Testimony of Jennifer Tavis

Deputy Commissioner for Finance and Administration

New York City Taxi and Limousine Commission

New York City Council

For-Hire Vehicle Committee

Oversight Hearing on Accessibility

October 15, 2018

Good morning Chair Diaz and members of the For-Hire Vehicle Committee, my name is Jennifer Tavis, Deputy Commissioner of Finance and Administration at the New York City Taxi and Limousine Commission. Thank you inviting me TLC to discuss the agency's progress in making New York City's for-hire transportation accessible to all New Yorkers. TLC's mission is to ensure that all New Yorkers receive safe, reliable and accessible for-hire service. Over the past several years, the TLC has taken great strides in making service more accessible for people with disabilities. Today, nearly 3,000 out of more than 125,000 vehicles regulated by the TLC are accessible to the approximately 90,000 wheelchair users who work and reside in the City. This represents significant progress in providing wheelchair users a basic service available to all other New Yorkers: the ability to secure on demand transportation from a curbside at any hour of the day or night. Accessible transportation means that New Yorkers and visitors to New York City who have disabilities can participate in the life of the city, including access to health, education, culture and family.

In 2014, the TLC changed the landscape of yellow taxi service for people with disabilities by requiring a percentage of each fleet to be wheelchair accessible. Today almost 2,500 yellow taxis are wheelchair accessible and available for customers, a tenfold increase since 2014. And a percentage of the green taxis that started to hit the streets in 2013 are also required to be accessible, and although the number in service is lower than we would like there are approximately 200 accessible green taxis on the road in the boroughs when five years ago there were none.

To get more accessible yellow and green taxis on the road, the TLC created the Taxi Improvement Fund (TIF) and Street Hail Livery Improvement Fund (SHLIF). The programs are funded through a thirty-cent surcharge on all medallion and street hail livery trips. Enrolled owners are eligible to receive a one-time payment of \$14,000 to offset purchase costs, and up to an additional \$4,000 a year for four years to support owning and using a WAV vehicle (up to \$30,000 total over four years). TLC recently increased the per-trip payment drivers taking part in the TIF and SHLIF program receive from 50 cents to one dollar, meaning enrolled drivers will receive one dollar for every trip made in a wheelchair accessible yellow taxi – earning an additional average bi-weekly payout of \$134. Since 2016, the program has paid out nearly \$37 million to vehicle owners and \$7.5 million to drivers. Owners of accessible green taxis are eligible to receive similar levels of support through the TLC's green grant program.

TLC also operates an Accessible Dispatch Program that provides passengers a safe, reliable ride in wheelchair accessible yellow or green cabs, all at the metered rate. The Program is the first operation of its kind, offering citywide wheelchair accessible taxi service. Passengers can book trips on-demand via mobile app, text, web booking, and traditional call-in requests, and pay for their trips via cash or credit card. The Accessible Dispatch program originally served only Manhattan, but in January of this year it was expanded to all five boroughs. The program has completed more than 60,000 trips so far this calendar year. Median wait time for accessible dispatch trips fell to 13 minutes citywide, and the program fulfilled 84 percent of requested trips. We work every day to make these numbers even better.

To improve income opportunities for drivers through Accessible Dispatch, TLC has passed rules to equalize driver payments throughout the City. Thus, there will be an increase in the rates for outer borough-based trips so that they match those of trips that start in Manhattan.

Additionally, because drivers have to spend time driving without a passenger to pick up Accessible Dispatch trips, also known as "deadheading," TLC will implement an across-the-board \$5 increase to these deadhead payments to drivers. With these increases in place, and before the meter even starts, drivers will be able to make up to \$35 per accessible trip, while providing a much-needed service to New Yorkers with disabilities.

Since 2014 the TLC has spearheaded a collaboration of the Metropolitan Transportation Authority (MTA)'s Access-A-Ride program (AAR) to expand opportunities for green and yellow taxis. As a result of this partnership and after a testing phase, the MTA launched a taxi pilot which provides AAR service in mainstream vehicles, so disabled passengers can travel using the same methods as other New Yorkers instead of a separate service. This partnership also provides additional income streams for taxi drivers and additional vehicle capacity for the AAR program. As one green taxi driver put it at our most recent public hearing: "We are doing eighty percent of CURB rides for access-a-ride passengers and accessibility rides, and this has really incremented our income... I have drivers who in five hours will make two hundred dollars and they're happy. They're working all day with AAR."

As of May 2018, green and yellow taxis provided more than 5,000 AAR trips each day, and the share has been steadily growing. Also, by using taxis and taxi apps for the first time, AAR passengers can request true on-demand service, which is life-changing for passengers rather than the old way, booking 24 hours in advance and waiting up to three hours for a ride. We are excited by the possibilities offered by this partnership, for passengers, owners and drivers. We appreciate the interest we have received from Council Members about deepening our collaboration with the MTA and we welcome your support.

While there was great progress in growing the fleet of accessible taxis from 2014 to 2018, the for-hire market grew by over fifty thousand vehicles, but woefully few of these new cars were accessible. So, starting in 2016, the TLC took the initiative to change that unacceptable situation. Just ten days ago the TLC approved new rules and New York has become the first city in the nation to mandate that for-hire vehicles provide real accessible service by increasing the number of wheelchair-accessible vehicles in circulation. TLC now requires every base to either have an escalating percentage of its trips be done in an accessible vehicle, or respond to requests for an accessible vehicle within prescribed wait times. For example, within the next year most passengers requesting a wheelchair-accessible vehicle must get it in less than fifteen minutes, and by the third year in less than ten. Mobility is the lifeline of our city, so increasing the number of wheelchair-accessible vehicles in circulation benefits all New Yorkers as more of us can get around and get involved in our economic and cultural life of the City.

As you can see, the TLC has made meaningful progress in the last five years, and there is still much more to do. We recognize that New York City serves as a model for other major cities that aspire to make their for-hire vehicles accessible, and we will keep working to make sure that New York leads the way for the entire nation and the world.



