleased that the TLC has begun a pilot program in half of its accessible taxis, using the PIMS system instead of BlackBerry smartphones, but more needs to be done soon to address this major failing. This is especially urgent because of the TLC's new proposed rules barring drivers from using handheld devices while driving. How is a driver supposed to fulfill his commitment to responding to trip requests from Central Dispatch while following this new rule?

I would be remiss if I did not close my testimony by once again putting out a call for the TLC to show its commitment to the program by providing a modest advertising budget for it. A bus shelter ad in front of a few agencies that cater to wheelchair users would make a big difference in getting the word out about this program. Since the inception of Central Dispatch, I have heard the TLC claim that demand for this program is low. Until there is a meaningful attempt to get the word out, this will undoubtedly continue to be the case.

Ultimately, until there are more accessible taxicabs it will remain challenging for the TLC to provide the excellent customer service that wheelchair customers deserve to receive. That is why I sponsor a bill with State Senator Tom Duane (A.7842/S.4861) to mandate that after June 30, 2011, taxi owners may put only accessible taxicabs into service when replacing vehicles that have reached their TLC-mandated retirement age.

I am grateful to Council Speaker Christine Quinn and Transportation Committee Chair John Liu for holding this hearing today. Thank you again for the opportunity to testify.



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Testimony before City Council on Effectiveness of Central Dispatch Accessible Taxi System

October 22, 2009

Jean Ryan, VP for Public Affairs, Disabled In Action (pansies007@gmail.com)

The 311 Central Dispatch System was ostensibly set up as a pilot program to gauge interest and need in accessible taxis. Come on! Of course we have a need for accessible taxis and quick accessible transportation! Just look on our Taxis for All Campaign website! www.taxisforall.org! if you can't imagine that we need to go to the hospital, to go to the airport, to go with friends and family, to go from one meeting or one appointment or any one place to another quickly just like you do.

We don't have time to call ahead and get an iffy response if we'll get a ride or have to wait. We want a ride now. We want to stick out our hands and say Taxi! We want to call car service and get a ride in 5 or 10 minutes like everyone else does. Like I can do if I use my manual wheelchair but like I cannot do if I'm using my everyday, 300 pound chair that works the best for me.

Why isn't the TLC enforcing the accessible livery regulations and working to make better ones? They admit to us that the regulations are a shambles but do nothing about it. Why? It's not even worth trying to call for an accessible car service.

The way the Central Dispatch system is set up is flawed and set up to fail. In other cities, accessible medallions, which are cheaper than "regular" medallions to buy, come with obligations, too. Not here! It's a bonanza, just head to the airport in NYC. If you want to join the Central Dispatch system here, it's optional. Not in other cities. There, you have to join the central dispatch system, you have to take calls, and you are sanctioned if you do not take calls from people with disabilities when they come in.

In NYC, it's optional to join the Central Dispatch program if you have an accessible medallion, and you don't have to take calls if you don't want to. No wonder we can't get rides.

How to remedy this? It is time for the City Council to act and/or for the Mayor and the TLC to act and mandate that all the taxis become gradually accessible so all of us can get rides, all New Yorkers who put their hands out and say, "Taxi!"

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10-21-09, Testimony on the 311 Central Dispatch Program for Wheelchair
Accessible Taxis

I would like to preface my testimony by saying that I vividly recall going to an out-of-the-way location in Queens in 1997 to look at wheelchair accessible taxi models. The TLC Commissioner then was Diane McGrath-McKechnie. It is now 2009, two commissioners later, and we are having a public hearing to gauge the success or failure of TLC's pilot program for wheelchair accessible taxis. Clearly, this issue has never been of importance to the TLC despite what officials say today.

On the evening of May 27, 2009, my Chihuahua was ill. I felt she needed medical attention. I could have taken her to a 24-hour medical clinic in Rego Park, Queens, or the large Animal Medical Center in Manhattan on East 62 Street.

I reside in the Williamsburg section of Brooklyn, so I decided on the AMC in Manhattan.

It was late evening, approximately 11:15pm. I do not drive, so I needed to explore my options. Access-A-Ride does not provide same-day service. Registrants must call 1-2 days in advance to make reservations, and the reservation center is only open 7:00am-5:00pm, seven days per week.

