

**Testimony of David Yassky, Chair/Commissioner
NYC Taxi & Limousine Commission**

INTRO 433-A, in relation to requiring that all newly manufactured taxicabs be accessible to people with disabilities.

**City Council Transportation Committee
April 18, 2013**

Good morning, Chairman Vacca and members of the City Council Committee on Transportation. I am David Yassky, Commissioner of the New York City Taxi and Limousine Commission. Thank you for the opportunity to speak with you today regarding Intro. 433-A, which mandates access to the entire taxi fleet for wheelchair users.

While we support expanding access to the taxi system for people who use wheelchairs -- we believe acting on this bill would be premature and the Bloomberg Administration opposes it at this time. We believe we have a package of initiatives in process which would achieve a substantial expansion of disability access without the costly burdens and mandates imposed by this legislation, and we look forward to working with the Council to advance this shared ambition.

Let me dispose of one issue at the outset, and that is the issue of the ADA. Expanding access is a policy goal, not a legal mandate. The courts have determined that existing TLC rules satisfy the Americans with Disabilities Act. But we are not here to do the legal minimum. We are here to do right by all New Yorkers, including those with disabilities, and I believe that requires putting more accessible taxis on the road.

The issues involved in pursuing this goal have been threefold: (1) finding a suitable vehicle; (2) determining how quickly to phase-in accessibility; and (3) determining how to pay for the increased costs. Before addressing these issues, I would like to first review our accomplishments to date.

Six months ago, we began operation of a dispatch program that enables wheelchair users to request an accessible taxi, either by calling 311, calling or

texting the dispatcher directly, or using a website or a smartphone app for trips starting in Manhattan.

With this initiative, we have decisively turned the corner, from being a city in which wheelchair users were effectively shut out of the taxi system, to being a city in which wheelchair users do have access to the network.

So far, the dispatch service has provided over 6,000 trips in its first six months of operation (more than a previous demonstration project provided in two years from 2008 to 2010). To be sure, we are not yet providing a level of service that I am happy with – but we are providing real service to real customers, light years ahead of where we were six months ago.

Now let's discuss the quality of the service, both at present and what we can expect over time. Those are the key questions: Are we providing excellent service today – and I can tell you at the outset that we are not. And next: Do we have a plan, and are we on track to provide excellent service?

First, where we are today. Over the past month, about 45% of people requesting accessible service get a cab within 10 minutes after they call. Another 36% get a cab between 11 and 20 minutes after they call; 10% get a cab between 20 and 30 minutes after they call; 5% wait more than 30 minutes; and another 4% get no service at all, meaning that they give up after 30 minutes or more of waiting. For the 96% who do get service, the average wait time is running at between 13 and 14 minutes.

These wait times are too long. And 4% of callers not getting service at all are too many. The reason is simple: There just are not enough accessible taxis on the street.

Now, I should note that wait times have been consistently dropping since the program began, as the dispatch operator has been working out the kinks, and drivers and taxi owners are getting used to the system. For example, during the first month of the program, the average wait time was 21.5 minutes – now it is 13.5 minutes. During that first month, 15% of the time it took more than a half hour for the taxi to arrive; now, that number is down to just 5%. And it is noteworthy that we are seeing these improvements even as demand for

the service has been increasing. At the start of the program, we were providing approximately 15 trips a day – now, we’re up to 60 trips a day.

I should also note that the program is delivering far better results than the demonstration project of three years ago, and I want to credit the terrific work of the team at the TLC that has worked on this, and also the folks at Metro Taxi who are doing the dispatching. I think there are three reasons for the improvement. First, the program is better designed – in particular, compensating drivers for the “pickup” portion of a trip has greatly reduced driver resistance, and the fact that drivers are penalized for refusing to accept dispatches has reinforced that. Second, we and Metro Taxi both put a lot of effort into working with the industry ahead of the launch, to prepare fleet owners and drivers for participating. Third, the program is making much better use of technology. Utilizing a caller’s pickup location and the GPS equipment in the taxis, the dispatch system is able to identify the closest available accessible taxicab, automatically dispatch the trip request to that taxi driver, and generate an electronic confirmation for the requesting passenger.

Also, some 20% of passengers who use the service use an e-hail app on their smartphones to request their taxi, which automates and expedites the process even further. Pretty soon, I hope any taxi passenger will be able to e-hail a taxi and, as you know, we’re planning to pilot this technology systemwide, but for now, it’s limited to wheelchair accessible taxis only.

In addition to improvement in wait times, we are also seeing much greater utilization of the program than we saw in the pilot. Many of the advocates argued that the demonstration project was inadequately publicized, so we allocated a substantial advertising budget of \$515,000 this time around -- \$320,000 for the first year of the program, and \$195,000 for the second year. You have probably seen the ads on bus shelters and phone kiosks, and heard them on 1010 WINS. Metro Taxi is also developing an advertising program targeted specifically at the wheelchair-using population. Still, I am sure that it will take a while for the word to get out fully. You can help in this effort by publicizing the service in your newsletters. We would be happy to supply draft language for a newsletter item if any of you would like.

Now, one word of caution: If demand continues to rise, which I expect to happen, it will be difficult to continue to make continued progress on wait times, and at some point we may even see deterioration, unless and until we get more accessible taxis into the fleet. That is the key point today. We are never going to get to an appropriate level of service with 231 accessible taxi vehicles. That is simply too few to get service to the people who need it within an acceptable time frame. We need more accessible taxis on the street, period.

Of course, as you know, the Bloomberg Administration has been pursuing that goal for some time. We worked with State legislators and with Governor Cuomo to secure legislation that includes approval for 2,000 new taxi medallions, all of which must be used with accessible cabs. Unfortunately, as you also know, some medallion owners have chosen to fight this legislation in court, and we are still awaiting a final judicial outcome, even though the legislation was signed into law over a year ago. We expect a final decision by early June, and of course we expect that the legislation will be upheld.

Two thousand additional accessible taxis will bring down wait times for the dispatch program substantially. Modeling is uncertain, and I would caution you to apply a healthy margin of error, but I predict that with 2,231 accessible cabs, the wait time for the dispatch program will be less than 5 minutes for passengers in midtown or downtown Manhattan. Two thousand new accessible cabs will also create a meaningful hail opportunity – at that point, one in seven taxis will be accessible.

In short, I expect that once 2,000 new accessible taxis have been approved and deployed, we will be able to provide a satisfactory level of service to wheelchair-using taxi passengers.

The question before this Committee is whether to go further by requiring all existing medallion-holders to use accessible vehicles. While as I have said, I do believe we are on track toward providing a satisfactory level of service, I also recognize the dignitary and symbolic value of full-fleet accessibility, as well as the practical effect it would have of improving service even further. As this Committee considers what, if any action to take, I would like to make two observations that I hope will guide your deliberations.

First, I want you to know that, for the first time, we will soon have a vehicle that can be used as an accessible taxi without sacrificing service to other passengers and while providing reliability for taxi owners and drivers. In the past, one of the strongest arguments against accessibility requirements has been that the available converted vehicles were substandard, in terms of ride quality for all passengers, in terms of the maintenance and repair costs for owners, and in terms of time off the road for owners and drivers.

Now, our partnership with Nissan and Braun, one of the world's leaders in accessible vehicles, has yielded a design for an accessible taxi that does not compromise the vehicle's frame, that meets or exceeds all ADA requirements, and that can be executed without voiding the manufacturer's warranty. It also allows wheelchair passengers to benefit from all the passenger amenities that all other passengers will enjoy in the Taxi of Tomorrow – panoramic roof, driver-passenger intercom system, odor-reducing fabric, and USB chargers, among others. With the Taxi of Tomorrow, taxi owners or policymakers can choose accessibility without sacrificing either ride comfort for the vast majority of passengers or durability and performance for owners and drivers.

Most important, it will be crash-tested in its taxi configuration -- no existing taxi model, accessible or otherwise, meets this standard. The accessible Taxi of Tomorrow vehicle will be the safest accessible taxi ever put on the road in the City.

The availability a first-rate accessible vehicle removes one significant downside to greater accessibility.

The remaining downsides are cost, fuel efficiency, and, candidly, industry resistance. Accessibility adds about \$14,000 to the purchase price of a vehicle, and likely adds some repair cost as well. To help offset this cost, a New York State tax credit of \$10,000 is available to taxi owners who purchase accessible vehicles. However, we do not have very good visibility into how effective the tax credit is to taxi owners. As you consider this issue, I urge you to get a clear answer on the tax credit question.

Whatever the precise amount of additional net expense, it is greater than zero. Any proposal to impose accessibility requirements on existing medallions must include a decision as to who bears this additional expense. The possibilities include: medallion owners (this would occur if a requirement was imposed with no additional provision for allocating the cost); taxi drivers (by raising the lease cap); taxi passengers (by raising the lease cap and the fare); the broader public, that is, taxpayers; or some combination of the foregoing.

On the issue of fuel efficiency, it's worth noting that adding the accessibility equipment does degrade a vehicle's fuel efficiency somewhat, but not enough to be a factor in your decision. Of greater concern is that adding the accessibility equipment restricts vehicle design in a way that could have implications for which vehicles can be permitted to be used as taxis. Mr. Chairman, I know that you have taken the position that the Administrative Code currently requires all taxi owners to have the option to use a hybrid vehicle. Yet there is no hybrid vehicle available today that can be converted to accessibility, and, as a result, we do not currently afford the hybrid option to holders of the 231 medallions that require accessibility. The Taxi of Tomorrow program will resolve this dilemma by making available a taxi vehicle that is both hybrid AND accessible although this version will not be available at the program launch. And looking further into the future, the electric vehicles that are currently available on the market all rely on large batteries that sit under the vehicle, and which would preclude installation of a wheelchair ramp. If future EVs continue to be designed along the same lines – and I believe that Nissan's preliminary design for the EV version of the Taxi of Tomorrow vehicle is along those lines – it may not be possible for a single taxi to be both electric and accessible.

The final challenge I would note is that there will be strong resistance in the taxi industry to any effort to require existing medallion owners to purchase accessible vehicles. There will also be implementation challenges such as properly training drivers and ensuring vehicles have the correct equipment to transport passengers in wheelchairs. I do not believe these challenges are insurmountable, but I do believe that the views of the industry should be taken into account.

Finally, I note that the proposed legislation will leave wheelchair users in most of the City completely stranded. As you know, the yellow taxi fleet operates almost exclusively in midtown and downtown Manhattan and at the airports. That still

leaves wheelchair users in four-fifths of the City without access to accessible taxis. The proposed bill before you would do nothing to change that. Last year, however, we proposed a solution. Should the Five Borough Taxi Legislation be upheld, and we believe it will, 200 of every 1,000 street hail livery licenses sold will be for wheelchair accessible borough taxicabs. With the implementation of borough taxis, there will be 3,600 wheelchair accessible vehicles available for-hire that currently do not exist today.

Now, we do have rules on our books that require all for-hire vehicle bases to provide accessible service. In particular, TLC Rule 59B-17(c) (formerly known as Rule 6-07(f)), requires all bases to provide service to people in wheelchairs equivalent to the service provided to other passengers. This rule has almost never been enforced by the TLC. For a brief period in 2010, at my direction, the TLC enforcement division began to conduct stings on bases to test their compliance. We tested 147 bases -- 147 bases failed -- and 147 bases got summonses and fines. In response to these summons, several elected officials asked us to suspend enforcement of Rule 6-07(f) and instead work with the FHV industry to increase the number of accessible FHV vehicles. And that is what we have done. The same state legislation that provides for two thousand new accessible yellow taxis also provides for three thousand six hundred accessible street hail livery vehicles, and requires TLC to issue up to \$54 million in grants to subsidize the purchase of these vehicles. We would go from having practically no accessible FHV service today to having three thousand six hundred accessible borough taxis, which would provide service to the people who live and work in the parts of the City that aren't served by yellow taxis -- northern Manhattan, Brooklyn, Queens, the Bronx and Staten Island. Again, we're confident the litigation holding up these accessible street hail liveries will be resolved in our favor very soon, and we'll finally be able to remedy the ongoing injustice. I urge this Committee not to lose sight of the urgent need for wheelchair-accessible service outside Manhattan, and to do all you can to support the TLC in getting those three thousand six hundred accessible street hail liveries on the streets.

In conclusion: We are on a path to excellent service for wheelchair users -- we've established a dispatch capability that works, given the limited number of cars now on the road, and we expect to have thousands more cars on the road soon. Moreover, the State legislation authorizing the borough taxis and the new medallions requires the City to assess the impact of all these innovations on

disability access, and to submit a Disability Access Plan to the State Transportation Department. The Administration believes this process is the most appropriate way to determine the necessity for additional steps.

Thank you for your attention to this very important matter, and to Councilman Koppell, in particular, for his dedication to this issue. That concludes my prepared testimony, and I'm happy to answer any questions you might have at this time.

**TESTIMONY OF CITYCOMPTROLLER JOHN C. LIU
TO THE CITY COUNCIL TRANSPORTATION COMMITTEE
APRIL 18, 2013
As Prepared for Delivery**

Thank you, Council Member Vacca and all the members of the Transportation Committee for allowing me the opportunity to testify today.

I especially want to acknowledge Council Member Oliver Koppell, Chair of the Council's Committee on Disability Services.

As the prime sponsor of Intro 433-A, his dedication to ensuring that all New York City taxis are wheelchair-accessible has been tireless and unwavering.)

Let me state for the record that I wholeheartedly support Intro 433-A, and I urge the Council to pass this legislation as soon as possible. The need for this bill is greater than ever. Despite more than nearly two decades of advocacy by the disability community, litigation, newspaper editorials, and rejection of the Taxi of Tomorrow contract by my office, this Administration has stubbornly pursued a policy that discriminates against taxi riders who use wheelchairs.

The time for relying on City Hall to do the right thing is over.

Today, with this legislation, the Council can send a clear message: the right of New Yorkers with disabilities to hail a taxi will no longer take a back seat to City Hall's prejudice.

In May 2012, I put City Hall on notice that my office would send back any taxi plan that did not uphold the equal rights required by the Americans with Disabilities Act (ADA).

Accordingly, when the Taxi and Limousine Commission (TLC) forwarded its Taxi of Tomorrow contract to my office in December 2012 with a requirement for less than two percent of the new fleet to be wheelchair-accessible, and which raised serious concerns under the ADA, I rejected the contract. To quote TLC Chairman David Yassky in his recent budget testimony to you: "That is not enough. Period. End of Story. Not Enough."

Chairman Yassky is correct. The entire fleet needs to be accessible.

Disability-rights advocates recently filed a lawsuit against the City, citing the ADA requirement that vans be wheelchair-accessible if they are used as taxis. The Taxi of Tomorrow – otherwise known as NV-200 – sure looks like a van to me.

People with disabilities have a civil right to be able to hail a taxi on the street just like every other non-disabled New Yorker and visitor does. It's just that simple. Period.

The current Taxi of Tomorrow contract reads like a commitment to the "Taxi of Yesterday."

Yesterday was when it was acceptable to deny people with disabilities access to mainstream transportation. ..Yesterday was when it was acceptable to have a separate, segregated taxi system. ..Yesterday was when vehicles were cut up after manufacture to add accessibility features...Yesterday was when policymakers assumed that people with disabilities did not have

more than one family member or friend to travel with...Yesterday was when people in wheelchairs had to board from the rear of the vehicle in the middle of oncoming traffic.

By contrast, London, another leading global city, has had a fully accessible taxi fleet since 1989. And London will now be using the same Nissan model selected as New York's Taxi of Tomorrow, but with several crucial differences.

Every NV-200 taxi in London will be accessible straight from the factory, will allow passengers to enter safely from the sidewalk, and will carry multiple passengers.

We have to ask, why can't New York City get a taxi contract that mandates these same features? Why can't New Yorkers get a taxi that is purpose-built to be wheelchair-accessible from the start, without costly and possibly unsafe retrofitting?

In a 2009 report, Mayor Bloomberg recommended that the Taxi of Tomorrow "provide universal accessibility for all passengers, including passengers in wheelchairs." The report, "Age Friendly NYC: Enhancing Our City's Livability for Older New Yorkers" called for the creation of a model accessible yellow cab.

City Hall seems to have forgotten the recommendation it made just over three years ago to provide wheelchair accessibility to all.

With this bill, the recommendation will at last become reality. The next step toward the true Taxi of Tomorrow starts today. Thank you.



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SCOTT M. STRINGER
BOROUGH PRESIDENT

**Testimony of Manhattan Borough President
Scott M. Stringer**

Before the Transportation Committee of the New York City Council

Regarding **Proposed Int. 433-A, A Local Law** to amend the administrative code of the city of New York, in relation to requiring that all newly manufactured taxicabs be accessible to people with disabilities

April 18, 2013

Thank you, Chairman Vacca, for holding this important hearing today and thank you, Councilman Koppell, for your tireless leadership in ensuring access to our transportation network for all New Yorkers.

In January, the *New York Times* published a 5-minute documentary from Jason DaSilva, a 34-year-old New Yorker and independent film maker living with multiple sclerosis.¹

The video showcased the limited accessibility of the City's transit network by contrasting Jason's efforts to get from Williamsburg to Union Square in a wheelchair with a friend's trip along the same route without a wheelchair. Jason's friend got to Union Square from Bedford Avenue—a straight shot on the L-train—in **13 minutes**. Jason's trip—taking the East River Ferry to 34th Street and then two buses to Union Square—took **1 hour and 43 minutes**.

Jason's story is repeated countless times every day in all five boroughs of our City. Of the more than 13,000 yellow cabs on our City's streets, only 233 are wheelchair accessible, despite the fact that approximately 60,000 New Yorkers use wheelchairs. Last year, a Federal Appeals Court found that the chance of hailing any taxi in Manhattan within ten minutes is nearly 90 percent, whereas the chance of hailing an accessible taxi within ten minutes is barely 3 percent.²

As a result of this minimal access, accessibility was a significant issue when the City first began discussions about the so-called "Taxi of Tomorrow." In 2009, the City and the TLC published a report on the need to improve transit accessibility in New York City, including unveiling a Taxi of Tomorrow which would "provide universal accessibility for all passengers, including passengers in wheelchairs."³

¹ <http://www.nytimes.com/2013/01/17/opinion/the-long-wait.html>.

² *Noel v. New York City Taxi & Limousine Comm'n*, 687 F.3d 63, 66 (2d Cir. 2012).

³ http://www.nyc.gov/html/om/pdf/2009/pr386-09_report.pdf.

As it turns out, the Taxi of Tomorrow offers all sorts of benefits for users—from easier-to-open sliding doors and passenger airbags, to climate control systems and reading lights and a transparent skyroof. However, it fails to provide accessibility for wheelchair users.

We always hear about how New York is competing with other global cities in the 21st century economy. But the truth is that we've been losing the race for accessible cabs for decades. In London, one of our great competitor cities, taxi accessibility has been mandated since 1989, and its version of the "Taxi of Tomorrow"—also the Nissan NV200—will be fully accessible.⁴

Just last month, at the New York Auto Show, Nissan unveiled its accessible version of the Taxi of Tomorrow. Indeed, if the City Council mandates that every single taxicab in New York City must be wheelchair accessible, Nissan and Braun stand ready to deliver.

I recently filed an amicus brief with the New York Court of Appeals in support of the Borough Taxi plan, which will ensure that whether you are in East Flatbush or the Upper East Side, you will be able to find taxis that are regulated, metered, and equipped with GPS and credit card readers.

That will mean no more haggling on street corners late at night. No more worrying about whether the vehicle is safe or the driver trained. No more scrambling for cash after a night out. The plan is good for consumers, drivers, and the City as a whole.

The Borough Taxi plan also promises to dramatically improve accessibility for the disabled. It will increase yellow cab accessibility nearly ten-fold, with 2,000 new yellow taxi medallions being issued for handicap-accessible cabs. In addition, 20 percent of the 18,000 new borough taxis will be accessible.

While the Borough Taxi plan will increase the number of accessible cabs by over 1000 percent, it remains but one step toward a truly equitable, accessible system.

Ultimately, I believe that all our taxis must be accessible so that New Yorkers can go to their street corner and hail a vehicle that can take them to their destination safely and securely.

A taxi that is not accessible to all isn't a Taxi of Tomorrow, it's a Taxi of Yesterday and we should not accept it in the greatest city in the world. If London can do it, New York can do it.

Thank you for the opportunity to testify.