### TESTIMONY OF THE COMMITTEE FOR TAXI SAFETY

Committee on For-Hire Vehicles October 15<sup>th</sup>, 2018

Presented by,

David Beier President of the Committee for Taxi Safety

> Committee for Taxi Safety (718) 779-5000 5411 Queens Boulevard, Woodside, New York 11377



Good Morning Chairman Diaz and the members of the For-Hire Committee. On behalf of the Committee for Taxi Safety and taxicab drivers industry-wide, I thank you for the opportunity to speak today on New York City's accessibility standards. We support the City's efforts to ensure equal service in the taxi and for-hire sectors. However, we believe that the City's current policies, while appearing favorable on paper, have ultimately hurt taxicab drivers financially and continue to halt progress as it pertains to accessibility.

As medallion owners have become incapable of securing income, due to an abundance of drivers fleeing onerous accessibility requirements, many have resorted to selling their medallions for a loss. To date, there are approximately 1000 medallions sitting on the shelves of larger financial institutions, rather than being used to provide accessible rides today.

While the 50% settlement was a laudable goal, it was not implemented in a manner that would allow it to succeed. Assessing yellow taxis based on the number of vehicles while assessing FHVs based on total trips has created a regulatory environment that encourages drivers to migrate away from yellow cabs. In order to reach the 25% benchmark that the City has called for, only 7.5% of for-hire vehicles need-be accessible. In contrast the taxi industry is once again forced into stricter requirements and asked to make 50% of its cars wheelchair accessible. This is a policy disaster that has devastated an already dying taxi industry and the results are blaringly obvious. More than 2/3 of the City's medallions mandated as "accessible" are either resting in storage or sitting idle as drives opt for the more loosely regulated for-hire sector.

This is a problem we have seen time and time again that is strikingly similar to the failed "Taxi of Tomorrow" program. Now 7 years into the 10-year program, the "Taxi of Tomorrow" initiative has already been terminated. This is due to the fact that drivers realized they could easily avoid the "Taxi of Tomorrow", a vehicle which many opposed driving because of its inefficiency, by simply switching over to any number of fuel-efficient vehicles offered in the forhire sector. While the City was overly fixated on pushing it gas-guzzling Nissan minivan, the yellow cab industry was struggling bitterly against an onslaught of unequal regulation.

Drivers have proven over and over that they want what is best for the environment and what is most fuel efficient. In a similar fashion, drivers want to be accessible and want to offer the best quality of labor for the most people possible. Simply mandating that a certain number of vehicles meet these accessibility standards and neglecting to consider whether or not these vehicles actually end up on the road is careless mistake, one which has dire consequences for taxi drivers. The City needs to be diligent in addressing this problem and avoid the paper victory of a 50% settlement that will ultimately take thousands of cars off the road.

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### **Testimony**

### Nicole Epstein

NYETA + Gotham Government Relations

For Hire Vehicle Committee

**NYC Council** 

October, 15, 2018

Good morning Chairman Diaz and the FHV Committee, my name is Nicole Epstein and I'm here today to speak about real solutions to the WAV availability crisis and the everlasting underfunded Access a ride program.

Let's be clear, it is impossible for taxi drivers to keep their accessible vehicles on the road. These WAV's are an endangered species as they are more expensive and difficult to drive than standard cabs. Put simply, the new FHVs have, and are, discriminating on the basis of disability.

Their unregulated entry into the NYC market has totally undermined those very taxis that provide services to wheelchair users. Since it is more expensive and challenging to drive an accessible taxi, these cabs are at a competitive disadvantage. Consequently, FHV's are replacing yellow cabs and fewer accessible taxis are on the street.

This is why the city has sold only a tiny portion of the 2,000 taxi medallions meant to hit the streets in wheelchair-accessible cabs:

"Before Uber started luring away tens of thousands of taxi drivers, New York lawmakers pledged to support the disability community by increasing the number of accessible taxis. But Uber's rapid expansion has thwarted these efforts, and its refusal to help fund accessibility programs has made the problem even worse." James Weisman, CEO of the United Spinal Association

My solution calls for the necessity of creating legislation that imposes at a minimum, a \$2.00 surcharge on every single E-HAIL service provider trip that is conducted in a non WAV vehicle.

All other potential remedies would be simply palliative:

 1.00\$ per trip should be earmarked for funding the taxi medallion Access a ride pilot that the disability community has grown to love but is severely underfunded  1.00\$ per trip earmarked to funding the WAV's in the taxi medallion industry that is imposed by mandate without any similar mandate for UBER.

When there is truly available service, then we'll know what demand is. This is what we are hearing about today with the "too successful" MTA Access -A- Ride Pilot program. However, Commissioner Joshi has ensured that NYC never see what the true demand is because the TLC turned Uber's temporary pilot "WAV dispatch" program into a formal rule and permanent exception to the TLC "25% mandate" as well as changed implementation from July 1, 2018 to June 1, 2019.

Uber argued that the 25% would translate into higher prices paid by consumers-both those who use wheelchairs and those who do not. And that these unsubsidized price increases, which could exceed \$2.00 per ride, will have negative impacts on all riders, and could destroy the FHV industry, undoing some of the progress already made in enabling enhanced WAV access in New York City. **Chairman Diaz, does this make any sense?** What about the taxi medallions that are WAV's? WHO IS HELPING SUPPORT THEM? There isn't a multibillion dollar company subsidizing those trips. We need City Council action and we need it now as the TLC has backed down to these ridiculous claims made by a Silicon Valley multibillion dollar corporation.

Uber claimed it's committed to making its very own WAV dispatch system a success "not only because those efforts are consistent with Uber's anti-discrimination policies, but also because they are the right thing to do." **Need I go any further?** 

For some background, this past December, the TLC passed a Rule that required all FHV bases (app-based, livery, black car) to dispatch 25% of their trips in WAVs beginning with 5% in the first year of implementation starting July 1, 2018, scaling up to 25% over the course of five years (July 2023). This went out the window and instead, the TLC made the WAV Dispatch Pilot Program (created by UBER) into a permanent and scratched the 25% mandate.