I use a motorized wheelchair and cannot walk. My motorized wheelchair cannot be folded. Even if it could, I am physically unable to transfer. My closest subway station is not wheelchair accessible. I could have used a total of 3 public buses to get to the AMC which would have taken a few hours late at night.

I then remembered the 311 central dispatch program for wheelchair accessible taxis.

I called 311 at 11:15pm and, after listening to countless announcements, was finally connected to an information agent. I requested a wheelchair accessible taxi. I was transferred to a division of the TLC. I spoke to a man who gave me a confirmation number (#1794) and he informed me I would be called back with an Estimated Time of Arrival (ETA) for the taxi. I got a call at 12:30am from the same

man, and he tells me the taxi is outside. My Personal Care Attendant and I rush outside with my dog, but there is no taxi to be found.

I call 311 again and must endure the announcements again. An information agent transfers me to the TLC again. I am automatically put on hold, and then get disconnected.

I call 311 again and, after the announcements, an information agent transfers me to TLC. I speak to the same man I spoke with earlier. He puts me on hold, and I am disconnected.

I call 311 yet again to be transferred to the TLC. I am disconnected.

At this point, I am disgusted beyond explanation. I call 311 to speak with a supervisor. He takes my complaint. I receive a complaint number, referred to as a service request number (#1-1-482503280). I also get an e-mail acknowledgement.

At 2:30am, a taxi driver rings all the doorbells in the building. It was the taxi I requested more than 3 hours earlier. I was asleep.

To this day, nobody from TLC has contacted me about my complaint.

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

Quite frankly, I am tired of hearing about the TLC's research, studies, analyses, investigations, and explorations pertaining to wheelchair accessible taxis.

My Council Member is on the Transportation Committee.

Council Member Reyna, you have been elected to a third term. If you care about people with disabilities and elderly individuals in your district, as I am sure you do, please invoke your legal power to get the TLC to take this issue seriously. You are in a position where you can make a significant difference.

Thank you for your attention.

Brooklyn Center for Independence of the Disabled

Hearing 311 Central Dispatching

October 23, 2009

New York City Council Chambers

City Hall New York, NY

Thank you for the opportunity to present the opinions of the board, staff and participants of the Brooklyn Center for Independence of the Disabled (BCID). The Brooklyn Center for Independence of the Disabled (BCID) is a consumer based not for profit organization controlled and operated by people with disabilities. Our mission is to provide the tools, services and necessary assistance to remove barriers within the community which prevent people with disabilities from fully assimilating.

New York City is known for town that never sleeps well neither do taxicab drivers. The average person can hail of cab at any time day or night whether it's for business or for pleasure they can do it without hesitation. However, if you do not fit in to the average person category because you are an individual with physical in-abilities hailing that same cab becomes an ordeal.

Once upon a time, there was a game I had to play on taxi cab drivers in order to get them to stop for me it is call the bait and switch. Before I can play this game I have to give up the comfort of my power chair, use a manual wheelchair which is very difficult and uncomfortable for me to maneuver: I would often enlist help from a pedestrian passing by on the street. I would ask my assistant to hail a cab while I sat in waiting some distance from them. When the unsuspecting driver came to a stop to pick up his passenger I

would then wheel up to the cab open the door, stand up and proceed to throw parts of my wheelchair into the car.

Most cabdrivers were angry over the underhanded bait and switch deception that I had played on them once they realized that the car is actually for me and not the person that hailed him. For years whenever I had an emergency, or just wanted to visit a friend and didn't feel like getting on the bus or train or it was too late to call for Access A Ride. I would use these underhanded tactics successfully to get to where I was going

I never felt guilty having to employ these tactics because it seemed unfair to me that accessible taxis were not available to me. I always felt it was unfair that this is the richest country in the world yet we are behind the times in making our taxicab vehicles fully accessible for all consumers.

In many instances I would get really angry over the fact that my non-disabled friends could not share a ride with me because of an inaccessible taxicab.

When the 311 dispatching program started at the end of last summer, I was absolutely thrilled to know that I would be able to call for an accessible cab and have a cab sent to me rather than my having to hail an unwilling participant. This new program would offer me options. It felt really good to know I could take a taxicab to work if I was running late or just simply because I could.

