

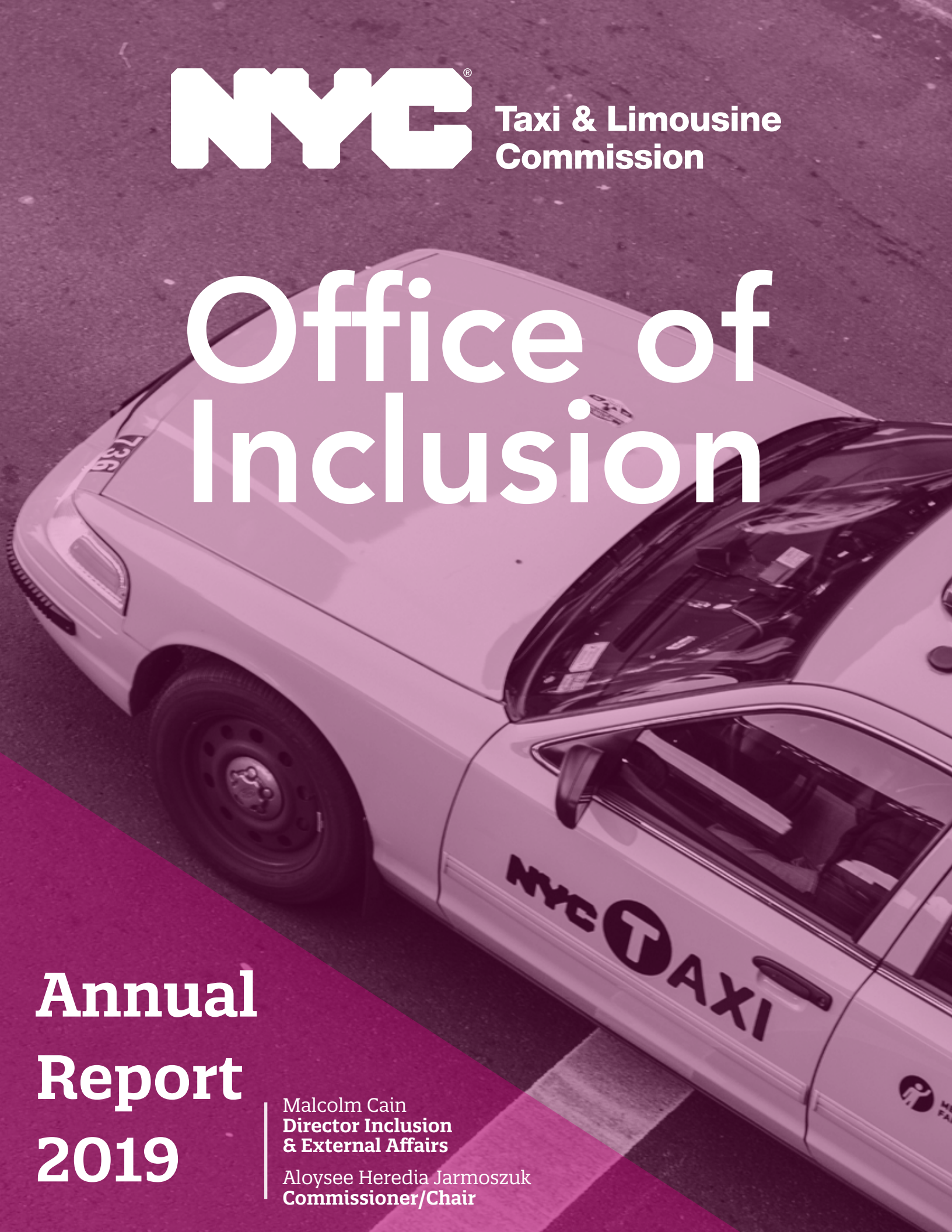
Taxi & Limousine
Commission

Office of Inclusion

Annual
Report
2019

Malcolm Cain
Director Inclusion
& External Affairs

Aloysee Heredia Jarmoszuk
Commissioner/Chair





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Dear New Yorkers,

I am pleased to share with you the Office of Inclusion's first annual report. In New York City, it is illegal for a TLC-licensed driver to refuse service because of a passenger's race, ethnicity, cultural background, religion, disability, sexual orientation, or other characteristics of a person's background or identity. For too long, African Americans, other communities of color, and passengers with disabilities have been denied equitable taxi and for-hire vehicle service. All passengers have the right to travel with a service animal, and be driven to any destination in NYC, Westchester County, Nassau County, or Newark Airport.