Now, starting <u>June 1, 2019</u> "accessible vehicle dispatcher must service 60% of all the requests for Accessible vehicles it receives via the central dispatch program participants, within 15 minutes. And 90% of all requests within 30 minutes."

- •Since when is UBER known for anti-discriminatory policies or doing the right thing?
- •60% of all trips requested must be completed within 15 minutes and 90% within 30 minute? UBER provides ON DEMAND service to everyone else who does not require a WAV with wait times typically being 5 minutes. RARELY, if ever, does an UBER take 30 minutes to pick up a passenger Equivalent service?
- •UBER gets to start the clock on response time by the moment UBER so called "received" the request from the base. How is this going to be regulated? Uber can make up whatever time it wants to say despite the actual time the passenger requested the WAV. Uber can claim they never received the request from its associated base. Meanwhile-

there is NO distinction in reality between UBER and its bases. This is an illusion. Necessity for TPEP.

NYC won't know the true level of WAV demand UNTIL there is true EQUIVALENT service offered, then, we will know what the actual demand is. According to NYC TLC regulations it is the TLC duty to ensure equivalent service is provided. CLEARLY that has not happened.

As you are hearing today, in a bid to cut costs and improve transit service for New Yorkers with disabilities, the MTA and the Taxi and Limousine Commission has rightfully been leveraging the accessibility of the taxi fleet to provide some paratransit trips. In addition to using taxis to provide direct, rather than shared rides, as part of the existing paratransit framework with advance bookings, a portion of Access-A-Ride users have been provided with same-day, on-demand direct taxi service as part of an MTA-led pilot program that started in November 2017.

Access-A-Ride pilot users are able to obtain an accessible taxi through either the Curb mobile application or a dedicated call center as a same-day, direct service for a subsidized cost of \$2.75 which is set for the sake of fairness, because the service is designed to be a bus-and-subway alternative. Curb covers the rest of the metered fare, and then the MTA reimburses them.

However, the e-hail pilot ends in October 2018, though users and advocates are pushing the MTA to make it permanent as you heard today:

"It gives more business to the accessible cabs," said Gabriela Amari of the Brooklyn Center for Independence of the Disabled. "And we get on-demand hail, which we've been wanting forever."

Let's remember that more accessible taxis there are in New York City, the less pressure there will be on the demand for Access-A-Ride trips. Also, it is important to note that the rise in the number of accessible taxis affects more than just the Access-A-Ride service, as many people with disabilities do not use paratransit and prefer to instead have other mainstream transportation options available to them.

Through the NYC Accessible Dispatch program residents and visitors alike can now order a wheelchair accessible yellow or green taxi from anywhere in New York City with booking available by calling a dispatch center, dialing 311, scheduling a trip online, or through the "Accessible Dispatch NYC" app. Upon request, the dispatcher sends a wheelchair accessible taxi to the pickup location, and passengers simply pay the metered fare when they reach their destination.

The accessible dispatch program is a necessary means of travel for some New Yorkers as well as visitors because a majority of New York City's public transit is NOT accessible: only 24 percent of New York City's 472 subway stations are accessible via an elevator. We need to ensure that these Taxi medallion WAV's are still available to them as well! We need to implement a \$2.00 surcharge on every single trip immediately.

Remember, any progress made in wheelchair accessibility will be in vain because it will be impossible for taxi drivers to keep their accessible vehicles on the road.

Commissioner Joshi should have been on top of this years ago. What has happened since then? Hundreds of Taxi medallion WAV's sit in garages or have been foreclosed upon and have not been returned to the road. We need city council action first and foremost by creating legislation imposing a \$2.00 surcharge on every e-hail high volume service provider trip conducted in a non WAV.



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#### TESTIMONY OF PETER M. MAZER

#### General Counsel, Metropolitan Taxicab Board of Trade

#### CITY COUNCIL FOR HIRE TRANSPORTATION COMMITTEE

#### October 15, 2018

Good morning Chairman Diaz and members of the Committee. My name is Peter Mazer, General Counsel to the Metropolitan Taxicab Board of Trade (MTBOT). We represent the owners of about 5,700 licensed medallion taxicabs. Our full service drivers' center has provided accessible vehicle training for about 2,500 drivers and has assisted more than 1,000 drivers in signing up for taxicab improvement fund reimbursements. Like all services the center provides, there is no cost whatsoever to any of our drivers.

The problem of accessibility in the for-hire sector is not new. The TLC first attempted to tackle this problem in the year 2000, when it mandated that each for-hire base either provide accessible on-demand transportation or contract with another licensed base to do so. Eighteen years after the passage of this rule, one-third of one percent of the 115,340 licensed livery and black car vehicles are currently accessible for persons with disabilities. More recently, the for-hire industry rejected a plan proposed by the TLC to require that each base provide a threshold number of trips in accessible vehicles. This was replaced with a self-enforcement program not unlike the failed plan of 2000, except that the new plan does not even purport to require service equivalency. Just two months ago, this Council passed and the Mayor signed into law a partial vehicle licensing cap for the for-hire industry. Since this "cap" took effect, the largest of the FHV app companies has added 3,539 new for-hire vehicles. Of these, ten are accessible. 152 of

the 80,776 vehicles affiliated with Uber-branded black car bases are currently accessible to persons with disabilities.

I will leave it to this Committee to decide if the City has done enough to provide accessible service to residents and visitors using livery and black car services.