⁴ <http://www.capitalnewyork.com/article/politics/2012/08/6402008/londons-taxi-tomorrow-wheelchair-users-can-ride-too>.

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Testimony to the New York City Council Committee on Transportation

April 18, 2013

Public Hearing on Proposed Intro 433-A
requiring that all newly manufactured taxicabs
be fully accessible for all people with
disabilities

Submitted by Nancy D. Miller, LMSW
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Promoting the independence of people of all ages who are blind or visually impaired

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Thank you for the opportunity to testify at this hearing. I am Nancy D. Miller, Executive Director/CEO of VISIONS/Services for the Blind and Visually Impaired.

VISIONS is an 87-year nonprofit vision rehabilitation and social service agency serving 6000 individuals of all ages each year. The population VISIONS serves is primarily low income, limited English speaking, multiply disabled or with health conditions that impact on daily living. VISIONS promotes the independence of people of all ages with vision loss and opens opportunities for individuals and families affected by vision loss to engage in an active life throughout NYC.

VISIONS free services include:

- A NYC Department for the Aging funded caregiver support program and a senior center, and a social adult day program for visually impaired seniors
- Children, youth and family services
- Workforce and technology training programs
- A residential rehabilitation and respite center located in Rockland County serving primarily NYC residents
- Blindline®, a call center and website for information about resources and services for people with vision loss.

Accessible and affordable transportation is a key to independence for people who are blind and people with multiple disabilities.

We know that people with disabilities have a higher poverty rate than the general public. We know that people with disabilities have a higher unemployment rate and are more likely to have “dropped out” of the labor market or experience under-employment. An accessible transportation system will help ameliorate these disparities.

VISIONS strongly supports the requirement to make all newly manufactured taxis accessible for all New Yorkers and visitors to NYC. This bill takes into account the needs of people with all types of disabilities and makes this mode of transportation available to those who want to use it.

Until all modes of transportation are full accessible and usable by all people, the inequality through lack of access remains. This same requirement should be enacted for all subways, buses, ferries, trains, PATH, car services and any other current or future means of transport within and in and out of NYC.

This is not only fair and good public policy but it also opens opportunities for cost savings. Everyone would be happier if we no longer needed Access-a-ride Para transit as a parallel but unequal transportation system for people with disabilities and seniors. It is expensive, unreliable and a system everyone hates.

If all taxis and car services were accessible it would make sense to expand the Access a ride pilot program now in only two community districts, to use taxis or car service in lieu of Access a ride vans. Access a ride qualified riders would have swipe cards to pay their reduced fare. Everyone would be able to hail a taxi or call a car service and need for a separate reservation system would be eliminated.

If all modes of transportation were accessible and designed for use by all people, evacuation at times of disaster would be safer, quicker and better organized. People with disabilities would have the same options for NYC travel as people without disabilities

I strongly urge this requirement for all taxis to be accessible for all people with and without disabilities be passed. Once enacted we will work with the City Council on making all modes of transport equally accessible for all New Yorkers.



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www.CIDNY.org

Center for Independence of the Disabled, NY

April 18, 2013

Testimony before the Committee on Transportation

RE: Proposed Int. No. 433-A - In relation to requiring that all newly manufactured taxicabs be accessible to people with disabilities.

Center for Independence of the Disabled, NY
Susan M. Dooha, J.D.
Executive Director

Re:

Thank you for the opportunity to testify before you today. The Center for Independence of the Disabled, New York (CIDNY) is a non-profit organization dedicated to ensuring full integration, independence and equal opportunity for all people with disabilities by removing barriers to the social, economic, cultural and civic life of the community. CIDNY, which has been in existence for over 35 years, reaches approximately 14,000 New Yorkers, many of whom have disabilities that affect their mobility. I currently serve as the Executive Director of CIDNY and I have held this position since 2002. In 2011, I was retained as an expert witness in *Noel et. al. v. Taxi and Limousine Commission* and provided a declaration in that case.¹ My organization is a plaintiff and provided a declaration in a case challenging New York City's failure to include the needs of people with disabilities in its emergency planning.² I testify today in support of proposed Int. No. 433-A.

According to a Cornell University expert on disability statistics, a calculation can be used to account for the number of wheelchair users living in New York City. Based on the 2010 American Community Survey (ACS), the 2010 Survey of Income and Program Participation (SIPP) Disability report, and the 2010 Decennial Census, one can determine that there are 490,000 people in New York City ages 18 and higher who have ambulatory disabilities. The SIPP says that approximately 18 percent of these individuals use a wheelchair or similar device, meaning that approximately 88,000 individuals living in New York City who are over the age of 18 use wheelchairs or similar devices. By performing a similar examination of Census data on children ages 6-14 in New York City; we can determine that there are an additional 1,700 children

¹ See attached Declaration. On April 4, 2013, Judge Daniels of the Southern District of New York District Court allowed Plaintiffs to supplement and amend their complaint to include challenges to the legality of the Taxi and Limousine Commission's (TLC) selection of the Nissan NV200 van as the exclusive taxi vehicle of New York City for the next decade. <http://www.drlegal.org/impact/cases/noel-et-al-v-taxi-and-limousine-commission-tlc>

² *BCID, et. al. v. Bloomberg*, which is now before the U.S. District Court in the Southern District.

Re:

who use wheelchairs or similar devices. This means that New York City has a population of wheelchair users of approximately 90,000 individuals.³

Non-disabled New Yorkers and those of us with disabilities that don't affect our mobility are used to getting around the City in a "New York Minute." We enjoy the privilege of racing off to impromptu meetings with friends or business acquaintances. We can race off to the doctor when an urgent need unexpectedly presents itself.

But there is a more important reason to open up the taxi system to these 90,000 new customers. In an emergency, like Hurricane Sandy, an accessible taxi system can help people with disabilities who use wheelchairs to evacuate to an accessible shelter or the home of family or a friend.

The importance of this cannot be overstated.

In New York City, which has a large carless population⁴, public transportation is critical when disaster strikes. It has a huge role to play for non-wheelchair users. . But in New York City, 80 percent of the subway stations lack elevators. Buses, which have lifts, can only carry two wheelchair users at a time. Paratransit in the City is limited and not subject to any agreement with the City that its vehicles will be available for use in an emergency. School buses can be used—but most do not have lifts, or have very limited wheelchair seating, and they operate on fixed routes which will not meet the needs of people with disabilities who require door-to-door transportation.

Paratransit is requested by institutions that house people with disabilities and seniors to help with evacuation—which means there is competition for a scarce resource between those in institutions and those living in the community. In fact, as Hurricane

³ Email correspondence between William Erickson, Cornell University and Ronnie Ellen Raymond, August 1, 2012.

⁴ Sixty percent of New York City households do not have private vehicle access. Gerber, B., Norwood, F. & Zakour, M. 2010. *Disasters, Evacuations and Persons with Disabilities: An Assessment of Key Issues Facing Individuals and Households*. Evacuation Study for People with Disabilities. Washington, DC: National Institute on Disability and Rehabilitation Research, United States Department of Education.2013.

Re:

Sandy approached, paratransit closed its operation to community-dwelling people with disabilities *within hours of the notification of evacuation of Zone A areas and far ahead of public transportation.*

Taxis, then, are the only transportation option left to help people who use wheelchairs or other mobility devices. But, only 2 percent of the taxi system is accessible. As a resource for people with disabilities it is practically non-existent. Given the urgency of our mass evacuation needs this makes no sense whatsoever.

Int. No. 433-A is would advance inclusion by requiring assistive listening, Braille and large print and floor space for a service animal. As we move towards compliance with federal civil rights law and towards a New York City that is for all of us, these measures are critically important.

Thank you again for the opportunity to appear before you today in support of Int. No 433-A.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
CHRISTOPHER NOEL, SIMI LINTON,
UNITED SPINAL, a nonprofit organization, :
THE TAXIS FOR ALL CAMPAIGN, a :
nonprofit organization, 504 DEMOCRATIC :
CLUB, a nonprofit organization, DISABLED :
IN ACTION, a nonprofit organization :

Case no. 11 CV 0237 (GBD)

Plaintiffs, : **EXPERT REPORT OF SUSAN
DOOHA**

-against- :

NEW YORK CITY TAXI AND :
LIMOUSINE COMMISSION, a charter :
mandated agency, and DAVID YASSKY, in :
his official capacity as chairman and :
commissioner of the New York City Taxi :
and Limousine Commission, :

Defendants. :
----- X

I. Professional Qualifications and Experience

1. I earned my bachelors degree from Sarah Lawrence College in 1976 and my Juris Doctor from Yeshiva University, Benjamin N. Cardozo School of Law in 1990. I currently serve as the Executive Director of The Center for Independence of the Disabled, New York (“CIDNY”), a non-profit organization dedicated to ensuring full integration, independence and equal opportunity for all people with disabilities by removing barriers to the social, economic, cultural and civic life of the community. I have held this position since 2002. CIDNY, which has been in existence for over 33 years, reaches approximately 19,000 New Yorkers, many of whom have disabilities that affect their mobility. Fifty-six percent of the people we work with closely have physical disabilities.

2. As Executive Director of CIDNY, I initiate and guide public policy and advocacy initiatives related to housing, education, poverty, employment, health care, voting rights and transportation. I also develop community and education programs for the public including disability sensitivity training for private businesses, non-profits and public agencies. A copy of my résumé is attached as **Exhibit A**.

3. Prior to joining CIDNY I served as the Director of Health Policy for the Gay Men’s Health Crisis. As Director of Health Policy, I was responsible for creating the health policy vision and advocacy agenda for the nation’s oldest, largest AIDS service agency, serving more than 10,000 low-income men, women and children. In this role I initiated and led community collaborations and represented the agency in public forums, on committees and boards. I held this position from 1994 to 2002.

4. Prior to becoming the Director of Health Policy for the Gay Men's Health Crisis, I authored a paper on health care reform for people with disabilities, which was subsequently adopted by the National Council on Independent Living as its position on federal health reform.

5. I currently serve on numerous boards and committees in various capacities. I have served as Chair of the New York State Rehabilitation Council since 2009; as Executive Committee Member on the New York State Association on Independent Living since 2003; as Steering Committee Member of the Health Care for All New York State since 2007; as Steering Committee Member of Medicaid Matters New York since 2002; on the Long-term Care Community Coalition since 2004; and on the American Public Health Association, Disability Section since 2002.

6. I have been the recipient of several awards recognizing my work on behalf of people with disabilities. In 2010 I was designated as the sixth recipient of the Annual Dr. Henry Viscardi, Jr. Advocacy Award by the New York State Assembly Task Force on People with Disabilities and the New York State Assembly Committee on Mental Health. In 1996 I was named Advocate of the Year by the New York City Consortium of Independent Living Centers and received the ACCESS Award from the Center for the Independence of the Disabled.

7. I have authored and co-authored numerous publications regarding disability and health, poverty, vocational rehabilitation and employment, and disability. Some of my recent publications have included: "Disability Matters, Unequal Treatment and the Status of People with Disabilities in New York City and New York State," "Barriers to VESID Services for Chinese-Americans with Disabilities in New York

City,” “Testimony before the Medicaid Redesign Team, New York City Hearing,” and “Testimony of Susan M. Dooha Regarding the Establishment of a Health Insurance Exchange.” A list of my publications from the past ten years is attached to this report as **Exhibit B.**

8. I have never served as an expert witness in any legal proceedings before this case and have given no testimony, either in court or at deposition, in the past four years.

II. Consultation in This Matter

9. Plaintiffs’ counsel have retained me to provide expert analysis on the following topics:

- a. the current transportation options for residents of and visitors to New York City who use wheelchairs;
- b. the effect(s) of the lack of accessible taxicab service on residents of and visitors to New York City who use wheelchairs; and
- c. the elements required for an individual using a wheelchair to be able to access a taxicab.

10. I am also prepared to testify about and respond to any arguments that may be raised by the Taxi and Limousine Commission personnel or designated experts in this matter.

11. I have reviewed the following materials: the complaint filed by plaintiffs and defendants answer to same; the motion to dismiss filed by defendants and responses to same; the transcript from the hearing on the motion to dismiss filed by defendants; the

Taxi & Limousine Commission website; the expert report prepared by Douglas Kruse in this matter; and several, publicly available, reports regarding taxicab service in New York City. A full list of documents reviewed in connection with this Report is attached as **Exhibit C.**

12. I am being compensated at a rate of \$275 per hour for all trial preparation and a rate of \$375 per hour for time spent in deposition or in court, including time spent testifying and observing others' testimony. I have no financial interest in the outcome of this matter.

III. Basis for Opinions

13. The opinions and conclusions I have reached in this matter are based on all of the following: 1) the evidence I have reviewed regarding the current state of taxicab accessibility in New York City, including all materials listed in paragraph 11 of this report and those listed in the attached Exhibit C; 2) my background and work experience as a specialist in the field of public policy and advocacy initiatives related to persons with disabilities for the past eighteen years; and 3) my specific knowledge of the accessibility of public transportation systems in New York City, including taxicabs, and of the experiences of persons with disabilities in navigating these systems gained from my status as a professional in these areas since 2002.

IV. Key Findings

14. Public transportation in New York City is overwhelmingly inaccessible to wheelchair users. The taxicab fleet is over 98% inaccessible to the more than 60,000 New

Yorkers, and the countless visitors to the City, who use wheelchairs. More than 80% of the subway stations are inaccessible. The bus system is accessible but runs only during limited hours, on limited routes and requires a wheelchair user to be able to navigate from the bus stop to their destination. Paratransit, known in New York City as Access-a-Ride, requires at least a 24 hour advance reservation making it useless for spontaneous, quick trips. This lack of accessible transportation deprives wheelchair users of the ability to socialize with friends and participate in the cultural opportunities that New York City is famous for.

15. Of the more than 13,000 taxicabs in New York City only 232, less than 1.8%, are accessible. This is particularly concerning because the many New Yorkers do not own cars and instead rely heavily on public transportation. Because of this, taxicabs are an essential form of public transportation for all persons, including those with disabilities, in order to get to work, social events, for spontaneous trips, quick trips, trips during inclement weather and trips where curb to curb service is desirable because of packages, luggage or any other reason.

16. Access to quick, reliable transportation is incredibly important in facilitating the employment of people with disabilities, who are more likely to be unemployed or underemployed. Being able to hop into a taxicab is important not only to ensure that an individual makes it to a job interview on time but also to get to last minute meetings or impromptu networking events.

17. Taxicabs allow a person unfamiliar with the City to get from place to place easily and are the primary mode of transportation for tourists. Because the taxicab fleet is overwhelmingly inaccessible tourists with mobility disabilities must either stay

close to their hotel, attempt to navigate unfamiliar and potentially dangerous areas on their own, or pay for more expensive ambulette and other private accessible car services.

18. There is a high demand for accessible taxicab service, i.e. a taxicab that can be accessed by a person using a wheelchair independently and safely, in New York City.

V. The Current Transportation Options for New York City Residents and Visitors Who Use Wheelchairs are Insufficient

a. Taxicabs

19. New York City's taxicab fleet is over 98% inaccessible to the more than 60,000 New Yorkers, and countless visitors to the City, who use wheelchairs. This is especially troubling because New York City is unique in that many New Yorkers do not own cars. As such, New Yorkers, and in particular persons with disabilities, rely heavily on public transportation.

20. Taxicabs are an essential form of public transportation for all persons, including those with disabilities, in order to get to work, social events, for spontaneous trips, quick trips, trips during inclement weather and trips where curb to curb service is desirable because of packages, luggage or any other reason.

21. Taxicab service is particularly vital during inclement weather because of the damage that can be caused to the electrical systems of motorized wheelchairs by rain and snow. Taxicab service is also important to provide safe passage for wheelchair users traveling late at night through areas where they might otherwise be vulnerable.

22. Taxicabs play a huge role in the public transportation network – accounting for 25 percent of all paying passengers and 45 percent of all fares paid on any

method of transportation. Taxicabs have been called “the equivalent of the family car” in New York City and are vital for getting to a destination quickly and for obtaining access to places not easy to travel to by bus or subway. Taxicabs are also the top mode of transportation to airports.¹

23. Of the more than 13,000 taxicabs in New York City only 232, less than 1.8 percent, are accessible. However, the 232 accessible taxicabs are not constantly operating, meaning there are far fewer accessible taxicabs on the road at any given time.

24. Accessible taxicabs are also not solely available to riders with disabilities. Although riders with disabilities cannot access the 98.2% of taxicabs which are inaccessible they must compete with their non-disabled counterparts who can access the 1.8% of taxicabs which are accessible. As a CIDNY consumer told me “there are only a few hundred cabs out there that are accessible. I could wait 30 minutes or more for one to come by and usually they were occupied by a non-disabled person.”

25. In addition, even if an available, accessible taxicab appears, a pedestrian with a disability may be unable to identify it as such because the decals marking it as an accessible taxicab are small and often hard for a person in a wheelchair, who is lower to the ground, to see through traffic and crowds. One CIDNY consumer described the following situation to me, “I couldn’t hail [an accessible] cab in the street because most of the cabs with the identifying markers have them on the back rear passenger door. By the time you could even tell it was an accessible cab it had whizzed by.”

26. I am aware of many instances where drivers have discriminated against individuals who use wheelchairs by refusing to pick them up. As one CIDNY consumer

¹ The New York City Taxicab Fact Book, Schaller Consulting, March 2006, p. 3.

informed me “The first problem is getting a cab to stop. It is a violation for cab drivers to refuse to stop for a person with disabilities, but some risk it. I’ve witnessed cabs speeding up after pausing and seeing that the potential fare was in a wheelchair.”

27. Many drivers are not appropriately trained to operate the ramps installed in accessible taxicabs. In addition, some drivers cover the ramps with mats or other objects, bolt the ramps so that they are inoperable, or claim the ramps are broken to avoid having to operate them. This renders “accessible” taxicabs inaccessible and further reduces the likelihood of finding an accessible taxicab at any given time.

28. I have reviewed the expert report of Douglas Kruse and the assumptions he made in Section V of his report, based on my experience the assumptions he has made are incorrect, for the reasons discussed above, and his findings regarding the chances of obtaining an accessible vehicle are correspondingly much higher than they would be otherwise. That is, there is even less chance of obtaining an accessible taxicab than Dr. Kruse concludes.

29. A taxicab that does not have a ramp is inaccessible to the vast majority of wheelchair users. Many individuals, regardless of whether they use manual or power wheelchairs, cannot be separated from their wheelchair for medical reasons. Even if they are able to transfer, if they are using a power wheelchair it is likely that the wheelchair will not be foldable in order to fit into the trunk of the taxicab or, if it is foldable, will likely be too heavy for the driver to lift. Even for those who are both (1) able to transfer from their wheelchair to the seat of the taxicab, and (2) use an easily foldable, lightweight wheelchair transferring can be very dangerous. The risks of transferring can include broken bones, falls or other injuries. In addition, many wheelchair users may only be able

to transfer with proper assistance that a taxicab driver may not be qualified to provide. The folding mechanism on the wheelchair must also be simple enough for the taxicab driver to operate. Even if the wheelchair can be stowed this is not ideal as wheelchairs are commonly damaged during taxicab rides when they are stowed in trunks. This may be due to driver inexperience with a particular type of chair or because pieces of the chair fall off or are broken as it moves in the trunk due to bumps and sudden stops or starts. This is very common. A colleague of mine transferred into an inaccessible cab and when the driver was folding his chair a piece of the chair fell off. The driver failed to notice and did not pick up the piece. To make matters worse, the driver then ran over the wheelchair piece. This destroyed the piece and created a costly repair for my colleague. My colleague now feels he “can’t afford to take taxis, not because of the fares but because of the risk to my chair.”

30. The recent addition of SUV and hybrid vehicles to the taxicab fleet further complicates matters. The SUV-model taxicabs are too high to allow a person to transfer unless they have sufficient upper body strength to pull themselves up; even if they are able to do so they are at serious risk of falling and injuring themselves. Hybrid-model taxicabs generally have trunks that are too small to store even the most compact folding wheelchair.

31. I am familiar with the dispatch program that was previously operated by the Taxi and Limousine Commission and this program did not serve as an adequate substitute for accessible taxicab service.

32. The dispatch program functioned by allowing people with disabilities to call 311 to request an accessible taxicab pickup. The 311 operator then transferred the

caller to the Accessible Taxi Central Dispatch System where the caller's name, requested pick-up time and location, and drop-off location were recorded and the caller received a confirmation number. Once the dispatcher located an accessible taxicab the dispatcher called the caller back with the pick-up time and medallion number of the taxicab.