On one occasion about two months ago I called 311 dispatch services to request an accessible taxicab and I was not picked up. It was about 1:30 p.m. in the afternoon when

I called from the Brooklyn Center for Independence of the Disabled. I requested they pick me up at five o'clock. I was provided a confirmation number and was told by the 311 operator the car would be there. I waited outside about an hour and a half to no avail not an accessible cab not even a cab. I called the 311 operator again requesting another accessible cab and was told by the operator that I had to wait another two hours. That day I ended up going home by mass transit.

Another occasion in Brooklyn from a friend's house I called the 311 operator requesting an accessible cab. I was given a confirmation number and was told that they would come. I waited outside for two hours and yet again the cab never showed up. When I was doing the bait and switch game I always got a ride. Ironically now that we have this dispatch service in place for people with disabilities to be able to call for accessible cabs they don't come. I feel New York City's 311 dispatch service has failed to provide me with services that I can actually access to meet my needs.

I believe that if our taxi fleet was totally accessible people with physical disabilities would use it more often because it would present us with better options than using Access A Ride or a subway system that is not accessible to me. I feel I should be able to roll out my door in my power chair and be able to hail a yellow cab and catch that elusive golden ride that has always been out of my reach as they have always been inaccessible.

Thank you for the opportunity to share some of my short stories of dismay and disbelief in the system being offered to people with disabilities in New York City. Please know, if

the TLC offered a usable system I would surly use that system; however, currently the system being provided is less dependable then the already undependable systems in place.

Respectfully Submitted,
Milagros Franco

Testimony of the
United Spinal Association
to the
Committee on Transportation of the New York City Council
concerning
"Oversight: Is the taxi dispatch system working for people with disabilities?"

October 22, 2009

Good Morning, my name is Terence Moakley. I am on the United Spinal Association Board of Directors and I am United Spinal's representative on the New York City Taxicab For All Campaign. Thank you for this opportunity to present comments on the 311 taxi dispatch system.

It is the opinion of the United Spinal Association that **the taxi dispatch system is designed to fail**, so that the Taxi & Limousine Commission can use its "so-called failure" as evidence that more wheelchair-accessible taxis are not needed in New York City.

We make this statement for many reasons. First, the United Spinal Association was chosen by the TLC as one of two New York City-based organizations to receive a contract to train the drivers of the 239 wheelchair-accessible taxis operating here. Since July 2, 2008, we have conducted a total of 26 training events. I have personally participated in most of these training sessions. We have trained a total of 314 taxi drivers under this contract, and we have three more training sessions scheduled before year's end. Most importantly, we believe that members of the Committee on Transportation should be alarmed by these facts. Why? **Almost 16 months into a so-called two year "pilot project," we are still training the drivers of accessible New York City taxis!** This fact alone is an ingredient for failure.