In the medallion taxicab industry, a mandate exists requiring that fifty percent (50%) of all new cars placed into service be accessible. As of now about 20% of all yellow cabs are accessible, and the 50% goal should be reached within the next few years. The infrastructure accompanying this mandate, including partial reimbursement for the added vehicle acquisition and repair costs as well as incentives for drivers has not been without some initial problems but has generally worked well. There are a few ideas I wish to offer to make this program work even better:

- In the past, owners and drivers have found the reimbursement program to be cumbersome and slow. Our staff has worked with the TLC on a case-by-case basis to make this process better and more user-friendly. We thank the TLC and encourage them to continue to innovate in ways that would make the process even better. For example, perhaps drivers can be signed up automatically for TIF reimbursement upon license renewal.
- We need to find new and creative ways to incentivize drivers to operate accessible
  vehicles. Drivers receive \$1.00 extra per trip and deadhead fees for an accessible
  dispatch trip. But they receive no such incentive for an accessible trip dispatched through
  e-hail providers such as Arro or Curb, or for a street hail by a person with disabilities.
   Perhaps ways to incentivize these accessible trips could be developed.
- We thank the Council for recently passing legislation eliminating the medallion licensing and renewal fee for accessible vehicles. At a time when our industry is suffering and finances are precarious, every reduction in expenses is helpful. We have an MTA tax, totally \$3.00 per trip in yellow cabs, looming on January 1<sup>st</sup> which will be devastating to this industry. While outside of the control of this body, we would encourage an expression of support for the idea that at least accessible trips be exempt from the MTA

- tax, especially since mass transit alternatives are often not easily available to disabled passengers, and a taxi ride is far cheaper than MTA-subsidized access-a-ride services.
- Perhaps driver licensing fees could be waived for drivers who engage in a specified number of accessible trips, or driver a certain number of shifts in an accessible vehicle.
- Presently, the Taxi of Tomorrow must be used in most cases as an accessible vehicle
  unless of a minimum number of available exemptions is granted. We encourage the TLC
  permit the hack-up of any approved accessible vehicle by any owner.
- Finally, other parts of the existing rules may be worthy of reconsideration. There are a small number of dedicated accessible taxicabs purchased at auction which fall outside the mandate program. In theory, the owners of these medallions purchased at a discount. In reality, the medallion today is worth a fraction of what they paid. The Council may consider whether it still makes sense to that these medallions differently for all others with respect to the accessibility requirement. Also, the accessibility mandate rules made certain assumptions that all vehicles retire on their scheduled retirement date, and did not account of early retirement of vehicles because of accidents, repossessions or other reasons. We would be happy to dialogue with the Committee on these and other issues to improve and enhance the accessible taxicab program.

Thank you for providing me with the opportunity to speak this morning. I would be happy to answer any questions you may have.



# Comments of Justin Wood, New York Lawyers for the Public Interest on Accessibility in the For-Hire Vehicle Accessibility October 15, 2018

Good morning, my name is Justin Wood; I am the director of Organizing and Strategic Research at New York Lawyers for the Public Interest (NYLPI) and a member of the Access-A-Ride Reform Group (AARRG!).

As you have heard this morning, New York's huge for-hire-vehicle industry continues to openly discriminate against New Yorkers with disabilities – and wheelchair users in particular – by refusing to provide accessible vehicles and accessible service equal to the service these companies provide to other New Yorkers.

Moreover, the rapid growth of this inaccessible industry undermines efforts to improve Access-A-Ride service, accessible taxi service, and subway accessibility. It is clear that without strong, enforceable mandates and incentives, FHV corporations will not simply choose to do the right thing and serve people with disabilities.

#### 1. The FHV industry does not serve New Yorkers with disabilities.

The latest numbers published by the TLC confirm what people with disabilities know all too well – that Uber, Lyft, Via, and other car and limo companies have no interest in operating vehicles that can accommodate wheelchair and scooter users. According to the 2018 TLC Factbook, there are only 105 active wheelchair accessible vehicles in the huge FHV fleet of more than 100,000 vehicles. That's virtually zero.

A NYLPI report entitled <u>Left Behind</u> recently found that the wheelchair accessible vehicle (WAV) services advertised by Uber and Lyft, the apps failed to even locate an accessible for-hire vehicle more than 70% of the time, and that the waiting time for an accessible ride was more than three times as long as for an inaccessible vehicle. We also found that other FHV operators – including several who sued the City in an effort to avoid TLC accessibility requirements – don't even claim to offer accessible service at all.

We therefore urge the Council to pass legislation to ensure that FHV corporations to rapidly increase the number of WAVs in their active fleets. Just as people with disabilities pushed for a fully accessible taxi fleet, we believe Uber, Lyft, and other FHV companies should be held to at least the same standard.

#### 2. The lack of accessible FHVs and taxis will hold back reform of the Access-A-Ride system.

Access-A-Ride (AAR) is a paratransit service for people with disabilities who cannot use MTA subway or bus service. Compared to other transit options, AAR is grossly unequal, as riders face a 24-hour advance booking requirement, excessively long trips and routes, and late or missed pick-ups. For thousands of people with disabilities, the lack of reliable, efficient transportation creates severe barriers to health care, employment, education, and basic human freedom for New Yorkers with disabilities.

In the past year, the MTA began providing a limited on-demand Access-A-Ride program via a smartphone-based taxi hailing app, with the potential to revolutionize paratransit service. However, the lack of accessible FHVs and taxis, particularly in the outer boroughs, threaten to limit the reliability and scope of on-demand service.

While medallion taxi fleets are somewhat more accessible than FHVs – with about 14% of yellow cabs being active WAVs – they remain highly concentrated in Manhattan with over 92% of trips originating there. People with disabilities are more likely to live in the outer boroughs where taxis – including accessible taxis – are scarce. While the Bronx has the highest percentage of residents with disabilities, only .1% of yellow cab trips and 7% of FHV trips originate in the Bronx, and wheelchair accessible vehicles are virtually non-existent within the FHV fleet.

TLC data also show that unrestrained competition from the huge FHV industry is also undermining the green taxi industry, which remains small and provides only a limited number of WAVs in the outer boroughs.

#### 3. FHV corporations should pay their fair share to fund transit accessibility.

The huge number of inaccessible FHVs on our streets also undermines our deteriorating mass transit system, which remains wholly inaccessible to many New Yorkers. Less than one in four subway stations has elevators, and these are often out of service. The Fast Forward plan rightly calls for construction of more than 50 new accessible stations in five years; but this and other urgent goals will require substantial new revenue streams.