33. In setting up the dispatch program the TLC allowed drivers participating in the program to refuse to pick up two fares per shift and participation in the program was not mandatory for holders of accessible medallions. This meant that callers were not able to depend upon getting an accessible taxicab through 311. As one CIDNY consumer put it "To have them call me at 8:45 when I requested a 9 AM pickup and say they don't have a taxi for me but will call me later if they find one, doesn't work!" She went on to state "I have to accompany clients to administrative fair hearings as part of my job. Sometimes that means unpredictable travel. They [the dispatchers] didn't put out your call until ½ hour before. You can't plan because you wouldn't know you can have the ride, I tried to take one to a fair hearing but couldn't get it. I got them occasionally but didn't get them more times than I did."

34. Currently there is no such dispatch program in place. As such, persons with disabilities may only catch a taxicab by street hail. This is often nearly impossible for the reasons explained above.

35. It is my understanding that the Taxi and Limousine Commission is developing a dispatch system once again. However, the problem with dispatch systems generally is that it is an entirely separate procedure for accessing medallion taxicabs for wheelchair users which, similar to Access-a-Ride, forces them to navigate a reservations system and wait up to an hour while everyone else is able to go to a curb and hail a

taxicab within minutes. This deprives wheelchair users of the primary benefit of taxicab access, the ability to make quick trips spontaneously.

b. Subways

36. As essential as the Subway system is for the majority of New Yorkers it is overwhelmingly inaccessible to New York City residents and visitors with mobility disabilities.

37. According to the Metropolitan Transportation Authority website, of the 468 subway stations in New York City only 86, or 18%, have elevators and are accessible to persons who use wheelchairs. In the Bronx only 9 out of a total of 70 stations are accessible. In Brooklyn only 17 stations are listed as accessible out of a total 170 stations. In Queens only 14 stations out of a total of 81 are accessible and in Manhattan only 31 stations out of a total of 147 are accessible.

38. The fact that a station includes elevators does not actually mean that station is fully accessible. Some of the stations only have elevators serving one side of the subway track. This means that a wheelchair user cannot access trains going in both directions. Also the fact that there are elevators to some platforms in a station does not mean that all platforms in that station are accessible which limits a wheelchair user's ability to switch to a different subway line or change directions mid-trip.

39. Even where a station has accessible elevators serving all platforms it is still not guaranteed that a person using a wheelchair will be able to access the train as the elevators may not be functioning. Broken elevators are very common, for example the elevator near our Queens' office is broken and has been since mid-June. According to a recent report the average downtime for elevators in the subway system is 13 days, which

means many are out of service for much longer periods.² According the MTA website, as of August 1, 2011, 10 elevators are out of service, 6 of which are in Manhattan, with estimated repair times of up to 8 days. It can be difficult for a person with a disability to plan a trip using the subway because the MTA website does not display elevator breakdowns in real time.

40. For many wheelchair users, riding the subway can be a little like playing roulette. If you are able to find a station where the elevator is working and you take that train to a destination that also has an elevator, you may find that the elevator where you plan to exit is out of service. At that point you are stuck in the station and must either call for help or get back on the train and try your luck at a different destination. In some cases, when you are stuck in a portion of the station with only uptown or downtown trains, it will not even be possible to return to the station where you initially boarded the train. When an individual cannot depend on subway transit because of unpredictable and unknown elevator closures, the subway is not an effective transportation option.

41. One CIDNY client who uses a 250 pound motorized wheelchair was trapped in an accessible station with a broken elevator. She had to be carried out in her chair which was incredibly unsafe both for her and the people carrying her. The feeling of being trapped underground has prevented her from using the subway ever since.

42. There are also safety issues that prevent the subway system from being a viable option for persons with mobility disabilities. At many stations the gap between the platform and the train is too wide and/or high to cross safely. Persons using motorized wheelchairs must ensure they have enough speed and open space to get over the gap and

² “The State of Repairs, An Examination of Elevator and Escalator Maintenance and Repairs in New York City’s Subway System” Manhattan Borough President Scott M. Stringer, August 2006.

on to the train, which is difficult to find during heavy travel times. There is also a danger that a person's wheelchair wheels will get caught in the gap, this often leads to the wheels being destroyed and can cause a wheelchair-user to be dragged alongside the train if the doors close while the wheelchair is stuck.

c. Buses

43. Although all of the buses in New York City are accessible, they are slow and often incredibly crowded. On an average weekday more than 2 million New Yorkers ride the buses. The crowding makes it particularly difficult for individuals who use wheelchairs to get on and off of the bus. One individual described the situation as follows, "buses are crowded – it is hard to maneuver my wheelchair or scooter to park on the bus with people filling the seats and aisles and packages on the floor. It has happened that I couldn't get on the bus because of crowding. I'm betting they didn't test clearance for maneuvering in a chair with people in their seats at rush hour."

44. There are also safety issues because bus drivers may fail to properly secure wheelchairs using the restraints on the buses. If a wheelchair is not properly secured an abrupt stop can send it careening down the aisle, causing harm to the wheelchair user, other bus riders, and the wheelchair itself.

45. Construction at bus stops, weather conditions and illegally parked or stopped vehicles can make accessible buses instantly inaccessible to people who use wheelchairs or scooters. For example, in the 2010 winter snow storm many wheelchair users, and CIDNY clients, were stranded at home because the bus stops were not plowed or cleared of melting snow, making it impossible for drivers to lower the lifts. One individual who regularly takes the bus to her regular doctor's appointment had to cancel

those appointments following the snowstorm for two weeks until the bus stops were sufficiently cleared of snow for the buses to reach the curb with enough room to lower the lifts. When an individual cannot board or exit a bus because of temporary conditions, buses are not an effective transportation option.

46. Buses generally only provide service to another bus stop and not to the rider's final destination, meaning wheelchair users must get where they want to go from the bus stop. This is not always possible due to inaccessible sidewalks and other barriers that are frequently encountered in New York City. In addition, bus routes are fixed and do not serve all areas of New York City, making taking a bus to certain destinations, such as parts of Chinatown and Little Italy, not an option.

47. Bus service is reduced on weekends, during which times a rider may have to wait 30 minutes or more for the next bus. This can pose serious safety risks to wheelchair users forced to wait an extended period of time in inclement weather; the weather may worsen pre-existing medical conditions and precipitation can cause serious damage to the electrical systems on motorized wheelchairs.

48. The majority of bus routes in New York City only operate during limited hours during the day, leaving wheelchair users with little to no options for late night accessible transportation.

49. In addition, the recent elimination of 23 bus routes has meant that transportation for riders with disabilities – particularly wheelchair users in Queens and Brooklyn – has been effectively eliminated in areas where there are no accessible subway stations. Accessible bus routes were replaced by completely inaccessible van service,

leaving people with disabilities stranded and at the mercy of either Access-a-Ride or expensive private paratransit services.

d. Access-A-Ride

50. Access-a-Ride is New York City's paratransit program. In order to use Access-a-Ride you must apply for the service, visit an assessment center, and wait up to 21 days to receive a decision regarding whether you are eligible for the program. If you are determined to be eligible to use Access-a-ride you must call a number, which is only answered between the hours of 7 a.m. and 5 p.m. and place a trip request each time you need to go somewhere. The trip request must be placed one to two days in advance. A trip request is not guaranteed to be accepted and you may be told to accept an alternate pick-up or return time. Access-a-Ride requires you to be at your pickup location at the scheduled pick-up time but the driver is not required to actually pick you up at that time. Instead, you are required by Access-a-Ride to wait up to 30 minutes past your pick up time for the driver to arrive. Drivers, on the other hand, are only required to wait for 5 minutes before being allowed to leave.

51. For a busy working person, Access-a-Ride provides only very limited assistance because of the unpredictability of pick up and arrival times. It is completely ineffective for impromptu travel required to attend last-minute meetings or other events because of the requirement that trips be scheduled at least 24 hours in advance.

52. For regularly scheduled trips, such as to work and home each day, it is possible to schedule a "subscription" so that you do not have to constantly make a trip request. However, this is not sufficient for many individuals because a subscription requires that the rider must always be dropped off and picked up in the same place. As

one CIDNY colleague told me “Access-a-ride limits where I can work. I can’t take a subscription because even though I’m in the office most days, there are days when I have to be out of the office for meetings. I can’t change the subscription to get picked up somewhere else.”

53. In addition, Access-a-Ride does not allow you to travel with multiple companions or with more than one child. This not only forces wheelchair users to travel separately from their companions, thus increasing social isolation, but prevents families with more than one child from traveling together. If a parent is with one child at home the parent must find someone to watch that child, or leave the child home alone, in order to pick their other child up from school or other activities.

54. If you miss or cancel more than 20 percent of your trip requests you are suspended from the Access-a-Ride program. This makes the system particularly unworkable for social activities, meetings, and events that may need to be rescheduled at the last minute due to weather or other reasons. In order to avoid a suspension of your Access-a-Ride privileges you have to appeal the decision and provide proof that the change was out of your control, which can be nearly impossible to provide. If you miss or cancel 2 out of 10 trips in one month you are punished with a 2 month suspension of your riding privileges. If it happens again the suspension is increased to 4 months. The third time your privileges are suspended for 6 months. The fourth time results in a 3 year suspension, leaving an individual with a mobility disability no access to door to door transportation solely because they missed or cancelled 8 out of 40 scheduled trips.

55. The reservation system also makes Access-a-Ride useless for those with emergencies which do not require 9-1-1 assistance. For example a person whose father

has had a heart attack would need to wait a day before visiting in order to schedule a trip request. Similarly, a parent whose child has become sick at school is unable to quickly get to the school to pick up their child.

56. The requirement that a rider wait up to 30 minutes for the Access-a-Ride van forces individuals with disabilities to wait outside in extreme heat, extreme cold, rain, sleet or snow. This can mean health-threatening waits for people with no other transportation options.

57. Recent changes to Access-a-Ride have resulted in the program no longer always providing door-to-door transportation but rather, in many situations, only service to the nearest bus stop. In those situations an individual must cope not only with the limitations of Access-a-Ride but also the difficulties with the buses, which I discussed earlier in this report.

VI. The Effect the Lack of Accessible Taxicabs Has On Wheelchair-Using Residents of and Visitors to New York City

58. As I have previously discussed taxicab service is an integral part of the public transportation network in New York City. It is also a service which is over 98% inaccessible. The inaccessibility of New York's taxicab fleet has serious, negative effects on the more than 60,000 wheelchair users who reside in the City and the thousands of wheelchair using tourists who visit the City.

a. Taxicab Access is Necessary to Facilitate Employment

59. People with disabilities are less likely to be employed and employment is less remunerative for them than for their non-disabled counterparts. According to the

2008 American Community Survey, in New York City, there are 441,598 working age, defined as ages 18-64, individuals with disabilities and 140,448 of these individuals are employed. This is an employment rate of 31.8 percent, which is substantially less than the 73.1 percent employment rate of their counterparts without disabilities. This results in an employment gap, between people with disabilities and their non-disabled counterparts, of 41.3 percentage points. This employment gap is larger than the employment gap in the United States as a whole, 39.6 percentage points, and New York State, 40.9 percentage points.

60. Access to quick, reliable transportation is particularly important for job interviews where the ability to arrive on time is often a criterion for the job and essential to leaving a good impression with the interviewer. A wheelchair user who arrives late cannot excuse themselves by pointing to problems with Access-a-Ride, broken lifts on the bus or broken elevators in the subway station. The job may instead go to the non-disabled applicant who was able to hop into a taxicab and arrive on time. I know of a woman who is employed full time. She has called our office for alternatives to Access-a-Ride because she is at risk of losing her job. She cannot guarantee that she will be able to get to work on time because she is often picked up late by Access-a-Ride. In order to compensate, she often schedules her pick up for an hour earlier than needed. Waiting for Access-a-Ride can account for up to four hours of her day, causing her work day including commute to easily average twelve hours per day.

61. Because access to transportation in New York City is uncertain at best, people with disabilities must refuse employment that is contingent on traveling around the City for meetings, such as with clients or customers, for social events relating to their

work and for numerous other reasons. Such trips are often unpredictable and happen spontaneously as the need arises. Thus, options like Access-A-Ride are not feasible and instead a quick taxicab ride would ensure on-time arrival. Other transportation options such as buses or subways, even if available, would result in wasting several hours in the middle of a work day on a trip that could take minutes by a taxicab.

62. One example is a woman who explained to me that she must refuse certain types of employment because they require local travel. She was considering a job change at her present workplace. While the job was attractive, it required a great deal of local travel – much of which was not planned for ahead of time. She realized that she would not have enough advanced notice of meetings in time to book Access-A-Ride and wouldn't know how long her meeting would take, so she would be unable to book a ride back. “The only time they (Access-A-Ride) allow you to call them if you need additional time is for your own medical appointment – I couldn't do that for work purposes.” This person did not apply for the job because she knew that the lack of accessible transportation when she would need it disqualified her from performing the essential functions of the job.

63. I am aware of another individual who had to turn down a job with Merrill Lynch at their Grand Central office because of lack of reliable transportation to get there. As he explained, the Grand Central subway elevators are almost always broken. However, he had no back up transportation, such as accessible taxicabs, for when the elevators would inevitably be out of service. That same individual, once had to pay \$300 to get to a meeting using an ambulette, a meeting he could have attended using an accessible taxicab had he been able to find one.

64. In addition, many jobs require a degree of socializing, including participating in professional associations and after-work activities with colleagues or clients which are often spontaneously planned. Without the option of simply hailing a taxicab, people using wheelchairs are largely precluded from these career advancement opportunities.

b. Taxicabs are Vital to Participation in Social and Cultural Activities

65. According to the 2010 Kessler Foundation Survey of Americans with Disabilities, “people with disabilities are less likely than those without disabilities to socialize with friends, relatives or neighbors, once again suggesting that there are significant barriers to participation in leisure activities for this population.” People without disabilities are 11 percent more likely to socialize with friends and family at least twice a month than people with disabilities. The Survey also notes that “people with disabilities are reportedly 27 percent less likely to go to restaurants at least twice a month than are people without disabilities. In New York City, the lack of accessible taxicabs increases this social and cultural isolation by inhibiting casual and spontaneous outings with friends and colleagues.

66. For example, I know of one CIDNY colleague who recently attended a dance performance with co-workers but the event started late. Although they had planned to be there for the performance they were unable to reschedule their Access-a-Ride trip and had to leave before the performance even started. The performance was in an area where there were no busses and no accessible subways, without access to accessible transportation they had to leave or else risk being stranded.

67. As one CIDNY client explained: “If I met a girl and we wanted to go somewhere else, I can’t, I can’t get an accessible cab. What I am supposed to do, say to her, “wait until an accessible bus comes”? It takes you out of society.”

c. Taxicabs are the Primary Mode of Transportation for Tourists

68. In my role at CIDNY I am often contacted by visitors with disabilities regarding how to get around in New York City. It is well known that New York is a city in which it is hard to drive and where parking is incredibly expensive. For these reasons the vast majority of tourists rely upon public transportation to get around.

69. Taxicabs allow a person unfamiliar with the City to get from place to place easily and are the primary mode of transportation for tourists. The bus and subway systems can be intimidating and overwhelming for tourists unfamiliar with the City to navigate. In addition, any tourist with a disability who has done a minimal amount of research is likely aware of the general inaccessibility of the subway. For these reasons tourists rely heavily on door to door transportation such as taxicabs. Because the taxicab fleet is overwhelmingly inaccessible, tourists with mobility disabilities must either stay close to their hotel, attempt to navigate unfamiliar and potentially dangerous areas on their own, or pay for more expensive ambulette and other private accessible car services.

70. I regularly receive complaints from visitors about difficulties they encountered in their visit to the City. For instance, a woman traveled to New York from Massachusetts to celebrate her 20-something birthday with family and friends. They had dinner and lingered over drinks. She hadn’t arranged for transportation home because she didn’t want to be stuck leaving at a certain time. She couldn’t hail a cab and a severe rain storm hit just as she was starting home. She had to wheel many blocks in the freezing rain

to her hotel. She marveled at how this would never happen in a city with wheelchair cabs that don't require advance notice and that can be called moments before you need them.

71. Disability advocates from around the world frequently come to New York City to visit the United Nations and other agencies. Many of these advocates have expressed frustration at the lack of accessible transportation in the City.

72. When Sam Sullivan, the Mayor of Vancouver, British Columbia, Canada, came to New York City on a fact-finding trip he had a horrible experience because he uses a wheelchair. In particular, he said "It was very difficult arriving at the airport. There were no wheelchair accessible taxis available. I had to be carried into a van by four people and my wheelchair had to be manhandled into a van as well" just for him to get to his hotel in Manhattan.

d. Taxicabs are Vital for Personal Safety and Ensuring Access to Medical Care

73. Taxicabs offer transportation that is essential for personal safety and access to medical care. For instance, one woman recounted an incident on a rainy night where she literally feared that she would not be able to get home because she could not find an accessible taxicab. Her umbrella had blown away and the battery on her wheelchair kept shorting out. In the end, she paid \$100 for a taxi cab to take her across the Bridge just so she could get home.

74. Another example is a wheelchair-using colleague of mine who took Access-a-Ride to the doctor following eye surgery after a big snowstorm when the streets were largely impassable. An out-of-town friend escorted her because my colleague could not see—this friend uses a power wheelchair. While Access-a-Ride dropped them off at the doctor's office, on the return trip the driver indicated that he could not take the escort

because he didn't have a record of her return booking. After much wrangling and sitting in the snow and freezing cold, my colleague and her escort were able to go home. If the desperate wrangling had not worked, my colleague would not have gotten home safely and the escort would have been stranded in the snow because no taxi would be able to take her power chair.

e. There is a High Demand for Accessible Taxicab Service

75. The low level of demand found in the Taxi & Limousine Commissions recent attempt at providing dispatch service was due to the Commission's failure to advertise the program and the long waiting times associated with the program. The dispatch program required users to call ahead and wait a significant amount of time, in some cases more than an hour, for the dispatched taxicab. A dispatch system with a built in wait time is not a suitable replacement for being able to go to a curb at any time and hail a taxicab. It does not allow you to quickly access a taxicab to get to a last minute social event or meeting and requires that you have access to a phone to call in your request.

76. There is a high demand for accessible taxicab service by people with disabilities, particularly wheelchair-users. It may appear that demand is low but this is because wheelchair users know that there is little to no chance they will be able to find an accessible taxicab and so are reasonably deterred from attempting to hail one. I have been working for CIDNY since 2002 and have only seen an accessible taxicab once. If people with mobility disabilities knew they would be able to find and use an accessible taxicab demand would skyrocket.

VII. The Elements Required for a Taxicab to be Accessible to an Individual Using a Wheelchair

77. There are federal regulations and guidelines which define what makes a taxicab accessible; however, in practical terms an accessible taxicab is a taxicab that a person using a wheelchair can access independently and safely. In order for a person who cannot or should not transfer out of his or her wheelchair to be able to access the taxicab there must be a ramp. The ramp should not be too steep in order to allow a person using a manual wheelchair to push themselves up the ramp without assistance. The doors of the vehicle must be wide enough to allow a wheelchair to easily enter and exit. Inside, the roof should be tall enough to allow the person in the wheelchair to sit comfortably. There must also be appropriate restraints to secure both the wheelchair and the passenger.

78. An accessible taxicab should be prominently marked as such to allow pedestrians who use wheelchairs, whose vision may be largely blocked by the height of cars and non-disabled persons, to easily identify an accessible taxicab.

79. Drivers must be comprehensively trained regarding operation of the ramp, securement of the wheelchair and passenger, and how to treat passengers with disabilities with dignity and respect. This training should be mandatory for all drivers and have an experiential aspect to allow drivers to practice operating ramps and securing various models of wheelchairs.

80. Most importantly, training should be repeated at regular intervals and be backed up by monitoring and enforcement. Drivers should be tested and re-tested on materials covered by training with appropriate consequences if they do not pass these tests. Drivers should also have to re-complete training if complaints are filed against them

for treatment of passengers with disabilities or if their ramps are found to be inappropriately maintained.

VIII. Signature Page

81. I certify that, to the best of my knowledge and belief:
- a. The statements of fact in this report are true and correct.
 - b. The reported analyses, opinions and conclusions are limited only by the reported assumptions and are my personal, unbiased and professional analyses, opinions and conclusions.
 - c. I have no personal interest or bias with respect to the parties involved.
 - d. My compensation is not contingent on an action or event resulting from the analyses, conclusions or opinions of this report.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at New York, New York on August 26, 2011.