Transportation is a fundamental right for all New Yorkers and visitors, especially when provided by drivers professionally licensed by our City. Bias and bigotry resulting in service refusal to People of Color, People with Disabilities, or the LGBTQ community cuts to the very heart of New York City's welcoming embrace of all kinds of people. Bigotry is unacceptable and we encourage riders to report service refusals as soon as it happens so the TLC can take immediate action.

The Office of Inclusion has also ramped up outreach efforts to ensure that TLC drivers are aware of our service refusal rules and have resources to take action if they are discriminated against. If you are a driver, you can play a huge role in ending discrimination in our city by picking up everyone, and by encouraging your colleagues to join you in this. Drivers can report discrimination or harassment to the NYC Commission on Human Rights by calling 311 and saying, "human rights."

TLC's Office of Inclusion will continue working and focusing on promoting diversity and cultural sensitivity in the industry and protect all New Yorkers' right to for-hire transportation throughout the City.

Sincerely,
Aloysee Heredia Jarmoszuk
TLC Commissioner

Letter from the Director



TLC's Office of Inclusion (OOI) was created on March 18, 2019 by City Council. The Office is focused on preventing service refusals and other discriminatory behavior in the taxi and for-hire vehicle sector through passenger outreach, driver engagement, and education. It also helps drivers who experience discrimination on or off the road, by connecting them with resources from the Commission on Human Rights (CCHR), which investigates and acts against such abuses.

The OOI team includes six members: A Director, an Accessibility Coordinator, Education Manager, Supervising Attorney, Multi-Media Coordinator, and two senior analysts dedicated to data analysis and outreach respectively.

In 2019, OOI has held twenty focus groups with drivers from all for-hire sectors to better understand the underlying reason why service refusals occur, and discuss the impacts on the riding public when a driver refuses. A recurring theme of the focus groups is that drivers refuse due to predispositions or previous negative passenger interactions such as fare evasion and assault. These focus groups are often held in collaboration with the New York Police Department's (NYPD) Community Outreach Unit and CCHR who provide helpful tips, programming, and resources.

We've also had multiple discussions with civil rights organizations such as the Legal Defense Fund (LDF), National Action Network (NAN), and the National Association for the Advancement of Colored People (NAACP), as they are pioneers in fighting against discrimination and ensuring equality for all. They have provided invaluable insight on the passenger's perspective and feedback on outreach strategies.

To ensure the riding public is aware of their rights as passengers, OOI has collaborated with various city agencies. We've mailed out 38,440 palm cards to New York City Housing Authority (NYCHA) buildings, elected officials' district offices, the Parks Department's recreation centers, etc. OOI has also presented at senior centers, NYCHA tenant association meetings, and community board meetings all over the five boroughs on how to report a service refusal. OOI has also had Days of Action, where TLC staff have visited transportation hubs and TLC driver hot spots to inform the public and drivers about the Office.

The Office of Inclusion has launched its citywide public awareness campaign to encourage members of the public to file 311 complaints when denied service or are subject to discrimination. To date, we have received 2,748 service refusal complaints. Additionally, we look forward to developing and implementing an implicit bias training for all TLC drivers. We also continue to work with agency partners to provide resources to our diverse driver population. Most of our drivers are excellent drivers and provide equitable service to all passengers.

The Office of Inclusion recognizes that New York City's greatest attribute is its diversity (of residents and visitors alike) and is working to reduce and ultimately eliminate service refusals.

Malcolm Cain

Malcolm Cain Jr.
Director Inclusion & External Affairs

Meet the Team



Kala Wright
Acting Deputy
Commissioner



Malcolm Cain
Director of Inclusion
& External Affairs



Naomi Silkowitz
Supervising
Attorney



Stephanie Toro
Senior
Analyst



Yesenia Torres
Accessibility
Outreach
Coordinator



Elizabeth Major
Geo spatial Analyst
& Open Data
Coordinator



Katie Miller
Multi-Media
Coordinator



Theadora Paulucci
Education &
Inclusion Initiatives
Manager



Driver & Passenger Engagement

Passenger Outreach

Passengers have the right to be driven to any destination in City, Westchester, Nassau or Newark Airport. They can't be refused service based on race, ethnicity, cultural background, disability, gender, or sexual orientation. TLC's Office of Inclusion regularly attends events hosted by community-based organizations and city agencies to ensure the public is aware of the importance of filing a service refusal complaint. The team provides a short overview of the Office of Inclusion's mission, defines a service refusal complaint and explains the various ways to report service refusals to 311. Staffers have presented at New York City Housing Authority (NYCHA) events, Community Board meetings, senior centers, Commission on Human Rights (CCHR), and resource fairs around the City.

Additionally, OOI's brief public service announcement is running in Taxi TV, which is available in all yellow and green taxis to inform riders how to complain if they ever experience a service refusal. Information on how to report a service refusal is streaming on all Link NYC kiosks citywide.