Unlike taxis, which have been required to contribute a \$.50 per-ride surcharge to the MTA since 2009, the FHV industry has contributed far less funding to mass transit. The huge FHV fleet also contributes to street congestion, which makes travel even more burdensome for people with disabilities who are forced to use surface transportation such as Access-A-Ride.

While the state budget's surcharges for FHV and taxi trips entering central Manhattan are a step in the right direction, it has been estimated that these fees will raise only a third of the revenue needed to make meaningful investments in transit. Whether through congestion pricing or other new revenue mechanisms, it is critical that FHV corporations wishing to do business in our City pay their fair share toward a functional and accessible mass transit system.

We believe that robust legislation and incentives will be needed to get FHV corporations to invest in accessible service for the thousands of New Yorkers who most need them, and we hope to work with members of this committee and the City Council to pass meaningful legislation to achieve this as soon as possible.

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Testimony of Valerie Joseph and Joseph G. Rappaport before the New York City Council's For-Hire Vehicle Committee hearing on accessibility

October 15, 2018

My name is Valerie Joseph and I'm the Access-A-Ride Advocate for the Brooklyn Center for Independence of the Disabled. BCID is a member of AARRG!, the Access-A-Ride Reform Group. We call it AARRG! because that is what riders often think about Access-A-Ride service. Thank you for the opportunity to testify before this City Council committee.

Last month, 60 Access-A-Ride users made their voices heard at the MTA's Transit Committee meeting. Dozens of us testified in support of the MTA's innovative on-demand pilot, which allows a limited number of Access-A-Ride riders to get on-demand service using the CURB app or calling in for the MTA to connect us to a ride right away.

For the first time, Access-A-Ride users can get a ride without having to reserve one a day in advance. Finally, we can go directly to our destination without going in the wrong direction or picking up three or four other people. For once, we can go where we want, when we want.

It's a fantastic program, and we've urged the MTA to expand to ALL Access-A-Ride users. But if only a handful of for-hire vehicles are accessible, as is the case now, the MTA will have a tough time delivering adequate service. That is why we need the Council's leadership in making accessibility the norm for FHV service, not the rare exception.

I can't talk enough about what the MTA's new on-demand service has done for my life, but I'll keep it brief. It's made a huge difference. I'm a Queens resident who works in Brooklyn, about an hour and 10 minutes away from my home. In the beginning of the program, I found it very hard to get a ride. There were just not enough accessible yellow taxis coming to my neighborhood. They chose to stay at the airports.

But now the accessible-taxi drivers have figured out that there's real money to be made by serving Access-A-Ride customers like me. I now can get to work on time, with a direct ride to my destination. I can get to a meeting during the day with little planning, unlike before, or meet someone after work easily.

The MTA saves money with this program, since cab rides typically cost far less than the \$82 they spend for just one Access-A-Ride trip. Drivers make money too, and FHV drivers could share in that new revenue if they make the transition to accessible vehicles.

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I'm Joe Rappaport, the executive director of BCID. Along with our work on the AARRG! campaign, we're also a lead member of the Taxis For All Campaign.

When our community last visited City Hall, we joined Mayor de Blasio, council members and taxi driver activists as the mayor signed legislation that restricted the number of new FHV licenses, reduced costs for drivers of wheelchair-accessible vehicles and helped beleaguered drivers. We thank you for your leadership in winning these advances.

But we're back, because there is much more that the Council can do. Here are a few proposals:

- Make restrictions on non-accessible FHV vehicles permanent: The Council set a marker with its so-called "cap" legislation by allowing new FHV licenses only for drivers who choose to put accessible vehicles on the road. But this restriction expires in less than a year. But one simple way to increase the number of accessible vehicles on the road is to pass legislation that wouldn't allow new non-accessible vehicles on the road for the long term. That way, companies like Uber and Lyft would either have to start putting accessible vehicles on the road or drastically reduce the numbers of vehicles they operate. We think they'll choose the former.
- Require 100% of FHV (and yellow) taxis to be accessible: Unlike yellow taxis, which must be
  50% accessible by 2020, FHV vehicles must meet very modest requirements for accessibility
  over the next few years. Even then, companies have an out by participating in a dispatch
  program that would offer horrendous service. Now's the time to pass legislation that really
  extends accessibility for all. Only that way will riders who need accessible vehicles truly be
  assured they'll get a ride.
- Find funding and other resources to offset any higher costs associated with accessible
  vehicles. As you may know, the Taxi and Limousine Commission imposed a 30-cent Passenger
  Improvement Charge, a small surcharge on yellow taxi riders to cover the cost of accessible
  vehicles and their maintenance. At another point, the state passed legislation covering the
  additional cost of accessible green vehicles. We support innovative ways of helping drivers get
  accessible vehicles on the road and hope the Council can explore, propose and win funding to
  do this.

Until earlier this year, the Council's record on accessibility was non-existent. You've made some welcome strides on this vital civil right question in 2018, and we urge you to expand on this record through the rest of the year and beyond. All New Yorkers deserve a ride, and all New Yorkers deserve accessible taxis. Thank you.



#### DISABLED IN ACTION OF METROPOLITAN NEW YORK POST OFFICE BOX 30954, PORT AUTHORITY STATION NEW YORK, NY 10011-0109 TEL/FAX 718-261-3737 www.disabledinaction.org

Testimony of Jean Ryan on Accessibility of FHVs October 15, 2018

I'm Jean Ryan, President of Disabled In Action of Metropolitan NY.

Many of our members have mobility impairments which require the use of an accessible For Hire Vehicle. But where are the vehicles? They are like an Elvis sighting!

For many years, the FHV industry has been required to provide equivalent, comparable service to wheelchair and scooter users, but they have not done so, so we have not been able to travel spontaneously and get a ride! The wildly popular AAR Curb program shows that there is a need and a demand. Our pent-up need to get places spontaneously shows that.

The only way we can get equivalent service is to make all FHV and all taxis wheelchair accessible. One hundred percent! We don't want any piecemeal solution which really will not make a difference. The only way we will be able to get a ride at all or get a ride without waiting a long time or wondering if we'll be able to get a ride is if we are able to use all the vehicles.