Susan Dooha

FOR THE RECORD

April 18th, 2013

City Council Transportation Committee Written Testimony Submitted in Support of Intro 433-A

My name is Andy Arias. I'm an actor and an advocate in Los Angeles and Orange County. I travel to New York every summer. I find it incredibly difficult to hail a taxi on the street because they do not want to stop for wheelchairs. I had to have my friend or police officer hail a taxi for me and then pop out to get a ride. Accessible cabs in New York are essential, especially since only a small portion of subway stations are accessible. I shouldn't have to take an hour bus ride when a train or taxi would take 10-15 minutes. Please pass Intro 433-A.

Andy Arias
andyarias09@gmail.com

My name is Brett Eisenberg. I am a power wheelchair user and the Executive Director of the Bronx Independent Living Services, an organization dedicated to empowering people with disabilities to live independent and fulfilling lives. Our agency primarily assists individuals with disabilities in the Bronx.

The Bronx has over 226,000 individuals with disabilities of which an estimated 64,000 have a physical disability.¹ These 64,000 individuals in the Bronx have no access to accessible taxi services for trips originating in the Bronx. I too am a resident of the Bronx in order to get to a meeting in Manhattan, I have to take at least two buses with an up to three hour commute each way because taxi and car services are not accessible. If they were, my commute would be about a half hour.

Several years ago when I worked on Wall Street and did a great deal of work in the field, I participated in the Taxi and Limousine Commission's Central Dispatch Pilot. The Pilot was a failure from the very beginning. A main reason was that drivers' participation was voluntary and they were allowed to refuse trips. As a result, it was often impossible to get a ride even in Manhattan much less to or from one of the boroughs. The Accessible Dispatch only is for trips originating in Manhattan. So, you can get a trip to the Bronx but not from here.

Intro 433-A, by increasing the numbers of accessible taxis from 233 to 13,000, would likely increase the geographic area of any dispatch program, if there still was one. Hopefully the TLC will actually enforce their For Hire Vehicle Rule which requires bases to provide equivalent accessible service. People with disabilities require the same spontaneous travel options as everyone else. Why should we have to pay exorbitant amounts for an accessible trip or use paratransit at a significant expense to the MTA? Other cities utilize accessible taxis as part their paratransit and Medicaid transportation programs. New York City has several pilot programs to provide less expensive taxi and livery service in lieu of paratransit but without sufficient accessible taxis passengers needing an accessible trip will be stuck on AAR vehicles.

It is absurd that segregation of this nature be allowed to exist in today's society. The current system is simply unacceptable. In the year 2013 it is unacceptable that a wheelchair user does not have the ability to take a taxi or car service like anyone without a disability. The Taxi of Tomorrow was the perfect opportunity to right the wrong and end the discrimination and segregation of people with disabilities.

On behalf of our consumers, and the 226,000 Bronxites with disabilities, all we want is equal access, separate is not equal.

¹ Statistics taken from What the American Community Survey Says About the Disabled Population of New York City a study by Peter Lobo presented on July 28, 2009. The statistic of 64,000 was calculated by using the average of 28% of disabled individuals having a physical disability in NYC.

01/18/13

Brett Eisenberg
Bronx Independent Living Services
4419 3rd Ave # 2C, Bronx, NY 10457
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I am a wheelchair user from the San Francisco Bay Area where there are quite a few accessible cabs. It's been tantamount to impossible in New York City, when I visit, to get an accessible taxi. Wheelchair accessible taxis are a critical need for people with disabilities in New York City, whether residents or visitors! Please support Intro 433-A.

Marilyn Golden
Disability Rights Education and Defense Fund:
3075 Adeline Street (210) Berkeley, CA 94703
mgolden@dredf.org 510-549-9339

Good Afternoon, My name is Debra Greif. I am here to testify in support of NYC Councilman Oliver Koppell's Intro 433A that would require a full accessible yellow taxi fleet. As a person with disabilities who also has a son, brother and her late mother with disabilities, I believe only fully accessible yellow taxis will serve the needs of persons with disabilities. In addition to being equipped with a ramp and or lift, taxis also must have assistive hearing device, signs in alternate formats (Braille or large print) and have enough room for a service animal. Accessible taxis need to be able to carry additional passengers who are traveling together. Private car services should be required to provide the same services. It would be great to be able to travel with my family and friends to the movies, plays, restaurants and museums together as most of these places are suppose to be accessible. My late mother ended up having to use a wheelchair for mobility in her last years, she was sad that she could no longer travel in a taxi or livery car but now had to use Access-A-Ride.

I also do not understand why anyone would be against a fully accessible transportation system for NYC. Guess what, there are people with disabilities who want to go out and socialize at the spur of the moment without having to plan every last detail including making an AAR reservation and making sure to be waiting for their shared AAR trip which is allowed to be thirty minutes late.

Being disabled does not mean you have to be a prisoner in your home. Don't you think in the long run it would be cheaper if NYC was truly accessible with a fully accessible transportation system? Remember NYC lost the 2010 Olympic games because it did not have a sufficient number of accessible taxis. London has a fully accessible taxi fleet and it was great for their economy. I want the same for NYC. Please pass Intro 433-A.

Debra L Greif, Chairperson
BFSSAC Statewide Parent Advocate
888 Fountain Ave, Brooklyn NY11208
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As a wheelchair user I support 100% wheelchair accessible taxis wholeheartedly. I have had to miss social appointments far too many times due to lack of transportation as Access A Ride must be requested 24 hours in advance.

Also, several times when I have not felt well and needed to go to my doctor, I have had to call 911, request an ambulance, and go to the emergency room instead, costing me hundreds of dollars instead of the smaller amount a cab would have cost, had I even been able to hail one.

Teresa Meade

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We desperately need accessible taxis and also car services. Last Saturday a dear friend suddenly had to be hospitalized with a very serious, life-threatening condition. We've known our friend for 26 years, and she helped me in many ways and is my daughter's godmother.

Instead of being able to grab a cab and go immediately to the hospital, I had to book a hospital trip for the next day through Access-A-Ride! I'm so upset!

Our inability to get places in a hurry for births, medical emergencies, deaths, when the bus breaks down or Access-A-Ride doesn't show up is unacceptable, discriminatory, and commonplace. We must have equal access to taxis and car services.

Elizabeth Ramos
347-582-1570

My name is Ronnie Ellen Raymond. I am a resident of the Upper West Side of Manhattan. I have multiple sclerosis and as a result, I use a power wheelchair for mobility. The ability to use taxis like other New York City residents do would significantly improve my quality of life. Prior to the current Accessible Dispatch System which the TLC has implemented for trips originating in Manhattan, I used city buses and Access-A-Ride to get around. Buses are very reliable and 100% wheelchair accessible. They have been my transportation of choice above 14th St. When going to lower Manhattan or to any of the outer boroughs, I have used Access A Ride.

A good comparison would be attending a meeting at the TLC's office on Beaver Street. Going to a 10 o'clock/hour long meeting, I once actually arranged for Access A Ride to pick me up at 7:30. They arrived an hour late. They then proceeded to pick up another passenger and drop them off. Then another passenger picked up and dropped off. I arrived at 33 Beaver St. at 10:15. My pickup was scheduled for 12 o'clock noon. They arrived a little after 1:00 and I arrived at home around 4 o'clock. So my day was from 7:30 to 4:00 in order to attend a one-hour meeting.

Taking a yellow taxi from my home would be a half hour ride. Imagine if I could leave home at 9:15 and arrive at 33 Beaver St. in time for my appointment. If the meeting is on time, I could be home by noon. This is just one example of how my life would be much more reasonable, predictable and much less stressful. Having a disability should not result in being unreliable and nonfunctional.

I believe that services that can be made available **should** be available to all of our citizens. Intro 0433A would make this happen.

Ronnie Ellen Raymond
rone327@gmail.com

Last May, my parents and sister came from St. Louis, Missouri, to visit me in Brooklyn. My parents had been here before, but it was my sister's first visit. She has cerebral palsy and uses a motorized wheelchair.

In preparation for their visit, I researched accessible hotels, restaurants, and various attractions. But I spent by far the most time and worry on transportation. Since only certain subway stations are wheelchair-accessible, and we wouldn't have time to wait for buses, and it's impossible to find a taxi in Brooklyn, let alone an accessible one, I began looking for car services with wheelchair-accessible vans.

I was given the name of two car services with wheelchair-accessible vans. I began with the service located in Brooklyn. I called in early April to schedule transportation for an early-May visit. It took two weeks of calling them to: 1. find someone who understood what I was asking for; 2. get the name of the person who scheduled the wheelchair-accessible van; 3. get that person on the phone and give her the dates and times I needed the van; 4. be told that they could accommodate us; and 5. to then be told that their vans were already reserved for that weekend.

So I moved on to option 2, a very expensive car service located an hour away. The people I spoke to were very knowledgeable and helpful, and I accomplished everything I needed to in one phone call. This service is terrible expensive. We paid \$800 for one day of service and about \$200 for a ride to the airport from the hotel. The first day we used the car service, the driver was two hours late to pick up my sister and parents because of the 5 Boro Bike Tour, which completely blocked traffic on Staten Island. We had no option but to wait, since there was no way to get an accessible taxi. Have you ever had to go to the bathroom for over an hour? My sister did that day.

My sister will probably never come to visit again. We cannot afford to pay over \$1,000 for one and a half days of wheelchair accessible transportation.

Dorothy Britt Scanlan
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dorothybscanlan@gmail.com

A few years ago, I was working 4 PM to midnight and it was snowing. I'm a wheelchair user and I was very concerned about getting home to mid-town from the Lower East Side after work. I an Access-A-Ride reservation but the van did not come. I tried 311 and they said they did not have a ride. I called A Ride for All with no success. I tried calling Carmel and the person there said they had an accessible car but it did not operate on the Lower East Side! That's preposterous. I waited at least an hour for Access-A-Ride to come. Taxis and liveries might as well have big signs on them that say "No Wheelchairs" like white only signs during segregation. Please pass 433A, for accessible taxis.

Patricia Walls
332 East 29th Street, New York, NY 10016

I'm Marvin Wasserman, former Executive Director and current Board member of the Brooklyn Center for Independence of the Disabled and I am submitting this testimony in support of the passage of Intro. 433-A.

In 1980, I met my late first wife Sandra Schnur, who was severely disabled from polio. It's hard to imagine now that people with disabilities were just beginning to be part of our social fabric after being hidden away in institutions and their own homes. There was no accessible transportation other than "Invalid vehicles" – private para-transit companies whose cost was covered by Medicaid for medical trips, but required a \$60 round-trip payment for everything else. When we were out in the street in Greenwich Village, the only other people that we would see in wheelchairs were other disability rights activists. Sandra told me at that time was that her dream was that there be accessible taxis so that she could go anywhere she wanted at any time of the day or night—just like everyone else! It was just a dream, as there were no such taxis anywhere, although a friend, Vladimir Tica, had developed plans for one and fruitlessly was trying to find investors.

In 1996, shortly after I became President of the 504 Democratic Club, (and sadly, after Sandra's passing), I invited the leadership of our community to a meeting where it was agreed to form the Taxis for All Campaign (TFAC), to bring accessible taxis to New York City. By this time, some of our members had been to other cities (Boston, Las Vegas, London) where they had seen and ridden in accessible taxis, but there were none in New York City! After

several years of agitation by TFAC, we finally began to see small numbers of them. In 2002, shortly before her retirement, TLC Commissioner Diane McGrath-McKechnie announced her support for a 100% accessible taxi fleet, stating that the extra cost could be borne by the fleet owners, who would simply have "smaller yachts off the coast of France".

Today New York City has 233 accessible taxis cabs, most owned by one fleet owner. People with severe disabilities continue to have limited transportation options--buses, which are designed for travel within a borough, a limited number of accessible subway stations, and a costly and highly inefficient Access-A-Ride program. The large majority of persons with severe disabilities who live outside of Manhattan still have no accessible livery service and, while ambulatory users of Access-A-Ride sometimes have the option of using taxis and car service, wheelchair users are still left at the curb. A viable system of accessible taxis and liveries can substantially reduce the cost to government and provide much better service.

A critical component of 21st Century planning with the aging of "baby-boomers" and veterans returning from Iraq and Afghanistan with severe injuries needs to be "universally designed". It is totally incomprehensible to many how a "Taxi of Tomorrow" could be approved without this critical component. Nissan was able to accomplish this with the N V 200 for the London market. Commissioner Yassky has stated that the additional cost of accessibility over the life of the NV 200 is quite reasonable.

It has been more than 30 years after Sandra told me of her dream, and more than 20 years after the signing of the ADA, accessible taxis remain an elusive dream to many. Mayor Bloomberg has stated that taxis are a vital part of our transportation system. If so, it is the only part which is virtually inaccessible.

The only reason we have not accomplished the important civil rights objective of a 100% accessible taxi fleet has been a lack of will. You can change that.

Marvin Wasserman
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Good afternoon, Chairman Vacca and esteemed members of the City Council. Thank you for holding this hearing and most of all, thank you Council Member Koppell for taking the extraordinary measure of exercising your privilege to bring this issue and this bill out of committee to the floor for a vote.

I am Alexander Wood, founding director of the Disabilities Network of NYC, former president of 504 Democratic Club, and former access coordinator at Big Apple Greeter, where I worked for years to promote NYC as a welcoming and accessible destination for travelers with disabilities. I have been a wheelchair user since 1992, and I can tell you that getting around NYC using public transportation or Access-A-Ride is an arduous task. It takes about twice as long to get anywhere, because the subways are largely not accessible and there are few accessible taxis, so one spends large amounts of time waiting for the bus or waiting for Access-a-Ride, which has spotty and often unreliable service.

In the past few years, when I've caught an accessible taxi by chance, like the time I was running late at work in Soho, but had a doctor's appointment at St. Vincent's in 20 minutes, and I just happened to leave my office building on Broadway at the same time as an accessible taxi was sitting empty in traffic at a stop light, I happily hopped in & made it to my appointment on time, enthusiastic about a new era, coming soon, when such occurrences are not out of the norm, but are commonplace. Another time I was at the bus stop at Broadway and 14th Street, and two buses went by in the space of an hour with wheelchair slots already occupied. I was really starting to get discouraged, when an accessible taxi dropped off its fare in the bus stop, giving me a chance to hop the curb and hail the taxi.

The likelihood of that happening when there are only 322 accessible cabs out of more than 13,000 (1.7%) is very slim, so it felt great. I got home to my apartment building on Battery Place and gave the driver a big tip.

As access coordinator at Big Apple Greeter (starting in 1993) it used to be embarrassing to be trying to promote NYC as welcoming travelers with disabilities when the observation deck of the Empire State Building was not accessible (it is now fully ADA compliant) & there were no accessible taxis. At that time, New York City's saving grace was a fully accessible fleet of public buses. Although it takes longer to get places, the bus service does provide access for anyone to anywhere in the 5 boroughs, so long as you have the time and inclination to spend your entire life at the bus stop or rolling up and down the avenues between destinations.

Now is the time for NYC to embrace the opportunity for positive change and enact this bill to require that all taxis that come into service be wheelchair accessible, have hearing loops for passengers who are hard-of-hearing, large text and Braille signage for riders with low vision and space for a service animal.. It is also important to have accessible car services in the neighboring boroughs. For a while we had a company called "A Ride for All" operating in NYC, and that was an affordable livery service for people who use wheelchairs, but is now owned by Carmel. What do we tell visitors with disabilities arriving at NYC airports or train stations? It is too much to expect them to rely on buses when traveling with baggage. It's hard enough without luggage, it will be a happy day when we can say that like London, all taxis are accessible, and our taxis accommodate everyone. That is universal design, when it works for all people, and no one is made to feel like a second class citizen, or an afterthought, and our transit options, being inclusive, can mirror a society that is open to a level playing field for all. Thank you very much, and please do the right thing and vote to pass Intro 433-A.

Alexander Wood
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FOR THE RECORD

President: Ronald Sherman
Executive Director: Jean Barrett

Metropolitan Taxicab Board of Trade

Memorandum of Opposition

Intro 433A

Requiring All Taxicabs to be Wheelchair Accessible

The Metropolitan Taxicab Board of Trade (MTBOT) is a 60-year-old trade association that represents 36 taxi fleet garages and leasing companies comprised of more than 5,200 yellow medallion taxicabs representing the majority of corporate medallions in New York City. MTBOT members, which are located in the Bronx, Brooklyn, Manhattan and Queens, provide leasing opportunities to more than 20,000 taxi drivers and directly employ more than 1,000 dispatchers, managers, mechanics, gas attendants, tow truck operators and office personnel. MTBOT members provide services to its drivers and the riding public 24 hours a day, 7 days a week and 365 days a year.

MTBOT has always supported choice in the marketplace, experimentation with different vehicle models, different taxi operations and new technologies. Our member fleets have run CNG taxis, CNG fueling stations, various hybrid models, minivans and wheelchair accessible taxis. MTBOT members have vast experience running 24/7 taxi operations that play a critical role in the ground transportation network in New York City, helping to transport an estimated 750,000 passengers every day. As an essential transportation service in New York, yellow taxi service must be safe, efficient and affordable. We must also strive to provide service to people who use wheelchairs in the safest, most efficient, and most affordable way possible.

Intro 433A does not offer an efficient, practical nor affordable way to provide accessible service to New Yorkers, and for many reasons we will outline here today, we must oppose this bill and this "all or nothing" approach to an issue that instead requires thoughtful and sensible steps, which we will also outline.

DOUBLE THE COST AND NO WAY TO FUND IT

To start, many of the arguments that Councilman Koppell provides in support of this measure are simply incorrect. In a recent letter to his colleagues, Councilman Koppell asserts that:

"...a wholly accessible taxi fleet is an economically viable option. It has recently been shown that there is an immaterial difference between the cost of the accessible vehicle and the Nissan NV 200 that is not accessible. Therefore, the cost to fleet owners and individual cab owners will only increase by a very small percentage."

As it is today, the purchasers of taxicabs; which include the 5,000 individual owner-operators, the thousands of DOV (Driver Owned Vehicle) operators and the many 24/7 fleets, are preparing to spend an additional \$7,000 per car if required to purchase the Nissan NV200, the Taxi of Tomorrow. Today, many of our operators pay \$23,000 for Ford Crown Victorias and Ford's replacement to that now discontinued vehicle – the Transit Connect Taxi. The Nissan NV200 will start at just under \$30,000. This cost will increase by more than \$3,000 when the NV200 is made in a hybrid model, which could occur as soon as next year. The Nissan NV200 accessible taxi, a car that is built as a non-accessible car and then altered by an after-market company to become wheelchair accessible, will cost an additional \$14,000 per vehicle according to the City's contract with Nissan.

If Intro 433A becomes law, the price tag of vehicle acquisition will double to as much as \$47,000 per taxi. The taxicab industry collectively spends about \$73 million per year in vehicle acquisition costs. This would nearly double to more than \$140 million per year.

LEASE CAPS FROZEN FOR NINE YEARS

Now, we must also factor in the inability of taxi fleets and leasing companies to adjust their leasing rates to meet their own increases in operating costs which not only include the cost of the vehicle, but also the cost of labor, insurance, parts and other essential components of operating a 24/7 full service taxi company. Indeed, it has been 9 years since the Taxi and Limousine Commission last approved an increase to the lease cap – and at that time, it was a very small 8% overall increase – the first in 6 and half years prior to that time. Today marks the longest stretch in the history of taxi leasing where taxi leasing companies have gone without a lease cap increase. In fact, MTBOT had to fight against not one, but two lease cap decrease attempts by the TLC during this same period of time. Maximum lease rates are only slightly higher today than they were in 1996, when lease rates were first regulated by the TLC. Yet the cost of living has gone up by more than 40 percent during this period, and significantly, the cost of a vehicle, a major expense of the taxicab industry, will have doubled.

Clearly, the TLC approves any increase to fleets and leasing companies very rarely and we cannot simply rely on that TLC regulatory mechanism as a true and reliable mechanism to offset costs. This makes the industry highly vulnerable to unfunded mandates like the one proposed in Intro 433A.