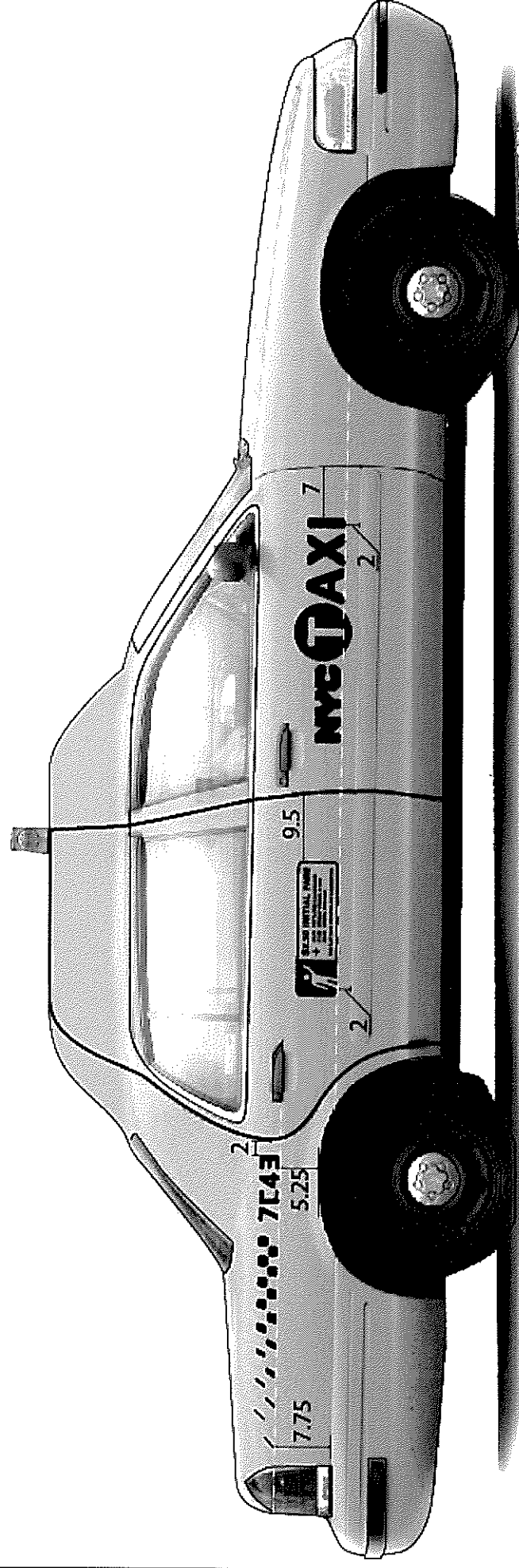
Next, we would like to ask every Council Member present to stop and think for a moment, what marketing of the taxi dispatch system have you seen? We have absolutely no doubt that each of you will have the same answer: **we are unaware of any taxi dispatch system marketing!** The TLC will insist that they have marketed the taxi dispatch system through their "Accessible Taxi User Guide," but they have done nothing more than post a PDF of this brochure on their website. A new program such as the taxi dispatch system must be

marketed aggressively to wheelchair users in our city, in the region, throughout the country and around the world, for we live in an international city that wheelchair users want to travel to from everywhere. The lack of real marketing of this new program is, we believe, designed to insure its failure.

We also wish to point out that **the TLC has kept track of the demand for taxi dispatch system trips from day one of this program.** I can attest to this because I was a panelist at a Disabilities Network of New York City-sponsored "taxi forum" last November at Lehman College in the Bronx, at which TLC staff distributed a handout showing demand from the start of this program. Once again, before all drivers participating in the taxi dispatch system are trained and without a vibrant marketing program, the TLC decision to track demand from the outset is, and continues to be, remarkably unfair.

During United Spinal Association's 26 accessible taxi driver trainings, we received a good amount of first-hand information from drivers, and **most of these facts do have an impact on their ability/inability to transport wheelchair users, and therefore, on demand.** We were repeatedly told that "garages" would not give Blackberrys to accessible taxi drivers, making it impossible for these drivers to participate at all in the taxi dispatch system on their shift. We found most accessible Toyota Siennas used during our outdoor, hands-on wheelchair securement device-harness/seat belt training were missing all necessary parts to actually attach the harness/seat belt to the wheelchair-using passenger. And, we found a number of accessible Dodge Caravans with body damage at the right side door, making it difficult or impossible to slide that door open to deploy the access ramp. The TLC's aggressive ticketing of accessible taxi drivers who were unable to produce the "certificate of completion" of our training course seems most egregious, and only serves to discourage driver enthusiasm for the taxi dispatch system.

In closing, the United Spinal Association emphasizes that all of the above negative factors reveal the TLC's true objective—operating a taxi dispatch system that is designed to provide few real trips, and thus to convince you that accessible taxis are not needed and will not be used. We and the Taxis For All Campaign continue to ask you to pass a law requiring the gradual conversion of the yellow taxi fleet to accessibility. A manufacturer of accessible taxis is on the horizon, and others will follow. Give us the chance, like every other New Yorker or visitor to our city with a disability, to go out on the street and hail an accessible cab. This kind of accessible taxi system will succeed.