You are in the boros. We are in the boros. Why are you ignoring a market of at least 100,000 and rising customers? And that's not counting many thousands of visitors. Each of us has had so many bad experiences where we wanted and needed to go somewhere and could not get there until the next day or the 2<sup>nd</sup> day. My husband became very ill and I could not get to the hospital to see him or oversee his care! What is wrong with this picture? Call a car service? Call an Uber or Lyft? What would that do? The app always shows an inaccessible car nearby but there are no cars available if you are in a wheelchair. Not in Bay Ridge, Brooklyn. And if you go somewhere, you need to get back, too!

It's not a matter of money. For years the industry has been stalling and doing nothing. It's not a matter of anything but prejudice and it is time to stop being prejudiced against people with disabilities and start making all FHV rides accessible rides! Some of your future customers are right here in this room!



Over the past several years, Curb has evolved from merely a provider of TPEP and LPEP systems to a true mobility platform – making transportation more efficient, cost effective, and inclusive for all New Yorkers. More than simply matching passengers and drivers through technology, Curb is providing an ever-expanding array of tools to riders, regulators, agencies and drivers to improve transportation outcomes for all stakeholders.

Specifically with respect to accessibility, Curb has focused on improving service options for EHailed trips via three primary channels of passenger demand, through which we collectively power more than 12,000 wheelchair accessible trips per month.

In the fall of 2016, Curb launched WAV availability in our consumer-facing app, and we have since enhanced the app to allow users to set WAV as a default accessible preference. We currently complete approximately 1,000 WAV trips per month through the app.

When the TLC selected a new vendor for its Accessible Dispatch program, Curb led an initiative to leverage its existing TPEP systems and its open APIs to obviate the need for second dispatch terminal in wheelchair vehicles, cutting down on both incremental expense and potential distraction for drivers monitoring dual systems in their vehicles. We have supported the program by conducting outreach and training for drivers, and we fulfill an additional 5,000 WAV trips per month for passengers through this program.

Perhaps our proudest achievement in this area is one where we have been able to bring the full power of our platform to bear - the MTA Access-a-Ride program. For the past two-plus years, Curb has been working in close partnership with New York City Transit and the MTA to leverage the more than 10,000 yellow and green taxis connected to the Curb platform to improve mobility options for Access-A-Ride customers. To service this program, Curb utilizes its full stack of technology, including its sophisticated algorithms, web-based dispatch and trip monitoring system, APIs, and the Curb smartphone ap. But on top of all this, Curb utilizes its 24x7 call center to manage and monitor all trips, and to provide better communication options to those without smartphones or technological savvy.

Under this program, we have provided well over one million trips to paratransit customers to-date, through advanced reservations and on-demand booking, and we currently service close to 200,000 trips per month. Specifically with respect to wheelchair users, we service up to 6,000 or more monthly trips.

We look forward to continuing to support efforts at improving accessibility across the taxi and for hire vehicle space. Thank you for your time.

### Testimony by Ryan Price, Executive Director Independent Drivers Guild Before the Committee on For-Hire Vehicles October 15, 2018

Good Morning Chairman Diaz, members of the Committee on For-Hire Vehicles. My name is Ryan Price, I am the Executive Director of the Independent Drivers Guild - IDG. This Committee has accomplished a great deal over the last several months and it is enheartening to see the hard-working immigrant families that drive this industry start to get the recognition and support they need.

IDG is an affiliate of the International Association of Machinists and Aerospace Workers (IAMAW, District 15) that represents 70,000 app-based drivers. We're Uber, Lyft, Juno, Via workers united for a fair industry.

Right now, a severe shortage in Wheelchair Accessible Vehicles is causing unequal access to one of the most popular transportation modes of the current era: app-based vehicle transportation.

Contrary to public belief, that shortage isn't (just) caused by a few companies being greedy. In this industry, the laborers primarily own their vehicle (60% own, 40% lease/rent). In order to get more WAVs on the roads, the workers must be incentivized.

In the Taxi industry, the Taxi Improvement Fund (TIF) seeks to act as an incentive to encourage workers to operate accessible vehicles. The TIF is funded with a 30¢ surcharge on every Taxi trip, and of that workers receive an additional \$1 compensation per trip on top of the fare, pay for returning from accessible trips without a customer, and additional pay for an extended wait time. In addition, medallion owners may receive a one-time payment of \$14,000 to offset purchase costs, and up to \$4,000 a year for four years as financial assistance for owning and using a WAV vehicle (up to \$30,000 total over four years). However, even all that subsidy is insufficient to motivate workers or medallion owners to operate WAVs. 800 accessible taxis go unused every day.

### **Build the City We Need**

New York City is in the midst of taking significant strides forward to ensure New Yorkers have access to equal transportation options. Some of those include:



- Temporarily capping vehicle ownership, which has its problems, but there is an exemption if a worker purchases a WAV.
- The City waived FHV licensure fees for WAVs.
- The Taxi and Limousine Commission agreed with our demand to significantly increase pay rates for app-based drivers operating an accessible vehicle.

With those three policy changes in the works, there is finally interest in WAV ownership. We are receiving several inquiries per month from workers that are interested in purchasing a WAV or buying a vehicle that can be modified into a WAV.

But there is still more work to be done. The initial investment required to get a WAV to be operable is around \$30-40,000. Since workers are still reeling from acquiring debt after Uber and Lyft cut pay year after year, IDG members are not able to access that type of capital today. But even after the City imposes pay regulations, two significant barriers to entry remain:

- 1. Our members are 90% immigrants struggling with poverty. Many members have no credit at all or poor credit, making it impossible to secure a loan.
- 2. Unlike the taxi industry, there is no "Taxi Improvement Fund" to assist in the purchase and conversion of accessible vehicles.

### **Build the City We Want**

But I advise the committee to think about the industry of the future. Right now, the City is required to redesign the FHV industry to expand. But this discussion can open up the opportunity to design the City we want, not just the City we need.

My child, Linden, turned 6 months old last week. She's just starting to crawl. I often think about what kind of world I am leaving her, and it drives my work.