DURABILITY CONCERNS

And then, of course, we must factor the durability of the vehicle. Accessible minivans, which have comprised the wheelchair accessible fleet over the last several years, have failed miserably as 24/7 taxicabs. They are famous in the industry for frequent breakdowns and substandard service. Now, Nissan promises an NV200 that is better. Chairman Yassky recently expressed optimism about this vehicle. Perhaps it will be an excellent vehicle but the fact remains that not a single Nissan NV200 nor a single wheelchair accessible Nissan NV200 has ever clocked a single mile on the streets of New York City – not a single mile. We have no idea whether these vehicles will last 90 miles or 90,000 miles a year, the latter of which represents a typical fleet taxi usage.

THE TRUTH BEHIND THE "STATE TAX CREDIT"

The bill's supporters point to a New York State corporate/personal income tax credit of \$10,000 per year as a magic bullet to offset the cost of the vehicle. This is completely misleading. Taxi medallion

owners pay much less than \$10,000 per year in State income taxes. This is not surprising since the average fleet medallion taxicab earns less than \$10,000 per year in income. In fact, they typically pay approximately \$1,000 per year in State taxes. Even if, as the State tax credit allows, owners are able to claim this credit over three years, it amounts to only a \$3,000 credit, far short of the \$14,000 needed to make the NV200 or any vehicle accessible - nearly \$11,000 short. Additionally, this credit arrives well after the vehicle is purchased. And again, there is no accounting for the potential loss of useful service should the unproven vehicle fail in service.

CASE STUDY: LONDON

Councilman Koppell and advocacy groups often point to London as an example of where a taxi industry is 100% wheelchair accessible. Yes – London’s famous black cabs are indeed 100% accessible. However, London’s taxi industry is many other things as well. To start, it has one of the most expensive taxi fares in the world – nearly twice the fare in New York City. The London black cab, also known as the TX2 as well as its other authorized competitor, the Mercedes Benz EU-5 VITO cost around \$60,000 – nearly three times the price of a current Crown Vic or Transit Connect and \$13,000 more than the accessible, hybrid NV200. London’s fares reflect this additional cost to operators—a \$10 trip in New York would cost \$18 in London. In addition, London permits its black cabs to remain on the road much longer than New York City cabs are allowed to remain in service.

London black cabs are dual use vehicles, meaning one can both hail and call a London black cab. We would encourage you, if ever you find yourself in London, to ask your taxi driver how often they have picked up a passenger in a wheelchair that was hailing the taxi from the street. The answer that our members and professionals have received when we performed this research while studying the taxi industry in London ranges from zero to rarely. If we were comparing apples to apples, then we must understand that true wheelchair accessible taxi service in London is provided by the pre-arranged “for-hire” side of the London black cab industry – their equivalent to our black car and livery service. Really, Londoners that use wheelchairs are mostly being serviced by black cars and liveries, not hail taxis. In London, it just happens to be the same thing under one roof.

THE “MILLION DOLLAR” MEDALLION

The other “economic” argument we often hear as a reason to support a fully wheelchair accessible taxi fleet relates to the asset value of the medallion. The rationale goes like this: Medallion owners have a medallion asset that is currently worth a million dollars. Surely, they can take that money and spend it on a more expensive accessible car. That argument shows a misunderstanding of the taxi business. MTBOT operators and the 5,000 individual owner-operators are not in the business of selling medallions. That is indeed a pretty rare occurrence for our fleets which are family-owned businesses that have often operated for decades. We operate medallions, 24 hours a day, 7 days a week and principally rely on leasing as a means to sustain our operations, make purchasing decisions and keep taxis available to drivers and the riding public.

A BETTER SOLUTION

The cost of converting the entire yellow taxi fleet to wheelchair accessible taxis is nothing less than enormous. And Intro. 433A provides no real way to pay for it. There is a better, more efficient and more affordable way to provide reliable service to New Yorkers and visitors who use wheelchairs –

and that includes selling more wheelchair accessible medallions and wiring them all to the already existing Wheelchair Accessible Dispatch system.

The TLC should expand its Wheelchair Accessible Dispatch system that the industry already pays for to the tune of \$98 per medallion. What we need to do is add more medallions – and make 100% of those medallions wheelchair accessible, as MTBOT suggested back in 2010 when we led a movement to require the City to auction an additional 2,000 fully wheelchair accessible yellow medallion taxicabs – something we still strongly support. Requiring that all new medallions be accessible enables anyone purchasing a wheelchair accessible medallion to factor in the real and unknown costs of operating an accessible taxi and bid accordingly as they did in previous auctions of such medallions.

Adding an additional 2,000 wheelchair accessible medallions to the fleet will increase the number of taxicabs participating in the Wheelchair Accessible Dispatch system exponentially – from 233 to 2,233! Such a move will make New York City the nation's leader in providing reliable, affordable wheelchair accessible taxi service.

In addition, the City Council should require that a portion of any sale of wheelchair accessible medallions be set aside to provide incentives to existing medallion owners for the purposes of making their taxicabs wheelchair accessible.

Thank you for your time and consideration on this very serious matter.



Int #433-A

**Requiring That All Newly Manufactured Taxicabs be
Accessible to People with Disabilities**

April 18, 2013

Prepared by

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United Spinal Association, a membership organization of 40,000 people, the majority of whom are wheelchair users, was founded in 1946 by paralyzed veterans. Prior to changing its name and mission, United Spinal Association was called Eastern Paralyzed Veterans Association (EPVA) and was and still is a leader in transportation advocacy for people with disabilities. It was our lawsuits and advocacy that made New York's and Philadelphia's transit systems accessible. We crafted and lobbied hard for the transportation provisions of the Americans with Disabilities Act (ADA) as well.

United Spinal Association appreciates this opportunity to tell the Transportation Committee about the transportation needs and rights of people with disabilities (PWD) and opportunities available to the Council to provide meaningful taxi service to wheelchair and scooter users while providing cost savings to government and tax payers.

First, United Spinal would like to thank Councilman Oliver Koppell for his vision, intrepid nature and commitment to solving transportation problems of people with disabilities for many decades, first in the Assembly and now at the Council.

Councilman Koppell's bill was introduced more than two years ago and was intended to ensure that the Taxi of Tomorrow would be wheelchair accessible. Today is the first day that there has been a hearing on this bill despite an overwhelming majority of Council members signing on as co-sponsors. Neither Speaker Quinn, nor Transportation Committee Vacca are co-sponsors.

During the more than two year period that this measure went undiscussed by this Committee and the Council, much has occurred without you. The situation required Council leadership when the bill was introduced and it still does. A brief recapping of the occurrences preceding this hearing which make Council action imperative follows:

United Spinal Association, and others, filed suit against the Taxi and Limousine Commission (TLC) pursuant to the ADA alleging that the failure by the TLC to provide meaningful access for people with disabilities to the taxi system was a discriminatory practice. Currently 233 out of 13,000 yellow cabs are wheelchair accessible, less than 2%.

In December 2011, Governor Andrew Cuomo and legislative leaders, together with advocates for people with disabilities, drafted legislation which was enacted. It required 2000 new medallions to be sold, to be placed only on accessible taxis, provided street hail privileges to some liveries that bought permits and required at least 20% of liveries to be accessible. It created a fund from the sale of new medallions to give grants to livery owners of \$15,000 per accessible vehicle. Most importantly, the statute required that a plan be developed for the five boroughs to provide accessible services to people with disabilities and that stakeholders, including drivers, owners and passengers, be part of the planning process. The sale of medallions after the first year was conditioned on the City submitting a plan satisfactory to New York State Department of Transportation (DOT) to provide accessible taxi services.

Several days after the announcement of the legislative solution, Judge Daniels, of the Federal District Court for the Southern District of New York, held that the TLC had failed to provide meaningful access to the taxi system in violation of the ADA. Incidentally, the United States Department of Justice (DOJ) filed a Statement of Interest in the matter. DOJ argued that the ADA's nondiscrimination mandate required the TLC, the regulator that exercised control over vehicle specifications, to ensure that every cab was accessible. Judge Daniels agreed with plaintiffs and held that meaningful access to the taxi system had to be provided by TLC.

The US Court of Appeals for the Second Circuit reversed Judge Daniel's decision and the case is back before Judge Daniels in Federal District Court. He has granted plaintiff's motion to amend the complaint to include a claim that the Taxi of Tomorrow violates the United States Department of Transportation ADA regulation that requires van style taxis to be accessible.

The New York statute which was negotiated in December 2011 and enacted in February 2012 was declared unconstitutional in a suit brought by the Metropolitan Taxi Board of Trade (MTBOT) because the court felt the New York constitution required a measure of this nature to originate at the New York City Council. That case is currently on appeal and will be heard next week.

During the pendency of our litigation the TLC foolishly selected an inaccessible Taxi of Tomorrow. The Mayor justified this selection by stating that using the taxi system would be too dangerous for people in wheelchairs, that able-bodied passengers won't like the ride in an accessible cab and incredibly, that people in wheelchairs would sit too far from the driver to "establish a dialogue" and therefore, would be poor tippers.

The Mayor's insight, or lack thereof, no doubt effected the selection of the Nissan NV200, a minivan, as the Taxi of Tomorrow. Rather than promote research, innovation, creativity and design development, the Taxi of Tomorrow project would have made the NV200 New York City's taxi for the next ten years and would have perpetuated the inaccessibility of the taxi system.

City Controller John Liu refused to register the City's contract with Nissan for the Taxi of Tomorrow stating that he believed the contract violated the ADA.

The City and Nissan engaged Braun, a reputable vehicle converter, to design an accessible NV200. The accessible NV200 will cost purchasers an additional \$14,000-15,000 and requires each newly manufactured taxi to be remanufactured as an accessible vehicle in Braun's facility in Indiana. After retrofit, one wheelchair user can ride in the passenger compartment of the vehicle. One other person could accompany the wheelchair user but must sit next to the driver in the front seat. The wheelchair user will be separated from their companion by the partition required in the taxi. Mothers will be unable to travel with their children and a mother with two small children will be unable to travel at all unless she was willing to put one of them in a separate vehicle alone, and doubling the cost of the trip. No wheelchair users have tested the retrofitted vehicle. Even the prototype at the New York Automobile show was not available for examination. Incidentally, Mayor Bloomberg stated that retrofitting an

existing vehicle, in addition to adding expense, would undermine the useful life of the taxi. Nevertheless, this is the TLC's concept.

The TLC then planned a dispatch program for accessible yellow cabs, i.e., the 233 already in the fleet. Anecdotal reports are all that is available because the TLC has not released their dispatch test results until this morning. Nevertheless, the TLC, Mayor Bloomberg and Commissioner Yassky seem committed to deciding which New Yorkers can take which cabs instead of simply mandating accessibility and making all cabs available to all New Yorkers and visitors.

While this dispute between people with the disabilities and the Bloomberg Administration rages hundreds of millions of dollars are being spent by government on transportation for people with mobility impairments that has been ignored by TLC, the state of New York and this Council and which could be saved, in substantial part, if taxis were accessible.

In the five boroughs of New York City Medicaid spends \$200 million a year using privately owned ambulette services to take low income wheelchair and scooter users on medical trips. Access-A-Ride, NYCT's ADA required paratransit service spent \$500 million this year. That is about the same amount that Metro North spends to run its railroad. When Councilman Koppell introduced his bill, Access-A-Ride was spending \$300 million per year. Access-A-Ride costs rise as New Yorkers age and depend on the system and life expectancies increase. Aging baby boomers, who will live longer than any preceding generation, will further burden Access-A-Ride.

The cost per ride of Medicaid ambulettes and Access-A-Ride (\$60 plus) is far greater than a similar taxi trip. Medicaid and Access-A-Ride passengers could be given smart cards that billed the sponsoring agency for their taxi trip if accessible service were available.

Conclusion

It is important to note that the Nissan NV200 in its accessible form, at an additional cost of \$15,000, with its very small wheelchair passenger compartment permitting only one companion in the front seat next to the driver, would never have won anybody's Taxi of Tomorrow competition. The question before the Council however, is should all new taxis be accessible and the answer is undoubtedly yes. Ignoring the civil rights of people with disabilities and further ignoring budgetary constraints of federal, state and city agencies that provide travel such as Medicaid, MTA, Department of Veterans Affairs and vocational rehabilitation is required for the Council to continue to do nothing.

On behalf of United Spinal Association and its wheelchair using members, I implore the Council, Chairman Vacca and Speaker Quinn to do the right thing for all New Yorkers – require all new taxis to be accessible, reduce special transportation budgets of benefits paying agencies and provide tourists and visitors as well as residents with disabilities with taxi service.

TOM HARKIN, IOWA, CHAIRMAN

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FOR THE RECORD

April 17, 2013

James Vacca
Chair, Transportation Committee
New York City Council
250 Broadway
Suite 1749
New York, NY 10007

Dear Chairman Vacca:

It is my understanding that the New York City Council will have a hearing tomorrow about Councilmember Koppell's bill (Int. No. 433-A), which would require that all new taxicabs be accessible to individuals with disabilities. I am writing to commend you for continuing to work on this important issue.

As you know, I was the chief Senate sponsor of the Americans with Disabilities Act of 1990 (ADA), and I am currently Chairman of the Senate, Health, Education, Labor, and Pensions Committee, which has jurisdiction over that statute. The ADA sets four broad policy goals – equality of opportunity, full participation, independent living, and economic self-sufficiency – and requires that people with disabilities have equal access to the same services and opportunities as other individuals.

When I visited London recently, I found that all of their taxis were wheelchair accessible, and had been so for some time. I believe that setting a goal of full taxi accessibility is consistent with the ADA and appropriate for our nation's largest city.

Moreover, establishing a long term goal of a fully accessible taxi fleet would represent an historic step in advancing the equal rights and full inclusion of people with disabilities in this country.

Sincerely,



Tom Harkin
United States Senator

cc: G. Oliver Koppell, Councilmember, New York City Council

Testimony from Latricia James
of
INDEPENDENCE CARE SYSTEM
for
NEW YORK CITY COUNCIL PUBLIC HEARING ON
Intro 433A The Accessible Taxi Bill
Thursday, April 18, 2013



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Good Afternoon, Chairman Koppel, City Council members, and advocates. We appreciate the opportunity to weigh in on Bill number 433, legislation proposed by Chairman Koppel to require the city of New York to purchase accessible taxi cabs.

Independence Care System is a Medicaid Managed long-term care plan serving Manhattan, Brooklyn, Queens, and the Bronx. Our mission is to help senior adults and people with physical disabilities and chronic conditions to live independently in the community. We support this bill both as a Medicaid payor and as an advocate for equal treatment for people with disabilities.

All of our 4,500 members have some physical disability and need home care assistance with activities of daily living. Like all residents of New York City, our members need to get out in the community to do a variety of things—work, meet friends, go to doctors' appointments and attend family functions. And like all other residents, our members rely on city transportation to get them where they need to go.

New York City is blessed with a fast, affordable mass transit system that moves an average of over 5 million people per day. Thanks to advocacy and lawsuits, the system has made tremendous improvements in regards to accessibility over the past 30 years, and for some people with disabilities living in the right areas (i.e. upper Manhattan to lower Manhattan), regularly using mass transit is a viable option. However, for most people with disabilities, mass transit simply does not work. While all of the New York City Transit buses are accessible, they are not fast and inter-borough trips are either not available or so long, they are not practical. The subway is not accessible in any meaningful way, often requiring highly circuitous routes for people with disabilities who need elevators to get in or out stations. In addition, elevators are often broken and many people with disabilities avoid the subway all together for fear of being stuck.

Instead of mass transit, people with disabilities are left with an unequal system, Access-A-Ride, that is expensive to run and use, routinely takes two times longer to reach a destination, and has a long history of being unreliable for those people using it regularly for work or school.

For our members, like most low income New Yorkers, a cab is too expensive for their everyday commute. However, unlike most low income New Yorkers, our members have extremely limited transportation options if their usual mode of transit gets stuck. Without a viable alternative, an accessible taxi may be the only option for a person with a disability. And without that accessible taxi, they are stranded.

For a Medicaid plan like ours that spends 4.5 million dollars per year on transportation, accessible taxis could replace ambulettes for many members and could save money, especially on short trips. Medicaid transportation is paid at a flat rate. If our member needs to go from their home in Harlem on West 125th Street, to a non-emergency doctor's appointment at Mount Sinai Hospital on 100th Street and Madison Avenue, the Medicaid transportation charge is 40 dollars each way. A taxi cab would be closer to \$15 dollars each way. When this cost is multiplied by 4,500 members and their average of three medical appointments per month, it's a huge saving. It would also allow the member more autonomy and independence—they could simply leave their doctor's office when finished and hail a cab. No more frustration while waiting for—or missing—rides.

New York City is known throughout the world as a city of innovators and creative thinkers, and people from across the globe move to New York to try our programs and initiatives. The song says, "if you can make it here you can make it anywhere" so to see New York left behind on this issue is both embarrassing and baffling, given New York's long history of being out front in terms of accessibility and issues impacting people with disabilities. According to a brochure called **Age Friendly New York**, written by the Mayor's Office and the City Council, New York City's population over 65 is expected to increase by 50% over the next 25 years. This tidal wave of aging New Yorkers will not be immune to the infirmities of age (knee, hip, joint issues; arthritis, heart disease, cancer etc.) and existing transportation options will not sufficiently meet this incredible demand. Access-A-Ride is already providing 26,000 rides per day, at a cost that is nearly triple that of the mass transit rider. The program is unsustainable. Numerous studies have documented the impact of the availability of mass transit on older people. Without access to useable mass transit, older people cannot maintain social connections, cannot take care of their health adequately, and end up getting sicker. There are real human and economic costs to not having a fully accessible transit system.

We commend Chairman Koppel's efforts to ensure that taxi cabs are accessible and we hope that the City of New York seeks every opportunity to improve the accessibility of mass transit whenever and wherever there is an opportunity to do so. The lives of New Yorkers and the life of our city depend on it.



Global Disability Movement

Testimony: Support Accessible Transportation for People with Disabilities in New York

Global Disability Movement

Global Disability Movement is a World Global International Umbrella Organization in Human Disability Rights Area, with the purpose of empowerment and institutional strengthening of governments, non governmental disability and social organizations, which are actively involved in making social development institutional efforts, powerful and sustainable aiming at creating an inclusive and democratic society based on overall development. Because of the social justice and equality this organization is hereby issued by obtaining approval from the World Acquis on the Rights of Persons with Disabilities. Global Disability Movement plays central role for empowering people Human Disability Rights Area.

Global Disability Movement (GDM) helps to develop models to facilitate the conservation and sustainable use of Disability World Heritage Good Practices together with the private sector, individuals, governments, and local communities.

We expressed our strong support to the moral, ethical and cohesive need the newly manufactured taxicabs to be accessible in New York. The Disability Human Rights are essential part of every developed democracy. The transportation accessibility is a major part of real life inclusion opportunity of every person with disability. Isolation of people with disability is direcriminating the mainstreaming in the society and equal opportunities process.

We express Global Disability Movement support to the need of accessible taxicabs in New York. As a city with great Human Rights tradition, New York strongly needs a regulation of an accessibility for Nisan NV 200 taxi fleet. We confirm our interest to support NYC City Council for a Local Law to amend the administrative code in relation to requiring any taxicab be accessible to wheelchair user.

The purpose of this act is to be taken optimal and effective measures for improving the accessibility in NYC transportation system.

The accessible for all people public transport suggests securing of equal opportunities for each person to move freely in society.

The right of freedom of movement is guaranteed by the legislation of the countries, by the observation of the obligatory standards and the public opinion which allows neither of the groups to be discriminated and excluded of public life.

If we consider the problem for accessibility of the public transport in New York we may state that a great per cent of the population in working age has difficulties of different character to travel freely. If the necessities of the older population are taken into account, the number of the people who need the services of an accessible transport becomes an enormous number.

In many municipalities exists a accessible transport of people, moving with difficulty which serves for an alternative transport solution for people moving with difficulty. To the current moment just few of the New York taxis are with structures that allow a person in a wheelchair to use the public transport. There appears a problem related to the use of the very frame, i.e. the transport workers are not motivated to use the outfit.

The other very important problem is that people with difficulties who used this services, have to pay fee more expensive than the regular transport. The conclusion is that the legislation in New York does not respond to reality.

On the other hand, the transport scheme to the current moment is such that it is impossible the New York taxi to be used by a person in a wheelchair. In the report on the analysis for Stage I of the Pilot Project for Integrated City have not been considered the needs of People with problems in transportation. Most probably the new transport New York equipment is not being realized taking into account the needs of People with disability. To the current moment the report does not give a concept for it.