**ADA Transportation Compliant
Wheelchair Accessible Crown Victoria**

**Comments Submitted to the City Council Transportation Committee Hearing
on Wheelchair Accessible Taxi Dispatch
October 22, 2009**

Adequate, available, routine wheelchair accessible service for all neighborhoods throughout the City must be supported by a combination of on demand livery service, medallion taxi street hail service and MTA NYCT Access-A-Ride service. This requires a substantial service upgrade for Access-A-Ride pre-arrangement as well as a significant increase in the number of wheelchair accessible medallion taxis from the current 237 which must be dispatched, the subject of this Oversight Hearing. Currently, Livery Bases are required to provide wheelchair accessible services or arrange to contract to outsource the service for all non ambulatory passengers.

Working to provide accessible taxi and livery service for all non ambulatory wheelchair passengers throughout the City reveals a wide range of inter-relationships between rules of operation and unintended consequences resulting in the suppression of the growth of Taxi and Livery resources for this purpose. The auction of reduced priced wheelchair accessible medallions only provided 237 wheelchair accessible medallion taxis. In order to allocate this scarce resource, the 25 year long standing prohibition of Medallion Taxi pre-arrangement needed to be violated.

Clearly other financial incentives or legislation is required to promote the operation of wheelchair accessible taxis and liveries to meet active and latent demand. With a sufficient number of both Livery and Medallion Taxi accessible vehicles in service, non ambulatory wheelchair passengers can choose between street hail or Livery pre-arrangement without the need to violate the pre-arrangement rule for Medallion Taxis or violate the rules prohibiting taximeters in Liveries. With regard to the objective for borough wide wheelchair accessible pre-arranged Access-A-Ride service, various reports including The Comptroller's 2008 Audit, the 2004 Final Report of the ADA Complementary Paratransit Service Compliance Review of NYCT Access-A-Ride and The Association of the Bar of the City of New York's "Report Urging Legislation To Require Taxicab Accessibility in New York City Taxi, reveal the high cost, obsolete dispatch management and poor service of NYCT pre-arranged Access-A-Ride service.

To finally remedy the failure of NYCT Access-A-Ride to cure their inherent difficulties to provide responsive on demand, lower "market rate" services, the New York State Federation of Taxi Drivers has proposed a TLC Pilot Program requiring the cooperation of NYCT to modernize Access-A-Ride as a first step beginning with 80% of the calls for service from eligible ambulatory passengers. This will be followed by a second phase to address the needs of the remaining 20% of non ambulatory passenger calls for service.

To rapidly achieve the second phase objective for adequate wheelchair accessible service, it is now feasible to modify Livery Town Cars and Crown Victoria Medallion Taxis for wheelchair accessibility in compliance with ADA, OEM manufacturer, NHTSA FMVSS and TLC requirements. This committee now has the ability to ensure that a sufficient number of Medallion Taxis are acquired and operated to satisfy the random street hail requirements of non ambulatory taxi medallion passengers. If this committee exercises its authority for this

Comments Submitted to the City Council Transportation Committee Hearing on Wheelchair Accessible Taxi Dispatch

October 22, 2009

purpose, it is feasible to realize a minimum of 2000 wheelchair accessible medallion taxis in less than one year. While the product life of the Crown Victoria is uncertain, the wheelchair accessible modification for the Crown Victoria would apply to current taxis which will be in operation over the next three to five years or up to seven years with the retirement extension for wheelchair accessible taxis.

The DOV and Owner Driver operating segments could meet this objective if they were eligible for additional incentives and relief from overwhelming financial burdens. The first would require this committee re-consider the passage of Intro 705 providing for the driver's independent choice of a financial institution for credit/debit card fare payment processing and settlement for the account of the driver as the merchant of record. Over the past several years this committee has heard overwhelming evidence that the TLC's blatant restraint of trade, violation of the Commission's authority under Chapter 65 of the City Charter and violation of the Policy Procurement Board's Innovative Procurement requirements resulted in limiting the number of credit/debit card fare payment providers to a de facto duopoly. Moreover this committee heard and accepted incorrect vendor testimony that every driver may not be eligible to become a merchant of record, when in fact the largest Taxi Industry Credit Union Lender has already made those arrangements and received New York State Banking Department approval for end of shift credit/debit card fare revenue distribution.