I want to leave Linden a world that can transport her if she ends up being disabled. I also want her to live in a world where there is ample access to good union jobs that New Yorkers can bring families up on. From what I understand, many Access-A-Ride drivers



are members of TWU 100. We should ensure that any deal to expand accessibility should expand union jobs.

But instead, NuRide MT, the current company Uber and Lyft use to dispatch Wheelchair Accessible Vehicles from are wildly exploitative, in part because Uber and Lyft are underpaying for the work. Note this disclaimer at the bottom of their ad that is in the Uber office recruiting drivers:

Speak with our representatives to learn more about NuRide MT.

\*Other based on 12 bours a clay, 23 days a crouth includes averaging to trop put day and driving weekends.

\*Postfairmer: Other and its availability is subject to brange without notice.

But I also want Linden to live in a world that isn't underwater. There are no hybrid or electric options that can be converted into WAVs. If we're discussing how to help drivers pay for WAVs, we should also discuss how to afford the infrastructure to convert the industry into Electric Vehicles, and how to encourage the operation of Electric Vehicles.

#### In Conclusion

Right now, the City of New York is making strides toward a For-Hire Vehicle industry that is accessible for all. There is interest in our membership to own an accessible vehicle now, but they do not have the means to do so. That is the last gap to bridge.

Finally, we must remember to build the City we want. We should be building an industry that is accessible for all, but we don't have to sacrifice good union jobs, or our goal to reduce citywide carbon emissions 80% by 2050 to achieve it.

Thank you for giving me the opportunity to speak, I am available for any questions if you need. Please let us know if you have any questions or need any additional data or information. Please contact:

Scott Cantone, Bender Cantone Consulting, scott@bendercantone.com, (347) 328-1088 Ryan Price, IDG, ryan@drivingguild.org, (718) 841-7330



### Alpha Strategic Planning

<u>Corp</u>

140 Riverside Drive New York, New York 10024 Cell 914-572-5865

Testimony by Dr. Richard Lipsky

October, 15, 2018

NYC Council Committee on For Hire Vehicles

### Access-a-Ride: A boon for taxis and people with disabilities

We are here today to discuss the issue of vehicle accessibility for people with disabilities-who are present today in force to discuss the need for equal access to the same transportation options that all New Yorkers are afforded. Let me make a couple of important points:

- (1) The MTA's Access-a-Ride program is giving people with disabilities long over due on demand transit options: At the same time, the program is giving yellow and green taxi drivers and medallion owners a much-needed income boost. It is a program that should, within financial reason, be expanded so that more people with disabilities can travel when they need to get some place, and not when a bureaucratic schedule tells them rides are available:
- (2) NYC's accessibility program is a discriminatory disgrace: The current TLC rules for accessible vehicles have been written by Uber-after a bogus court

ruling that NYC would not appeal. What this means is that, once again, the burden of providing accessible vehicles will fall on green and yellow taxisfolks who are also paying the bill to fund the system while the Ubers continue to freeload;

- (3) NYC Council needs to mandate that 50% of all FHVs be wheelchair accessible: Regulatory parity is a must. Taxi medallion owners who paid dearly to be able to obtain an exclusive franchise have been-until this August's City Council vote-betrayed by TLC regulators. If yellow cabs must by 50% accessible by 2020, then so should all FHVs. Period!
- (4) TIF Fund must be expanded: The TLC's Taxi Improvement Fund-a program designed to, "...to support medallion owners who are putting accessible vehicles on the road, to ensure that all customers have equitable access to taxi transportation services"-needs to be expanded so that all FHVs pay into the initiative and thus enhance the profitability and sustainability of a program, "...on the forefront of enhancing wheelchair accessible vehicle service in New York City."

(http://www.myc.goy/html/flc/html/industry/taxi\_improvement\_fund\_owner.shtml)

(5) MTA Funding: Taxis have paid over \$500 million into a fund for the MTA since 2009, while the Ubers have not paid anything. The City Council

should resolve that the State should level the playing field and add an additional 50 cents per ride to every Uber and Lyft operating at any location in NYC;

(6) Connectivity and fairness: The TLC is dragging its feet in devising regulations pursuant to the bills passed by the Council and signed into law by the Mayor last August. Irresponsibly, the TLC approved an additional 16,000 licenses after the cap bill was passed! We understand that TLC Chair Meera Joshi is not here today, and we can only hope against hope that she is back at the agency burning the midnight oil devising the needed regulations that will restore fairness to our industry.

We also know that a ruinous congestion tax is set to go into effect on January 1<sup>st</sup> 2019, yet the State has no mechanism to accurately gauge the number of FHVs penetrating the CBD because none of these vehicles are connected to any independent monitor. Taxi medallion owners are not going to sit idly by and let the Ubers self-report while their cabs are being directly monitored in real time by the TLC. Meera Joshi needs to do her job and find a way to connect all of the FHVs in real time so that an accurate accounting can be made of all trips into the CBD.

A well-funded MTA means greater accessibility so that people with disabilities can travel like all New Yorkers-and will give more resources to

the Access-a-Ride program; along with more resources to make more subway stations accessible as well. A free ride for FHVs needs to end, and regulatory parity needs to be mandated. The foundation for all of these goals is ensuring that all FHVs are connected to an independent monitor so that real time data can govern all regulatory initiatives.

### Oversight - Accessibility in the Taxi and For-Hire Vehicle Industries

New York City Council Committee on For Hire Vehicles October 15, 2018

Testimony provided by Scott Rutter
Vice President, Limo Association of New York
Executive VP, Commonwealth Worldwide Chauffeured Trans of NY

Good Morning, my name is Scott Rutter and I am the Vice President of the <u>Limo Association of New York</u>. We represent operators within the <u>Luxury Limousine Base</u> classification and very much appreciate the opportunity to speak before you today.

Let me begin by saying we fully support finding ways of increasing WAV access to those who need and depend on this service. However, we are very concerned over the fact that Oversight initiatives regarding this important topic do not address the <u>significant</u> operational differences that exist between the various Base license types within the FHV industry here in New York City.