In November 2011, the US Senate had helped a committee hearing on accessible transportation as an opportunity to send a strong message about the importance and need of accessible transportation in urban and rural areas around the United States. The goal is to compel the committee to support projects that promote accessible transportation. This strongly relate to New York City taxi case. The Americans with Disabilities Act (ADA) prohibits discrimination on the basis of disability in public transportation services, such as city buses, taxicabs and public rail (subways, commuter trains, etc.) and requires that public transportation be accessible.

The progress that we can make here in the New York is being closely watched and has great potential to open transportation good role model options for people with disabilities worldwide. The UN Convention on the Rights of People with Disabilities calls upon countries to improve transportation options for people with disabilities. Some countries have already made these changes, such as Seoul, South Korea and Rio de Janeiro, Brazil. We hope that the New York taxi accessibility position the US to further assist countries to open up integrate the 1 billion disabled people worldwide.

If taxicabs in New York are accessible, dollars spent on ambulances to bring Medicaid patients using wheelchairs and scooters to doctor appointments can be spent on healthcare instead of transportation, as taxis would be a cheaper alternative. All "benefits related travel" by wheelchair users, such as trips to Department of Veterans Affairs' clinics and medical centers and vocational rehabilitation, and even some special education trips, could be made cheaper and more efficiently by accessible taxis than by privately operated systems.

A small percentage of taxis are accessible nationally, though some cities such as Washington, Boston, Las Vegas, San Francisco, Chicago, and others have begun programs in earnest. In New York named the program of accessible taxis as a particularly outstanding model for many reasons, but chiefly because the rules has to be enforced.

Positive Recommendations of Global Disability Movement to New York Council accessibility change for NYC taxi

The purpose of this is to be taken optimal and effective measures for improving the accessibility in the New York transport. Also a basic priority is the effective use of NYC funds in order to avoid the situation in low developed cities for high discrimination on the ground of disability status.

In order the project suggestion to be effective and to be applicable to all groups, especially to the group of people with challenges in transportation, the following factors should be taken in consideration:

- To be guaranteed the satisfaction of the needs of people with disabilities in transportation in connection to the access to the transport vehicle.
- Time to be provided for trainings of the staff for interrelations with People with disabilities.
- Time to be provided for the transportation of people and the frequency of the transport vehicles so that there to be left enough place for each passenger in connection to his needs.
- To be guaranteed the increase of the alternative transport for people moving with difficulty.
- To be guaranteed that the accessibility will be provided by an accessible cars.
- To be guaranteed that the equal opportunity transport' for people moving with difficulty will be with the same working time like the public one.
- Time to be provided for a campaign in relation to the change in the attitudes of the local population to people with problems in transportation.

In closing, Global Disability Movement have come a long way in opening transportation to people with disabilities but there is still so much more to do. Some will say we've done enough. In the period of New York debate of the contract Nissan 200 taxi fleet, we can do more. That is short sighted and fails to take into account the growing population of people with disabilities in New York who will be aging into their disabilities. They will be working longer and unlike their predecessors they will live in the community rather than in institutions. Improved accessibility in the taxi and mainline systems can take some pressure off of more expensive publicly funded transportation, like medical transportation.

Finally, if we are ever to reverse the terrible unemployment of people with disabilities in New York transportation is the key.

D-r Diana Indjov, Ph.D.

Co-Chairwoman with Disability

Global Disability Movement

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TESTIMONY of AMY PAUL on the TAXI of TOMORROW and Int. No. 433-A

Hello, my name is Amy Paul. I was the Executive Director of FRIA, Friends and Relatives of Institutionalized Aged, which advocated on behalf of nursing home residents and their families. I was also the Executive Director of a Westchester-based organization, the Center for Aging in Place, which helped seniors to remain living in their own homes. I come to this hearing as a citizen advocate under the title of the Later Life Advocacy Project to support Council Bill 433-A and the wheelchair accessible mandate, and also to raise attention to and ensure that the final taxi design also accommodates seniors who are physically limited but not in need of a wheelchair.

Thank you for holding these hearings; they address a critical aspect of life in New York City for individuals of all walks of life and of diverse economic conditions. The taxi is the quintessential urban tool for community mobility, as has been the case since the 17th century. Community mobility is an essential aspect of good quality of life for all people but especially for seniors for whom social isolation is a serious mental and physical health risk. It has been shown that lower self-esteem and increased feelings of uselessness, unhappiness and depression accompany reduced mobility in the elderly.

Most of us, at this hearing, are profoundly aware of the coming demographic imperative in NYC of a burgeoning cohort of those over 60 years of age and, especially, of those over 75 years of age. As of 2010, 15% of city residents were over 60¹. In 2030, the city anticipates that a full one quarter, or 25%, of its residents will be over 60². The older population 60 plus has been growing faster (12.4%) than both the City's total population (2.1%) and population under 60 (0.2%). And, the City's elderly population will continue to get older, with the group 75 plus expected to grow rapidly. This is significant as individuals over age 75 are at increased risk of developing chronic health conditions, disability, and social isolation.³

In recognition of the need to adapt city life to the needs of this expanding group, the city wisely set out to become an "Age Friendly" City and authored a report on what needed to be done to get there. Among its many findings about the city life of seniors, the report found that 26% of all seniors utilized taxis⁴. Yet, they quoted seniors complaining,

"that most taxis are neither wheelchair accessible nor easy to get in and out of.

¹ Data Source: New York City's Department for the Aging, *Profile of Older New Yorkers*, February 26, 2010, p.2."

² NYC Census 2010, Changes in the Elderly Population 2000-2010, DFTA

³ Toward an Age Friendly New York City, A Findings Report, NYAM, 2008, pg. 12

⁴ Toward an Age Friendly New York City, A Findings Report, NYAM, 2008, pg. 36.

(emphasis added).⁵ In this regard, it should be noted that 90% of those elderly with physical limitations do not utilize a wheelchair⁶. Seniors may be frail, suffer from various physical ailments that require use of a cane or a walker, have dementia, have heart ailments, arthritis, or one of many other common challenges to moving around easily. Regrettably, to date, there has been little public conversation about the needs of these older city residents who may not rely on a wheelchair but who have other mobility limitations.

The message from the NYAM Age Friendly City report is quite clear. Not only are taxis a valuable asset in a senior's community mobility but current taxis are not satisfying seniors' needs. It is common sense to conclude that there would be more taxi utilization if the vehicle were designed to take into account the needs of more of the senior population and *'make it easy to get in and out of.'*

Since we learned about the mandate of a single vehicle design, and that the preferred sedan body type was not selected, we tried to get information about the research and discussions supporting its design elements, or to get someone from the government to discuss the issues with us- but to no avail. We submitted a FOIL request to the TLC and only received in response an unsigned copy of the Vehicle Supply Agreement, despite the fact that we asked for much more. We learned that the vehicle was on display at the recent auto show and went there to view it, only to be disappointed because the vehicle was locked and we were unable to assess the protocol's capacity to provide accessible service for frail seniors.

To be specific, we are concerned about:

- 1- Embarking/disembarking because the cab floor is too high. From the look of it, it would seem that the TLC envisions a senior to step up onto the running board, while grabbing for a handle on top of the vehicle interior roof. Then, having lifted oneself up, to put one, then another, foot into the vehicle and balance into a sitting down position. Exiting is even more challenging. A senior would need to hold onto the handle while balancing one foot on the running board while stepping down into the street with the other foot. This is a very difficult maneuver for a typical older senior. What about someone with a cane? Walker? Heart condition? Arthritis? Can someone with dementia, even with assistance- how can they negotiate these complicated steps quickly in a hurried, busy roadway? Would a senior be able to back into the seat and swing his/her legs around into the cab, as they are taught in rehab following hip fractures, heart surgery and the like?
- 2- The running board design itself may be an obstacle to entry and exit. The vehicle on exhibit at the 2013 auto show had a running board that protruded no more

⁵ Toward an Age-Friendly New York City, A Findings Report, NYAM, 2008, pg. 38

⁶ Improving Access to Taxis, European Conference of Transportation Ministers and International Transport Union Forum, 2007, pg. 74.

than 3 ½" in width. TLC material suggests that the running board will be retractable and will extend when the door is opened, but it would also have to be much wider to enable a senior to balance properly. What is its functional width? Section 3.14.3 of the proposed Vehicle Supply Agreement stated in relation to the running board, "final design is still under consideration." What is the final design of this very important element?

- 3- The handles need to be ergonomically developed and placed at a distance and height that enables a senior to grasp on until the senior is standing both feet on terra firma. What human height does the grab bar anticipate? Does it reflect the shrinking height of seniors?
- 4- We assume the passenger door weight is light enough for seniors to negotiate but this is yet another question for determination.

Each of these concerns is motivated by our desire to ensure mobility access but also to prevent serious injuries from falls. Imbalance on a running board, inability to grab handles, difficult embarking/disembarking maneuvers all can give rise to falls, which at a later age, can be the start of a relentless health decline.

In light of these outstanding questions, we propose the following:

- 1- The City Council should undertake a full review of whether the proposed taxi design can safely accommodate seniors who have limited physical capacity. The Council should also adopt 433-A, to require that all new taxi vehicles be wheelchair accessible.
- 2- Due consideration should be given to incorporating a swivel passenger seat in the vehicle, such as the one used for years in London. This recommendation is a highlighted suggestion made by the International Transport Forum in the course of its deliberations on ways that vehicle design might best be developed for the elderly⁷.
- 3- Before any final commitment to a design is made, actual vehicle specifications and the research supporting the design need to be openly disclosed to the public and vetted. A task force of seniors/advocates/occupational therapists/geriatric specialists should be given an opportunity to test out the actual protocol vehicle to assure that it will be accessible safely.
- 4- Any one-design mandate should be delayed until these outstanding issues are properly researched and satisfied. There is no harm in delay and there is too much at stake- for passengers, owners, drivers, and the city, to rush this project. New York City 's actions are being watched by other cities, states, and countries,

⁷ Improving Access to Taxis, European Conference of Transportation Ministers and International Transport Union Forum, 2007, pg. 76.

relying on the city to choose wisely. We are in the process of setting a global standard. We fear that if the city gets it wrong not only will thousands of seniors be put in harms way but other well-intentioned efforts to create accessible equipment will be set back tremendously. Already, NYC is behind other cities in not having a fleet of taxis that includes wheelchair accessible vehicles. Since we are not first, in order to move into a global leadership position we need to 'get it right.'

- 5- Lastly, a vehicle is only a vehicle. Its potential rests on the ability of an individual to direct it. We would hope that the TLC adopts a strong training approach to assist taxi drivers in communicating and assisting those who are frail, wheelchair bound, parents with children, or others who might benefit from driver assistance. There will be no success for the Taxi of Tomorrow if driver support of inclusiveness and assistance is not fostered.

There is a lesson to be learned from the way NYC developed bus transit. The City modified the vehicle to be accessible to all, whether in a wheelchair or limited physical mobility, and it modified bus vehicles- not 1 in 10, not 1 in 100, but every bus vehicle in the fleet. It was a wise investment in accessibility, safety and compassion.

Thank you for considering our views and for the opportunity to speak to you today.

Testimony on Intro. 433-A
New York City Council

Anne M. Davis

My name is Anne Davis. I am a member of the Steering Committee of the Taxis for All Campaign ("TFAC"), a coalition of organizations and individuals that have been advocating since 1994 for more wheelchair-accessible taxis and liveries. I also represent the NYC-Southern NY Chapter of the National Multiple Sclerosis Society and the Center for Independence of the Disabled in New York (CIDNY), of which I am Vice-President, as well as my own needs.

Obviously, I support this bill and commend the ^{Committee} ~~Council~~ for finally holding this long overdue hearing.

It should be clear to all that wheelchair users are not alone in our support of Intro. 433-A. I would like to point out that in 2005 the New York City Bar Association and its Disabilities Committee went on record as "support[ing] legislation that will both improve taxicab accessibility for people with disabilities in the near term, and eventually result in a completely accessible taxicab fleet that provides full and equal access to transportation services to people with and without disabilities alike."¹

The Bar Association reported stated: "Such legislation would meet a pressing public need, remove a condition with a discriminatory impact, and also benefit able-bodied residents and visitors who travel with strollers, bicycles and other over-sized items."

Just as employers, building owners and housing developers learned after passage of the Americans with Disabilities Act of 1990 and the Federal Fair Housing Act, making required changes in accessibility—to which they initially objected--has increased their patronage and their bottom lines.

Even the Mayor has publicly recognized that taxi service is a major part of New York City's transportation system. While people with disabilities do have access to bus services and to some subways, "these services do not provide the immediate, flexible, and convenient service of on-street taxicabs.

¹ Report Urging Legislation to Require Taxicab Accessibility in New York City ("Bar Association Report") The Association of the Bar of the City of New York, Committee on Legal Issues

Individuals who do not use wheelchairs can choose taxicabs as a primary mode of transportation, as an alternative when buses or subways are delayed, as a means of reaching locales distant from bus and subway stops, and as a convenience in inclement weather. People who use wheelchairs cannot.”²

New York City should not lag behind London³ and other major national and international cities that provide wheelchair-accessible-taxicab service.

Show some gumption! Pass this bill!

² Bar Report, p. 5.

³ London began a gradual conversion in 1989 and all its taxis have long been wheelchair-accessible.

Hello, my name is Janice Schacter Lintz and I am the Chair of the Hearing Access Program. I am also the mother of an 18-year old daughter who is hard of hearing. We applaud the inclusion of induction loops in Intro 433-A.

Communication with a driver is difficult when a person has a hearing loss. There is a Plexiglas divider that inhibits sound, and the passenger cannot see the driver's face to read lips, since the driver is facing forward while driving. Induction loops allow my daughter and others who are hard of hearing to effectively communicate with the driver by switching their hearing aid to the "T" setting. The passenger can hear the driver directly in his or her hearing aid. No longer does the passenger have to worry that he or she that will end up in Soho when headed to Noho, a goal that everyone can agree is important.

Induction loops also allow drivers with hearing loss to hear the passenger, so they can continue working. No one should have to stop working because of a hearing loss when the technology to remedy the situation is easily available.

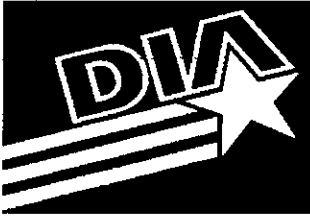
Induction loops provides excellent customer service for people who are hard of hearing. This is a universally used technology that has been available for many years and has been mandated in every taxi in London since 1998. The NYC Transit has added induction loops to all subway information booths and call boxes. Museums across the city are adding induction loops in addition to companies like Apple, Shake Shack, Yankee Stadium and Citi Field. Induction loops are also used throughout the world in numerous countries, such as Australia, Denmark, England, France, Hong Kong, Israel, Japan, New Zealand, Norway, Poland, Spain and Sweden.

New York City will be the model and leader by adding induction loop technology to its taxis. This is very exciting and I want to thank everyone for the inclusion of induction loops in taxis in Intro 433-A.

Intro 433-A does not include, however, captioning for all programming on the video system which should be included for people without residual hearing or who cannot use a hearing loop. It will also benefit foreign travelers and people on cell phones.

Thank you for your time,

Janice Schacter Lintz, chair, Hearing Access Program
917-975-5642 Janiceslintz@gmail.com



DISABLED IN ACTION OF METROPOLITAN NEW YORK
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NEW YORK, NY 10011-0109 TEL/FAX 718-261-3737
www.disabledinaction.org

April 18, 2013 Testimony on Intro 433-A

I am the Vice President for Public Affairs of Disabled In Action of Metropolitan New York. We need to have all the taxis and car services to be wheelchair accessible as soon as possible. Thousands and thousands of disabled residents and tourists need to get around our city and cannot do it now. A dispatch service is separate AND unequal. It is segregation, plain and simple. The way the dispatch service is now, it leaves out most residents of NYC because people in the outer boroughs and northern Manhattan cannot use it. Anyway, who wants to call and wait outside for a long time in all weather for a cab when hundreds of cabs are going by?

Within my lifetime, racial segregation was considered ok, the status quo, the way things should be. Finally, people realized that segregation was discriminatory and provided unequal benefits to people. Change did not happen easily, but now most people can't imagine separate drinking fountains, schools, hospitals, places of recreation, and people being denied jobs just because of their race.

Well, guess what! Segregation is alive and well towards people with disabilities! We are denied cab and car service rides because we can't find any cabs or car services we can get into! Even taxi sedans pass up tourists who have fold-up manual chairs, and the tourists tell us that the wheelchair user has to hide in a doorway until someone else hails the cab so everyone in the group can get a ride.

My husband has had to go to the hospital ER or for surgery and I could not go with him because I had to arrange an Access-A-Ride trip 2 days in advance. Once my 9 months' pregnant daughter had to take off from work to meet my husband at the emergency room of the hospital. This is insane!

I've twice broken my ankle and had to find a way to the doctor or emergency room because I could not get a wheelchair-accessible car service or taxi. In 2012, I would have been stranded all night at the hospital in Manhattan after I was finished in the ER because the buses had stopped running to my neighborhood in Brooklyn. Luckily, a friend agreed to transport me in her accessible van.

My worst paratransit experience was when I was first taken in a van to the North Bronx from W. 23rd street on my way home to Bay Ridge. The van malfunctioned on the way to Brooklyn. The whole trip took 6 hours. Had an accessible cab been available, I could have taken a taxi and gotten home way sooner.

I have two young grandchildren and they have to ride on Access-A-Ride with me when we want to go somewhere, but if they are both here, only one can come with me. What do I do with the other one?

When family comes from out-of-state, I want to splurge and go places with them by cab and car service, not force them to walk 12 blocks to the hourly express bus (and back) or meet me somewhere after we have traveled separately. Everyone isn't able to walk 12 blocks each way.

NYC is in the dark ages with respect to accessible taxis and car services. When the Mayor of Vancouver has to be hauled and manhandled into a van to get from the airport to Manhattan so he can meet with the City about economic exchange, there is something wrong! People who use wheelchairs or have mobility problems do not want to come to NYC only to be frustrated and left out. They, like we, want to partake of all the city has to offer and be able to get back home again at night or get to and from the airport.

Let's make ALL the taxis accessible! Now!

Jean Ryan jryan@disabledinaction.org 917-658-0760

Disabled In Action is a civil rights, non-profit, tax exempt organization

April 12, 2013

Testimony before the Committee on Transportation

RE: Proposed Int. No. 433-A - In relation to requiring that all newly manufactured taxicabs be accessible to people with disabilities.

As a New Yorker, a person who works and who is also a wheelchair user, I have had travel problems because of the lack of available accessible taxis. I am unable to use the city's subway system and can only use buses when I am not in pain. I rely on paratransit for regular, anticipated trips, although I cannot count on them for timely pick up or drop off. I'm lucky that my employer understands that paratransit timing is unpredictable – others working in other types organizations have much more difficulty explaining lateness or the inability to go to a meeting outside of their regular travel times. This severely limits their ability to move up in an organization. I cannot use paratransit for unexpected or unscheduled situations, but since my employer understands this problem, they are happy to make accommodations for me.

I am a Direct Services Supervisor at the Center for Independence of the Disabled, New York (CIDNY). I am active in the community including as Recording Secretary and former president of Disabled in Action (DIA), and I make full use of cultural and educational events around the city. Both for my job and personally, my ability to get around the city is critical. Because I cannot access city taxis, I have had several transportation problems that have affected me at work and in my personal life.

For example:

- 1) I became sick at work and needed to get home but could not get paratransit on a moment's notice. I was also not able to use the city buses because I could not wait and could not take the jarring motion of the bus;
- 2) I have needed to get to the doctor with little advance notice and have had difficulty trying to find transportation I could use.
- 3) Relatives came to visit from out of town and wanted to go sightseeing. I could not accompany the group who were traveling around the city by taxis, and made plans as they went from location to location – an impossible scenario for me unless the taxi is accessible.
- 4) Dealing with a family emergency such as a funeral, etc.

I have had the opportunity to ride in accessible cabs in New Haven Connecticut. When arriving at the train station accessible cabs are often present, and it is extremely helpful. The accessible taxi enabled us to get home one evening when I was visiting there and my friend who also uses a wheelchair had her chair break down when we were in the street. She took an accessible taxi home and this avoided an emergency situation.

Accessible taxis in NYC are long overdue and are essential for enabling persons with disabilities to participate fully in their communities to their full ability. Thank you.