As a result of this committee's inaction on Intro 705 notwithstanding two prior oversight hearings, the restricted market cost premium, ie. driver overpayment is estimated at \$20 million per year not including the driver's additional out of pocket cost beginning November first when driver's will be paying 5% of the MTA Taxi Tax for all credit/debit card trips, not to mention the out of pocket costs for 5% of the tolls they have already been paying for credit/debit card trips. A second incentive could require the State to authorize the drivers of wheelchair accessible medallion taxis to retain the \$0.50 Taxi Tax. The MTA would not suffer a net cost since the savings achieved by the MTA NYCT in the transition of Access-A-Ride to the Livery Industry would more than cover the cost to the MTA for wheelchair medallion taxis retaining the \$0.50 Taxi Tax.

Realizing the financial relief provided by these incentives, within six months at least 1000 wheelchair accessible medallion taxis can be hacked up for service using the ADA compliant modification to existing Ford Crown Victoria Medallion Taxis. The modification which requires no chassis modification will be certified as ADA compliant for transportation vehicles and be certified as an approved aftermarket body modification as required by Commission rules.

Submitted by:

Richard Thaler, PhD.
dthaler@usa.net

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

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

☐ in favor ☐ in opposition

Date: 10/22/09

Number of
accessible drivers

(PLEASE PRINT)

Name: Terry M. Bakke

Address: United Spinal Assoc. 75-20 Astor Blvd.

I represent: United Spinal Association

Address: 75-20 Astor Blvd., Jackson Heights, N.Y.

11370

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

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

☐ in favor ☐ in opposition

Date: 10/22/09

Name: CHRIS NOEL
(PLEASE PRINT)

Address: 2034 SEVENTH AVE, 2E

I represent: ICS, NORTHSTAR 504 DEMS, TAXIS FORUM

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

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

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Gabriela Amari

Address: 125 Ocean Parkway Bklyn

I represent: myself (consumer)

Address: _____

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: October

(PLEASE PRINT)

Name: Laurence Garza-Lopez

Address: 171 E. 11th St., 6th Floor

I represent: Department of Social Services of NYC

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: JASON MISCHEL ~~FEEDER~~

Address: _____

I represent: MOPD

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: SAMARA EPSTEIN, Assistant Commissioner

Address: _____

I represent: TLC

Address: _____

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: _____

Name: CHARLES FRASER (PLEASE PRINT)

Address: _____

I represent: TLC

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

311 OVERSIGHT ☐ in favor ☐ in opposition

Date: OCT 22, 2009

Name: MARVIN WASSERMAN (PLEASE PRINT)

Address: 27 SMITH ST SUITE 202, BROOKLYN

I represent: Executive Director Brooklyn Center for

Address: INDEPENDENCE OF THE DISABLED

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: 10-22-09

Name: JEAN RYAN (PLEASE PRINT)

Address: 646 77th ST, BKLYN, NY 11209

I represent: DISABLED IN ACTION + TAXIS FOR

Address: ALL Campaign

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: 10/22/09

(PLEASE PRINT)

Name: Assembly Member Nican Z. Kellner

Address: 315 East 65th Street, NY, NY 10065

I represent: 65th Assembly District

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: BILL LINDAUER

Address: _____

I represent: NYTWA

Address: 250 E 4th Ave. NY NY 10001

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Berger Ford Simmons

Address: NYTWA - 250 E 4th Ave.

I represent: NY NY 10001

Address: _____

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: 10/22/2009

(PLEASE PRINT)

Name: Richard Thaler

Address: 525 E 82nd Street

I represent: OmniMedia Network

Address: 799 McLean Avenue Yonkers N.Y. 10704

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Miguel Rivas 21F1

Address: 27 Smith St Brooklyn 11201

I represent: _____

Address: _____

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☒ in favor ☐ in opposition

WC-accessible ^{taxi} Date: 10/21/09.

Name: Anthony (PLEASE-PRINT) Irocchia

Address: 426 Graham Ave.

I represent: Disabled in Action

Address: _____

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: _____

Name: OSMAN CHOWDHURY (PLEASE PRINT)

Address: 43-42-45 ST APT 4G SUNNY
SIDE NY 11041.

I represent: NY TWA

Address: _____

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