Unlike Black Car and Livery bases and TNCs, the high majority of Luxury Limousine bases <u>do not offer On Demand Service</u>. The large majority of our business is all <u>pre-arranged</u>, usually <u>hours and/or days ahead of time</u> – not immediately as in the case of the majority street hail and app based service companies in the news today.

Most of our Luxury Limousine bases provide <u>pre – arranged</u> services with <u>established customer accounts</u>, and through <u>established relationships</u> with other Luxury Limousine companies.

Another <u>significant difference</u> in the Luxury Limousine segment is that the high majority of our <u>pre-arranged trip</u> reservations are "packaged" before and throughout the day to ensure chauffeurs days are full and productive, without cruising the streets looking for street hails or accepting and responding to electronic street hails. When our chauffeurs are finished with the work they have been assigned for the day, they return to our bases and park the car—so we aren't contributing to the congestion issue either, by driving around looking for work.

So I am here today to request that the different Base designations are taken into consideration as the Committee considers oversight and regulation regarding WAV service. There are <u>no</u> "one size fits all" solutions here. <u>By placing On Demand requirements on operators who do not provide On Demand services does not advance WAV service initiatives.</u>

Conversely, such requirements would have a devastating cost impact on us, <u>without having any impact on the accessibility issue</u> itself. The objective of "increasing the availability of WAV rolling stock" which is often articulated by various advocacy groups <u>will not increase availability</u> with operators who do not offer On Demand service.

We ask that the Committee give serious attention to these issues, and we are happy to provide any further information that you may need.

#### THE NEW YORK CITY COUNCIL COMMITTEE ON FOR-HIRE VEHICLES

Monday, October 15, 2018

Oversight - Accessibility in the Taxi and For-Hire Vehicle Industries.

Written Testimony for FHV bases that use the Uber app<sup>1</sup>

The Uber bases welcome a conversation with the New York City Council on Accessibility in the Taxi and For-Hire Vehicle Industries.

Over the past two years, we've worked closely with other leaders in our industry to approach the Taxi & Limousine Commission (TLC), as they crafted rules that hold for-hire vehicle (FHV) bases accountable to provide WAV service in a way that is tied to WAV demand. Earlier this year, the industry reached a settlement with the City that states that by mid-2019, FHV bases must service at least 60% of requests for wheelchair-accessible vehicles in under 15 minutes. By mid-2020, 80% of requests must be serviced in under 15 minutes and by mid-2021, 80% of requests must be serviced in under 10 minutes.

Those rules were adopted by the Commission earlier this month and set the FHV industry on a path to eclipse the City's Manhattan Accessible Dispatch program, which according to the recently released Mayor's Management Report, after six years of operation, provides service on average 13 minutes from the time of request.

We are committing the resources needed not only to meet these requirements but also to make the service something we are proud of. As part of that commitment:

- We have enabled an increased number of hours existing and new WAVs are on the road by 5.5x since 1/18;
- We have worked with fleet owners to encourage the use of Mercedes-Benz Metris WAVs and side entry minivans - models that consistently receive positive feedback from riders.
   We will continue to meet periodically with passengers and accessibility advocates to help enable access to a mix of vehicles that best suits the needs of passengers who use them:
- There are an additional 200+ WAVs that entered the TLC's approval process in July and early August to be on the road by the end of the year and available to request through the Uber app;
- We're committed to marketing the service so more New Yorkers know that this option is available to them;
- We will hire an independent third-party firm to conduct an annual customer service quality assessment to make sure we're on the right path;
- We are developing products for smaller bases to make sure they can meet the new requirements;

<sup>&</sup>lt;sup>1</sup> We use "Uber bases" to refer to Abatar, LLC; Acht-NY, LLC; Achtzehn-NY, LLC; Danach-NY, LLC; Dreist-NY, LLC; Grun, LLC; Grun, LLC; Funf-NY, LLC; Funfzehn-NY, LLC; Grun, LLC; Kuchen, LLC; Neun-NY, LLC; Neunzehn-NY, LLC; Sechs-NY, LLC; Sechs-NY, LLC; Sechs-NY, LLC; Sieben-NY, LLC; Sieben-NY, LLC; Weiter, LLC; Zehn-NY, LLC; Zwanzig-NY, LLC; Zwei-NY, LLC; and Zwolf-NY LLC.

• We have met with a group of our riders in New York City to learn what is most important to them so we can inform our roadmap to continuously improve the experience.

As the Council contemplates accessibility in the taxi and for-hire vehicle industry we urge you to consider two additional measures:

- Allow the City to issue all Street-Hail-Livery ("SHL") allowed under state law in order to expand SHL service, especially as SHL's make up a growing share of the MTA's Access-A-Ride fleet.
- Provide long term assurance that WAVs will continued to be licensed so that manufactures and fleet are incentivized to find innovative ways to drive down costs.

We would be happy to discuss these policies with any member of the FHV Committee and to answer any questions they may have about the Uber bases' existing TLC licenses and business operations in New York City.

Re: For-hire Vehicle Committee Hearing

Submitted by Nancy D. Miller and Michael Cush

VISIONS/Services for the Blind and Visually Impaired

500 Greenwich Street Suite 302 NY, NY 10013

212-625-1616

October 4, 2018

Thank you for the opportunity to comment.

- 1. Drivers need to be better trained in human guide technique. This is the best approach to guiding a person with blindness or vision loss
- 2. Drivers should always notify blind riders, either through a call or text, of their arrival; the blind rider may be standing in a doorway, out of the cold, rain or snow., and not see the vehicle. Also, if there is going to be a significant delay in pick up we urge the driver to contact the rider.
- 3. Drivers should escort the blind rider (upon request) to the entry to the building to insure that they are at the correct destination. We frequently hear from blind riders of being dropped off at the wrong location.
- 4. Drivers must be trained in the law regarding dog guides and service dogs. Drivers must pick up a blind rider with a dog guide.

Please contact us if you would like any additional information.

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