Paula Wolff
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April 18, 2013

Testimony of Terence J. Moakley, Chair of the VetsFirst Committee of the United Spinal Association Board of Directors, Before the Transportation Committee of the New York City Council, Concerning Adoption of Intro 433-A

Good afternoon, Council Members. Thank you for this opportunity to express the strong support of VetsFirst for the adoption of Intro 433-A. The mission of Vets First is to directly assist veterans and their eligible family members in obtaining the benefits they are entitled to, deserve and need. We advocate nationally for all generations of veterans including individuals living with post-traumatic stress disorder and traumatic brain injuries.

In addition, VetsFirst staff has developed three (3) extensive online guides to help all veterans, disabled or otherwise, readjust to civilian life. They are our *Military Separation Guide*, *Veterans Guide To VA Benefits* and *Disabled Veterans Employment Guide*. We invite each and every one of you to visit www.vetsfirst.org to scroll through these excellent online publications.

It was my honor and privilege to be one of many founding members in 1996 of the New York City Taxicab For All Campaign coalition, and to serve as chairperson of this group until the end of 2006. The year 2006 was a time of hope for our coalition because it was back then that a second Council bill was adopted calling for the sale of 150 additional wheelchair accessible yellow taxi medallions.

Since that time, there has been an overwhelming silence from many members of this Transportation Committee concerning the adoption of a bill to add more wheelchair-accessible and disabled-friendly vehicles to our yellow taxi fleet.

I want to remind you that people with disabilities visit our great city not only from around the country but also from all corners of the planet. Further, I would like to inform you that according to the Department of Veterans Affairs, there are 183,000 disabled veterans from the 1990-1991 Gulf War, also known as Operation Desert Storm. This amounts to 25 percent of the men and women who served there in our military.

Further, the Iraq and Afghanistan Veterans of America website notes that 2.4 million servicemen and servicewomen have been deployed in Iraq and Afghanistan in the post-9/11 wars there. Many have endured multiple deployments. In addition, a May 2012 *Huffington Post* article found that some 45 percent of today's veterans have applied for VA disability benefits, with many presenting with multiple disabling conditions. This is 1,080,000 new veterans with disabling conditions since 9/11.

New York truly is "the greatest city in the world." Let's make the Big Apple even greater in the years ahead by passing Intro 433-A today, so that ALL New Yorkers, ALL Americans with disabilities including military veterans with disabilities and ALL visitors from around the world might use accessible taxis in the future.

Thank you for this opportunity to comment.

FOR THE RECORD

To The Committee on Transportation Proposal u 433-A:

My name is Todd Kreisler. I am the treasurer for Disabled in Action. I am here today to express my views about the need for Accessible taxis. While we have Access-A-Ride they are good if you have a planned trip and you can deal with them disappointing you by showing up late or not at all which does often happen. The subway are great for limited trips and out of 436 stations in NYC only 100 are accessible not a real success for people with disabilities. Not to mention the elevator outages that often occur as well as the more than occasional urine surprise in the elevator not very appealing!. The buses are great with 100% access. However, what does a person in a wheelchair do in an emergency? RIGHT NOW NOTHING!!!! There is nothing in place for a person with a disability who might also have an emergency which everyone has from time to time. So I am requesting that Taxis for All be the watch word so that people with disabilities can live truly independently.

FOR THE RECORD

**Testimony of Yetta G. Kurland before the
Transportation Committee of the New York City Council
In support of Intro 433-A - 2010**

April 18, 2013

Thank you Chairperson Vacca and committee members for holding this hearing and accepting this testimony.

I am here to encourage you to support Intro 433-A - 2010 – Requiring that all newly manufactured taxicabs be accessible to people with disabilities.

Transportation is the lifeblood of any dynamic city – New York more than most. The ability for our residents to travel anywhere and meet our neighbors is a vital part of our city’s economic and cultural vitality. Currently, that mobility is difficult to achieve for hundreds of thousands of our neighbors. This committee and this council have an opportunity to change that. In so doing, you will radically improve the lives of many of our neighbors, and make our city a richer place.

The end of the Crown Victoria offered us a unique opportunity to make true the promise of this city. Given current technologies, it is not only feasible, but good fiscal and transportation policy to require that 100% of taxis be accessible to all New Yorkers. A 100% accessible fleet will allow our neighbors with disabilities to travel without the stifling requirement of 24-hour notice, without adding hours to their trip in shared-ride vehicles, and with dramatically greater ease. This increased mobility and spontaneity cannot help but increase the dynamism of all our neighborhoods.

Furthermore, given that the average Access-A-Ride trip costs \$65, the fiscal savings from this legislation will, in the long term, be significant.

I strongly encourage this committee to support this legislation.

Thank you.



TESTIMONY OF DISABILITY RIGHTS ADVOCATES IN SUPPORT OF INT. 0433-2010

The yellow taxi cab is an icon of New York. Until now, only some New Yorkers have been welcome to enjoy the safe, efficient, door-to-door transportation yellow taxi service provides. Currently there are less than 240 out of over 13,000 accessible yellow taxicabs in New York. This constitutes less than 2% of the taxi fleet that people who use wheelchairs in New York are able to use. As a result, wheelchair users in New York City are denied a basic public transportation service which is available to non-disabled New Yorkers.

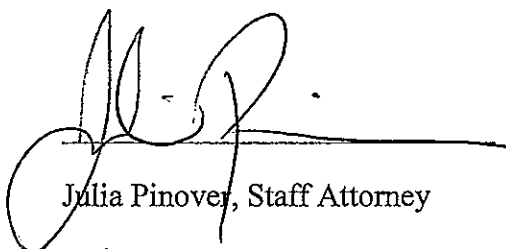
The present moment offers the potential to make one of the City's three major public transportation systems accessible. This opportunity must be taken seriously and should not be squandered. Safe, efficient, door-to-door transportation has many advantages, and being denied this kind of service places many unnecessary limitations on the lives of persons using wheelchairs. Without taxi service, persons using wheelchairs are forced to use either paratransit (which requires at least 24 hours of advanced reservation for a ride, and may travel in a slow and indirect way from point A to point B), or City busses (which do not provide comprehensive geographic coverage in the City, and are slower and less efficient than taxis as well). Subways are not an effective means of transportation for persons who use wheelchairs because most subway stations are not wheelchair accessible (i.e. they do not have elevators), and even in the stations that do have elevators, those elevators are often broken. In sum, the current state of public transportation in New York City leaves persons who use wheelchairs with no good options.

Equal access to transportation has been at the forefront of virtually every major civil rights movement. There can be no true equality if a group is excluded from public transportation. Aside from the humiliation and alienation caused by not being able to use public transportation, this exclusion also impairs persons' with disabilities right to work, obtain an education, maintain social relationships with persons in other neighborhoods, and enjoy the rich cultural activities that the City has to offer. New York City is a world class city and it deserves a world class transportation system. The City Council has the opportunity to take a major step in the right direction to reform this broken and discriminatory system. We strongly urge you to choose an accessible vehicle for the Taxi of Tomorrow, so that all men, women, children, seniors, and veterans with disabilities, are able to enjoy this crucial public resource.

If this issue is not addressed in the City Council, it is likely to be addressed in Federal Court. In 2010, Disability Rights Advocates (DRA), a nonprofit civil rights law firm, filed a lawsuit against the TLC on behalf of two individuals, United Spinal Association, 504 Democratic Club, the Taxis for All Campaign, and Disabled in Action. This lawsuit is alive, and currently entering into the second phase of the case which challenges the taxi and limousine commission's mandate that medallion owners purchase an inaccessible Van to be used as the taxi

of tomorrow. Under the Americans with Disabilities Act any van used as a taxi, must be accessible. *See* 49 CFR 37.103(d). So far as plaintiffs are aware, the taxi and limousine commission's central defense to this claim is that the NV 200 (which stands for Nissan Van 200) is not a van. If plaintiffs prevail in this lawsuit by showing that the NV 200 is indeed a Van, the TLC will have to comply with the Americans with Disabilities Act. That said, we can all probably agree that litigation is not the best way to solve a problem. What the council is proposing is a constructive step towards providing full accessibility to public transportation and it is a step which should be taken without Court intervention. .

Thank You,

A handwritten signature in black ink, appearing to read 'Julia Pinover', is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke extending to the right.

Julia Pinover, Staff Attorney

Disability Rights Advocates



April 18th, 2013

Testimony in Support of 433-A - A Local Law to amend the administrative code of the city of New York, in relation to requiring that all newly manufactured taxicabs be accessible to people with disabilities

"Taxis are an essential component of the transportation system in New York City, and therefore we have a duty and obligation to make sure that they are as accessible as possible to everyone."-- Stan Michels (former TLC Commissioner and former City Council member)

My name is Edith Prentiss; I'm the Chair of the Taxis For All Campaign (TFAC), President of the 504 Dems, Vice President for Legislative Affairs of Disabled in Action of Metropolitan New York (DIA) and a Board Member of the Disabilities Network of New York City (DNNYC). I'm glad to have the opportunity to testify today in support of accessible taxis, almost thirty months after CM introduced 433 on November 30th, 2010. I would like to thank CM Koppell for introducing Intro 433-A, and for invoking his Sponsors Privilege for a hearing of this vitally important Intro!

TFAC was formed in 1996 by disability rights activists frustrated by the inaccessibility of New York City taxis and liveries. Many activists had experienced accessible taxis in other cities and realized how much better New York City would be with accessible taxis and liveries. TFAC has supported the gradual transition to accessible taxis for seventeen years. Some of the bills we've supported are: Intro 84, introduced in 2004 by Council Member Margarita Lopez, would have required medallion owners to purchase accessible vehicles when they transfer their medallion, It would have taken about seven years to transition to a full accessibility. Despite 37 co-sponsors it never had a hearing.

Intro 378 (The Accessible & Green Taxi Transition Law), introduced in 2006, by Council Member G. Oliver Koppell would have required the transition to an accessible, green, comfortable taxi fleet in three stages over a period of several years: Despite 30 co-sponsors it was never voted out of the Transportation Committee to a Stated Council Meeting.

Intro 433, introduced in 2010 by CM Koppell, would have required any vehicle approved by the TLC to be used as a taxi be accessible to wheelchair users". 433-A also requires hearing aid induction loops, signs in alternate format (Braille and large print) and room for a service animal. Despite 34 sponsors it is only today having a Committee hearing!

New Yorkers and visitors alike need and deserve accessible taxis, liveries and other transportation options. There are numerous reasons why we need to be able to travel spontaneously from family emergencies, medical emergencies, social events, travel, AND MOSTLY AS A CIVIL RIGHT. We shouldn't have to justify needing and wanting accessible taxis.

While the Constitution does not include the right to accessible taxis the Americans with Disabilities Act certainly does! The ADA was enacted in 1990, isn't it embarrassing that less than 1.7% of New York City taxis are accessible taxis twenty-three years later? The percentage of accessible For-Hire-Vehicles (just about everything except yellow taxis) which number over 40,000 is minuscule. All I want is to be able to hail a taxi like anyone else, but to do so, we need more than 233 accessible taxis, we'll need 13,000!.

Testimony of Richard Kay before the Transportation Committee of the New York City Council

April 18, 2013

Good afternoon Mr. Chairman and Council Members.

My name is Richard Kay and I am the President of the League of Mutual Taxi Owners, CEO of Lomto Federal Credit and President of the Taxicab Service Association. I have not come here today to speak against increased taxi service for the handicapped. I believe that we can increase service and taxi availability without causing harm to the owners of more than 13,000 medallions if it is done correctly. If replacement vehicles are required to be accessible, the increased cost per vehicle would be at least \$14,000. The total cost to the taxi industry would be more than \$182 Million. This is not a one - time cost and this is not the only cost associated with this proposal. An increase in annual repairs, and a history of the modified vehicles having a shorter lifespan than traditional vehicles, as well as increased insurance costs represents a tremendous burden on taxi owners and especially owner drivers who own and operate one car. Most owner drivers are insured with American Transit Insurance Company and currently pay \$3,072 for single shift insurance and \$8,100 for double shift insurance. That amount would jump to \$9,645 and \$11,000 respectively for an accessible vehicle. A New York State Tax Credit would affect each individual differently and would not offset all of these increased expenses. So what is the solution? Right now Medallion Taxis complete about 700,000 trips per day. Of those trips a little more than 50 are for people in wheelchairs. The wait time for those trips is less than 15 minutes. The big question is, if there were more accessible taxis available, would there be more trips? We should find out the answer to that question before we try to change an entire industry. We don't know what the potential demand might be. The mayor would like to sell 2,000 new taxi medallions and has tied that plan to another plan that is held up in court. There is no reason why the City Council can't separate a new medallion sale from the outer borough hail plan and sell 2,000 handicapped accessible medallions over a period of time. This would bring money to the city and solve any perception of a lack of taxi service to the handicapped. A needs study could be conducted periodically as the new medallions are sold and this committee can determine how many handicapped medallions are needed. In this way everyone benefits and no one is hurt.



April 18th, 2013

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Greater New York Taxi Association

26 Court Street, Suite 1405, Brooklyn, NY 11242 · Tel.: (718) 834-4850 Fax: (718) 488-0535 · www.GNYTA.org

April 18, 2013

ACCESSIBLE LAW

My name is Ethan Gerber. I am the Executive Director of the Greater New York Taxi Association a taxi industry group which owns and operates virtually all fleet operated accessible and restricted hybrid cabs in New York.

As a group committed to accessibility we applaud the goals of the proposed legislation; we believe that the disability community is not a special interest group. As we tragically were reminded in Boston on Monday - able bodied people can become disabled in an instant - a solution for disabled is a solution for all.

GNYTA has done more than any industry group in New York to assist the goal of universal access. We have, at our own expense, purchased all the fleet owned accessible taxi medallions - have experimented with various types of cars, hired world renowned experts in training drivers contracted with the best software people, and lobbied hard for the TLC to make common sense changes in their dispatch program. At times it was like hammering your head with a hammer, for example, we had to lobby the administration and embarrass it on television to stop it from forcing accessible taxi drivers from using blackberries to get dispatch and actually force cab drivers to text and drive. At our own expense, we had to develop the integrated dispatch software currently in all cabs; it took us two years to convince the TLC that cabbies would only participate if they wouldn't lose money on each trip by having an unpaid for "deadhead" the empty trip to pick up the customer. We had to convince the TLC that its original cab the Ford Voyager, Dodge Caravan, Mitsubishi Eclipse were all found to be unacceptable and not durable, the Chevy uplander literally had doors fall off while riding. Even our current car the Toyota Sienna only worked well when one particular retrofitter got involved BRAUN - models retrofitted by other companies also proved to be failures.



Greater New York Taxi Association

26 Court Street, Suite 1405, Brooklyn, NY 11242 · Tel.: (718) 834-4850 Fax: (718) 488-0535 · www.GNYTA.org

Unlike the TLC, we have and continue to work with the disability community to learn from them - our customers - what works and what doesn't.

As recently as last week, our biggest fleet operator, Gene Freidman, at his own expense, rented out a conference area at the Millennium Hotel and held a think tank on accessibility. Present at the meeting were leaders of the disability community, including United Spinal Corp., 4 Wheel City, Taxi For All Campaign, Braun - the retrofitter, Metro, the Dispatch operator; and Assembly Member Kellner.

We have learned a lot about the needs of our customers, the vehicles that work and those that don't and the sustainability of this project.

We come here today to state that we support accessibility but it needs to be done right; I am afraid that the current bill is well intentioned but will fail the community and the industry if it is not modified and a more global solution is not implemented.

One of the main problems is that this bill does not address an issue that this counsel never had before it - the so called Taxi of Tomorrow.

Unless this counsel or litigation stops it, every cab will have to be a Nissan NV200, a car that is not accessible and has to be gerryrigged to be so. Cutting it up defeats the whole stated purpose of TOT - a purpose built cab. The new model will be completely different in the interior - it will not have the same cabin, leg room, etc. more importantly it is not the vehicle the disability community wants . It is a rear loader - meaning the customer has to be wheeled into traffic and has to get into the middle of the road to be picked up; it fits only the wheelchair in the back, so a customer cannot ride with their child, spouse or healthcare worker in the back. A mother could not ride at all with her child who is prohibited from being in the back - the user sits over the back wheel base - thereby getting jostled; the chair is far from the driver making communication and transactions difficult.



Greater New York Taxi Association

26 Court Street, Suite 1405, Brooklyn, NY 11242 · Tel.: (718) 834-4850 Fax: (718) 488-0535 · www.GNYTA.org

I bring these out not to brag but to articulate why the proposed Int. 433-A is a good idea but needs to be modified.

First, Taxi of Tomorrow needs to be scrapped. The owners should have a variety of cars to work with so that we and the disability community can learn which one is best for our mutual needs; only by extended use do these issues come to light; only competition guarantees that the car will be improved and the best choices will emerge.

Second, each and every cab driver should be trained now to and become licensed to drive accessible - only a fraction of cabdrivers, all volunteers have been trained; and only those trained may drive accessible cabs, it makes no sense to wait until the program starts.

Third, the counsel should sit down with us, industry leaders who support accessibility and are experienced, to learn how this plan could actually work. They are cars our money and our sweat that will make this program work or fail - we should work together.

Very Truly Yours

Ethan B. Gerber
Executive Director
Greater New York Taxi Association



27 Smith Street, 2nd Floor
Brooklyn, New York 11201-5111
718-998-3000 VOICE
718-998-7406 TTY
718-998-3743 FAX
www.bcid.org

**TESTIMONY NYC COUNCIL
ACCESSIBLE TAXIS
Intro 433A
NYC CITY HALL April 18, 2013**

Good Afternoon Mr. Chairman and Committee Members,

My name is Gabriela Amari. I am a Systems Advocate at the Brooklyn Center for Independence of the Disabled (BCID).

The Brooklyn Center for Independence of the Disabled Inc (BCID) is a non-profit community based, consumer directed center which advocates on behalf of the community of people with Disabilities and provides services to promote independence and full community participation.

I am happy to be here today in regards to accessible taxis. We have been working toward having equal access to taxi travel for the past twenty years and today we find ourselves so close to seeing this idea finally come to fruition.

While we are in full support of Intro 433A, and we are please many of the decision makers within the city are now looking toward a future where people with disabilities can finally have access to taxis, Intro 433A does not address some floors that might negatively impact what we see as a positive change. An example is, the proposed, taxi of the future, the Nissan NV-200 Accessible Taxi with its rear passenger loading design for people who use wheelchairs. This design adds a dangerous component by forcing people into the street to enter and exit the vehicle. A side-loading design, on the other hand, allows the vehicle to act as a barrier from oncoming traffic providing an added level of safety for people who use wheelchairs and places the burden of accessing the sidewalk on the cab driver rather than the person hailing.

It is the hope of the Board, staff and members of BCID that, the New York City Council and the TLC will consider this design floor when creating the regulations for accessible taxi design for this great city.

Full and equal access in taxis is an idea whose time has come. The time is definitely now, let's do it right.

Thank You,
Gabriela Amari,
Systems Advocate, BCID



24-16 Queens Plaza South, Rm 503
Long Island City, NY 11101
Phone: (718) 784-4511
Fax: (718) 784-1329
E-mail: pmazer@mtbotnyc.com
Url: www.mtbotnyc.com

Peter M. Mazer
General Counsel

**Testimony of Peter Mazer of the Metropolitan Taxicab Board of Trade
New York City Council Transportation Committee Hearing
April 18, 2013**

Good afternoon Chairman Vacca and members of the Transportation Committee. I am Peter Mazer, General Counsel to the Metropolitan Taxicab Board of Trade (MTBOT), a 60-year old trade organization that is comprised of 37 taxi fleets that operate more than 5,200 yellow medallion taxicabs throughout Brooklyn, the Bronx, Queens and Manhattan—more than 60% of all corporate medallions. MTBOT fleets lease taxis to more than 20,000 drivers and employ thousands of mechanics, dispatchers, managers and other direct and indirect employees that ensure that taxi service is provided to the riding public 24 hours a day, 7 days a week and 365 days a year.

Today, I will be speaking to the bill on the committee's agenda—Intro 433A.

MTBOT is strongly opposed to Intro 433A. The bill, while well intentioned, does not offer an efficient, practical or affordable way to provide accessible service to New Yorkers. As taxi operators, we support improving wheelchair accessibility for New Yorkers through a thoughtful and sensible approach that I will outline today.

Let me begin by illustrating the costs involved if Intro 433A becomes law. Today, many of our operators pay \$23,000 for the Ford Crown Victoria and the discontinued Transit Connect taxi. The Nissan NV200 accessible taxi, also known as the Taxi of Tomorrow, a car that is built as a non-accessible car and then altered by an after-market company to become wheelchair accessible, will cost \$47,000 per vehicle according to the City's contract with Nissan doubling the acquisition cost of the vehicle.

For MTBOT operators that operate medallions, 24 hours a day, 7 days a week and principally rely on leasing as a means to sustain operations, the doubling of vehicle acquisition costs is economically devastating. Maximum lease rates are only slightly higher today than they were in 1996, when the TLC first regulated lease rates. In fact, it has been nine years since the TLC last approved a lease cap increase – the longest period in history of taxi leasing.

In addition to the doubling of vehicle acquisition costs, we expect increased operational costs including maintenance and parts and unknown costs due to potential durability issues that will likely arise with unproven retrofitted vehicles. No business can be expected to operate with the set of unknowns that taxi operators would be subject to under this bill.

The bill's supporters have pointed to London as an example of a fully accessible taxi fleet in a major city. This is in fact true. However, London's taxi industry is also many other things. It is very expensive. London black cabs cost between \$53,000 and more than \$60,000, as such, fares are considerably higher – a \$10 NYC cab ride would run \$18 in London. Perhaps more importantly, most people who use wheelchairs in London call a London black cab for pick-up rather than hail it on the street.

New York City already has something similar – a successful Wheelchair Accessible Dispatch system. Can it be improved? Of course. As I said at the outset, operators want to see more wheelchair accessibility in the fleet. What we need to do is add more medallions – and make 100% of those medallions wheelchair accessible. Adding an additional 2,000 wheelchair accessible medallions to the fleet will increase the number of taxicabs participating in the Wheelchair Accessible Dispatch Program exponentially – from 233 to 2,233! This will have a profound impact on service for people who use wheelchairs, reducing the wait time for an accessible taxi significantly. The industry already subsidizes the Dispatch program at \$98 per medallion per year, and will pay \$54 per medallion this year, or a total of \$2 million over two years.

I urge the Committee to consider this alternate and pragmatic path to accessibility for New Yorkers.

I would like to thank the Committee and Chairman Vacca for having this hearing today and for allowing me to present testimony on behalf of MTBOT, and I will be happy to answer any questions you may have.



COMMITTEE FOR TAXI SAFETY
21-03 44TH AVENUE
LONG ISLAND CITY, NY 11101

PHONE (718) 706-8294 (TAXI)
FAX (718) 784-8284
Taxihail@aol.com

Testimony of David Pollack on behalf of the Committee For Taxi Safety

New York City Council Transportation Committee, City Hall

April 18, 2013

Good afternoon Chairman Vacca and members of the Transportation Committee. My name is David Pollack and I am the executive director of the Committee for Taxi Safety, a yellow taxi group comprised of leasing agents managing more than 2000 yellow taxi cabs, the owners of those taxi medallions, and the more than 5000 drivers who drive those taxi vehicles.

Although we sincerely empathize and understand the concerns of the disabled community, there is an economic reality here which must be understood and which results in our opposition to this bill even though the goal of the bill is laudable.

The simple truth is that accessible service is being provided by the yellow taxi industry. If service were not available and was not being provided, the economic realities of the bill might well not be as important as a lack of service. But here, that is not the case.

A year ago, the Taxi and Limousine Commission set up a new dispatch program by which accessible taxi vehicles could be dispatched to people needing them. According to the dispatch company, Metro-Taxi, they receive 60-80 calls per day for accessible vehicles. That number bears repeating. 60-80 calls a day. And many of those 60-80 calls may be roundtrips, meaning that there are 30 to 40 people per day needing accessible transportation provided by the yellow taxi industry.

Moreover, the accessible community not only has a dispatch system to ensure that they do receive the service that is needed, but they can also use new E-hailing smartphone applications to E-hail an accessible taxi.

And, according to the dispatch company, average wait time is only 8 minutes per call.

So clearly, quick and convenient service is being provided by the approximately 230 accessible vehicles currently on the road today.

In contrast to actual usage, the cost to convert the entire fleet of yellow taxicabs is simply staggering. As an example, Nissan has said that the cost of creating an accessible Taxi of Tomorrow vehicle, the NV200 that is to be the only vehicle type available for use by the taxi industry starting this November, would increase the cost of each vehicle by more than \$14,000 dollars. Multiplied by the more than 13,000 yellow taxis in service, we are speaking about a cost of more than \$182 million dollars to pay for this conversion. All this for 60 to 80 calls per day, or what may be just 30 or 40 people per day?

Not only does the initial cost of the vehicle increase, but also these vehicles, because they are heavier, require more maintenance and have a useful life of only two years, in contrast to the 3-6 year life of current taxi vehicles. Additionally, these vehicles do not get as good gas mileage, have more emissions, and as they are heavier, will require more maintenance and unfortunately, do more damage to anything they hit.

Clearly, that is a cost that neither the industry nor the public can afford.

Although there is much talk concerning the value of the medallion, that value is apart from the cash flow needed to run and operate a business. Businesses operate on cash flow. Just as your house may have increased in value from when you bought it, that value does not put food on your table or pay your mortgage. Your cash flow, your salary, your other income, is what pays for your expenses.

Here, the revenue stream for the industry is fixed by the TLC. It is fixed by the rate of fare that can be charged to passengers, and it is fixed by the lease caps, which limits the amount that can be charged drivers for leasing a cab and medallion. Accordingly, there is no way for the industry to afford or absorb this massive increase in costs and that cost would have to be passed on to the consumer, here the passengers. Tripling or quadrupling fares to pay for an all accessible fleet will surely cause a loss of ridership, further hurting not only our industry but the riding public by removing as a cost effective option this vital part of our transportation infrastructure. Everyone will be hurt by the passage of this bill and all for 60- 80 calls per day, and for service already being provided as and when needed.

And even with conversion of the entire 13,000 plus vehicle fleet, we do not anticipate usage by the disabled community to increase. The reason there is such limited usage by the disabled community is because of the fare structure. Access A Ride charges passengers \$2.50 per ride, and even that amount can be refunded to the passenger. In contrast, if someone uses a yellow cab, they need to pay the metered fair, which is considerably higher than what they would pay by using Access A Ride. Accordingly, until the State and City deal with this disparity in fares, usage by the disabled community will not increase dramatically.

Additionally, there are numerous practical issues here. To mention only one, hailing a cab for someone in a wheelchair is itself unsafe. Do we expect those in wheelchairs to edge into the street and into on coming traffic to try to hail a cab? Those not in wheelchairs are able to more easily maneuver back and forth to step into the street to try to hail a cab and avoid cars when the traffic gets to close. The likelihood of injuries occurring when someone in a wheelchair attempts to hail a cab from the street is truly frightening.

We also question why this proposed legislation only speaks to the yellow taxi industry and not the entire industry that includes black cars and livery services. Why should black cars and livery service cars not be made to provide the same levels of accessible service? Surely the same rationale that is used here to the yellow industry should apply to the black car and livery industries as well. And, in fact, the fares are higher for black cars and liveries then the metered fare for yellow cabs.

Finally, to our knowledge, there is no city in this country in which the entire taxi fleet is accessible. And there is a reason for that despite the truly good intent of this bill and of making all taxi's accessible. And the reason is, that need is being met, the economics do not justify the expense, and unlike state or municipal transit systems, the yellow cab industry is a private industry which does not get subsidized. The MTA subsidized Access-a-Ride program provides a government supported transportation alternative for passengers seeking accessible transportation. Those who use Access-a-Ride pay \$2.50, the cost of a bus or subway ride. In contrast, if one uses a yellow cab, they have to pay the metered fare. This fare discrepancy is in large part why there is not more demand for yellow cab accessible service. This bill if passed could easily become an excuse for the MTA to eliminate the Access A Ride program costing members of ATU and TWU to lose their jobs and stretch the finances of the disabled community to the point of being left stranded if they cannot afford to pay a fare that is significantly higher than buses or subways and without reimbursement.

As a result of the factors set forth above, in 2012, Chicago changed its taxi regulations to provide that 5% of its industry become wheelchair accessible. The Chicago regulations provide that anyone owning or controlling more than 20 cabs need to provide 5% of all vehicles they own or control as wheelchair accessible vehicles. Chicago chose a more measured approach to this issue, acknowledged the cost did not justify a larger accessible taxi fleet no matter how good the goal, and voted for what they knew was right.

We ask the City Council to do the same here. If need increases dramatically, this issue can always be re-visited. But the staggering economic impact of this bill does not justify its passage because need is currently being met.

We ask that you vote no to this bill.

Sincerely,

David Pollack, Executive Director, Committee for Taxi Safety

STATE WIDE

New York StateWide Senior Action Council, Inc.

275 State Street, Albany, NY 12210 • (518) 436-1006 • Fax (518) 436-7642

www.nysenior.org Patient's Rights Helpline 1-800-333-4374

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Tel: 1-212-204-6239

FOR THE RECORD

18 April 2013

The NY City Council Committee on Transportation

Hon. James Vacca, Chair

Hearing on **Proposed Int. 433-A:**

To require all newly manufactured taxicabs be accessible to people with disabilities.

STATEMENT OF SUPPORT

Lani Sanjek, President, NYC Chapter
NY StateWide Senior Action Council

We thank the members of the Transportation Committee, especially Council Member Koppel, and other Council Members who support this long overdue amendment to the administrative code of New York City to require a fully accessible yellow taxi fleet. Universal access to taxi service for people with disabilities clearly affects NYC's senior citizens, in particular those with physical disabilities, chronic conditions and assistive devices that make it impossible to use inaccessible vehicles.

We are 1.4 million, an expanding demographic (12.4% over the last decade), increasing throughout all five boroughs, at higher rates among the very oldest (16.2% for the 85+) but even more dramatically among the younger seniors who are 'boomers' (31.9% for ages 60-64). Even with improvements in some health parameters, the number of older New Yorkers in every part of the City who need accessible taxis will only grow in the years ahead.

NYC taxi service should not continue to discriminate against anyone of any age whether for a temporary, short-term or long-term disability. One never knows when it could be any of us. Moreover, people who need accessibility also have employers, family members, friends, neighbors and caregivers who are impacted when their activities and relationships involve using taxi transportation.

Universal accessibility helps many without obvious disabilities – visitors with luggage, New Yorkers with shopping carts, parents with strollers -- using elevators in the subways or curb cuts on the streets. It makes for a more livable city for everyone!

Finally, why should New York City – home to certainly the largest purchasers of taxicabs – not use its unique purchasing power to provide the most modern vehicles and a humane service. It is nothing short of shameful to allow the present situation to continue. We urge passage of Int. 433-A as soon as possible.

April 18 City Council Hearing iro Intro 0433A

My name is Ronnie Ellen Raymond. I am a resident of the Upper West Side of Manhattan. I have multiple sclerosis and as a result, I use a power wheelchair for mobility. The ability to use taxis like other New York City residents do would significantly improve my quality of life. Prior to the current Accessible Dispatch System which the TLC has implemented for trips originating in Manhattan, I used city buses and Access a Ride to get around. Buses are very reliable and 100% wheelchair accessible. They have been my transportation of choice above 14th St. When going to lower Manhattan or to any of the outer boroughs, I have used Access a Ride.

A good comparison would be attending a meeting at the TLC's office on Beaver Street. Going to a 10 o'clock/hour long meeting, I once actually arranged for Access a Ride to pick me up at 7:30. They arrived an hour late. They then proceeded to pick up another passenger and drop them off. Then another passenger picked up and dropped off. I arrived at 33 Beaver St. at 10:15. My pickup was scheduled for 12 o'clock noon. They arrived a little after 1:00 and I arrived at home around 4 o'clock. So my day was from 7:30 to 4:00 in order to attend a one-hour meeting.

Taking a yellow taxi from my home would be a half hour ride. Imagine if I could leave home at 9:15 and arrive at 33 Beaver St. in time for my appointment. If the meeting is on time, I could be home by noon. This is just one example of how my life would be much more reasonable, predictable and much less stressful. Having a disability should not result in being unreliable and nonfunctional.

I believe that services that can be made available should be available to all of our citizens. Intro 0433A would make this happen.

**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: Ari Hoffnung (PLEASE PRINT)

Address: _____

I represent: NYC Comptroller

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

Name: Vanessa Champion (PLEASE PRINT)

Address: New York City Comptroller

I represent: Office

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 433-A Res. No. _____

in favor in opposition

Date: 4/18

Name: SUSAN SCHEER (PLEASE PRINT)

Address: 1 Centre St. 13th floor

I represent: Comptroller John Liu

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. 433A Res. No. _____

in favor in opposition

Date: 4/18/13

(PLEASE PRINT)

Name: Terry Moakley

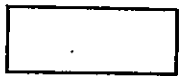
Address: 105 Robin Hood, West Nyack 10994

I represent: Vets First

Address: 75-20 Astoria Blvd., East Elmhurst, N.Y.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. 433 Res. No. _____

in favor in opposition

Date: April 17th

(PLEASE PRINT)

Name: M. J. ...

Address: ...

I represent: ...

Address: ...

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card



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

in favor in opposition

Date: 4/18/13

(PLEASE PRINT)

Name: Catherine ...

Address: ...

I represent: ...

Address: New York 10014

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Julie Maurer

Address: 220 E. 94 St # 2-F NY, NY 10128

I represent: Myself

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 433-A Res. No. _____

in favor in opposition

Date: 4/18/13

(PLEASE PRINT)

Name: Amy Paul

Address: 360 E 72, NYC

I represent: citizen advocate for seniors

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 433A Res. No. _____

in favor in opposition

Date: 4/18/13

(PLEASE PRINT)

Name: CATHERINE UNSINO

Address: 372 C.P.W. NY, NY 10025

I represent: Advocate for seniors

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. 433 Res. No. _____

in favor in opposition

Date: 4/18/13

Name: Edith P. Prentiss (PLEASE PRINT)

Address: 739 W 186 St NYC 10023

I represent: Tax For ALL Campaign

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0433 Res. No. _____

in favor in opposition

Date: April 12, 2013

Name: Julia Pinove (PLEASE PRINT)

Address: 40 W 10th St, 10th Fl

I represent: Disability Rights Advocates

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 433-A Res. No. _____

in favor in opposition

Date: 4/18/2013

Name: Lauri Saupke (PLEASE PRINT)

Address: 320 Riverside Dr. 3G 10025

I represent: NY Statewide Senior Action Council -

Address: NYC Chapter

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

**THE COUNCIL
THE CITY OF NEW YORK**

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: John Liu

Address: 1 Centre St. NYC

I represent: I am Comptroller

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 433 Res. No. _____

in favor in opposition

Date: 4/18/2013

(PLEASE PRINT)

Name: PETER M. MAZEN

Address: 24-16 Queens Plaza South-503 LLC

I represent: METROPOLITAN TAXICAB BD OF TRADE NY

Address: Same

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Richard King Arthur Goldstein

Address: _____

I represent: TSA Taxicab Service Assn

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: MARC KLEIN (PLEASE PRINT)

Address: _____

I represent: CLEAN ENERGY FUELS

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

Name: NANCY D MILLER Exec Dir/CEO (PLEASE PRINT)

Address: 500 Greenwich St

I represent: VISIONS

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 433A Res. No. _____

in favor in opposition

Date: _____

Name: Assemblyman Micah Kalish (PLEASE PRINT)

Address: _____

I represent: Self

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. 433-A Res. No. _____

in favor in opposition

Date: 04/18/2013

(PLEASE PRINT)
Name: Dr. Diana Indiou, Ph.D., Co. Chairperson

Address: 356 58th Str, apt 1, New York 10022-2249

I represent: Global Disability Movement

Address: 356 58th Str, apt. 1, New York 10022-2249

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 433-A Res. No. _____

in favor in opposition

Date: 4-18-13

(PLEASE PRINT)
Name: David Pollack

Address: _____

I represent: Committee for Taxi Safety

Address: 21-04 44th Ave, LIC

**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: Anne Davis

Address: 936 5th Ave, NY NY 10021

I represent: MS Society, Tax for All C/DNY

Address: 733 3rd Ave NY NY 10017 841 Broadway

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. 433 Res. No. _____
 in favor in opposition

Date: April 18, 2013

(PLEASE PRINT)

Name: Ethan Gerber
Address: 26 Court St, Suite 1405, Brooklyn, NY
I represent: Greater New York Taxi Association
Address: 26 Court St, Suite 1405, Brooklyn, NY, 11242

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 433A Res. No. _____
 in favor in opposition

Date: 4/18/2013

(PLEASE PRINT)

Name: LATICIA JAMES
Address: _____
I represent: Independence Care System
Address: 25 Elm Plac^{5th} Bklyn, NY, 257 Park Ave. South 2nd fl
400 E Fordham Rd 10th fl, Br NY NYC, NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 433A Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: James Weisman
Address: United Spinal Assoc
I represent: 75-20 Astoria Blvd, Jackson Hts, NY 11378
Address: _____

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: TAHIRU ALI

Address: 85 Riverdale Ave # A345

I represent: Lomfo

Address: 50-24 Queens Woodside

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 433A Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: RONNIE ELLEN RAYMOND

Address: W 93RD ST

I represent: SELF

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 433A Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: MEL WYMORE

Address: 120 W 70

I represent: CITIZENS FOR ACCESSIBLE WEST SIDE

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. 433 A Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Janice Schacter Lintz

Address: 233 E. 78th St. N.Y. N.Y. 10075

I represent: Leaving Access Program

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: William Clark

Address: _____

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

HALE TO &
LEAVE BY
3:00

Appearance Card

I intend to appear and speak on Int. No. 433.8 Res. No. _____

in favor in opposition

Date: 4

(PLEASE PRINT)

Name: Simi Linton

Address: 140 Riverside Drive

I represent: self

Address: _____

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

Must leave by 3pm

THE COUNCIL THE CITY OF NEW YORK

Appearance Card



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

in favor in opposition

at ~~sergeant's~~
433-8

Date: 4/18/13

(PLEASE PRINT)

Name: Christine Bruno

Address: 600 Columbus Ave, NYC 10024

I represent: Self-disabled NY'er in favor

Address: accessible taxi suit

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: William Clark

Address: _____

I represent: _____

Address: _____

THE COUNCIL THE CITY OF NEW YORK

Appearance Card



I intend to appear and speak on Int. No. 433A Res. No. _____

in favor in opposition

Date: 04/18/13

(PLEASE PRINT)

Name: Gabriela Amari

Address: 125 Ocean Parkway

I represent: Brooklyn Center for Independence ^{of the} Disabled

Address: 27 Smith St. 2nd Fl. Bklyn, NY 1001

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: 9/18/2013

(PLEASE PRINT)

Name: Angel Valentin

Address: 1416 Putnam ave

I represent: Beid

Address: 27 Smith St, Bklyn, NY 11201

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 433A Res. No. _____

in favor in opposition

Date: 4-18-13

(PLEASE PRINT)

Name: Elizabeth Ramos

Address: 185 Ardsley Loop, Bklyn 11239

I represent: Disabled In Action

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 433A Res. No. _____

in favor in opposition

Date: 4-18-13

(PLEASE PRINT)

Name: Paula Wolff

Address: _____

I represent: Disabled In Action + CIDNY

Address: 841 Broadway - Suite 301
NY, NY 10003

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. 433A Res. No. _____

in favor in opposition

Date: 4-18-13

(PLEASE PRINT)

Name: Jean RYAN

Address: 646 7th ST BROOKLYN, NY 11209

I represent: Disabled In Action

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: 4-18-13

(PLEASE PRINT)

Name: Susan Doona

Address: 841 BROADWAY

I represent: Center for Independence of the Disabled, NY

Address: 841 BROADWAY NYC 10003

**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: Elizabeth Abraham

Address: _____

I represent: B. I. A. N.Y.C. Chapter

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. 433-A Res. No. _____

in favor in opposition

Date: 4/18/13

(PLEASE PRINT)

Name: CANDIDATE DAVIDSON / COMMISSIONER YASSER

Address: _____

I represent: NYC TAXI LIMOUSINE COMMISSION

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. 0433A Res. No. _____

in favor in opposition

Date: 4/18/13

(PLEASE PRINT)

Name: Seth Weimber

Address: 161 W. 61st St., 12G New York, NY 10023

I represent: _____

Address: _____

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