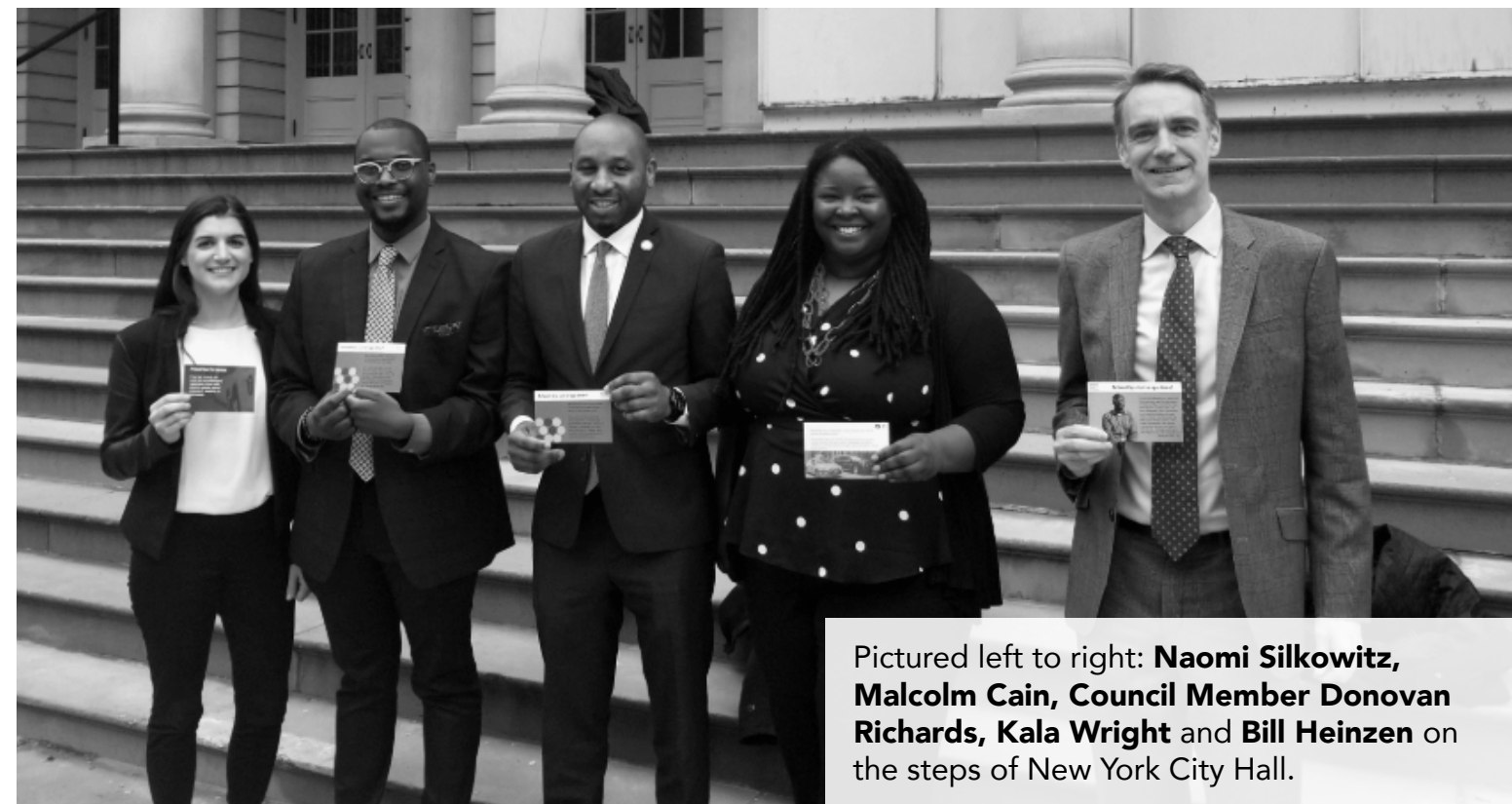


TLC's street team visited 24 transportation hubs and transit deserts in all five boroughs to educate passengers about service refusals.



Pictured left to right: **Kala Wright** (Acting Deputy Commissioner of Policy & External Affairs), **Hazel Dukes** (President of the NAACP NYS Conference), **Malcolm Cain**, and **Naomi Silkowitz**.

Office of Inclusion has attended over 100 events throughout New York City to inform the public and TLC drivers about the office's mission.



Pictured left to right: **Naomi Silkowitz**, **Malcolm Cain**, **Council Member Donovan Richards**, **Kala Wright** and **Bill Heinzen** on the steps of New York City Hall.

In 2019 we mailed out over 38,000 palm cards



Senior Analyst Stephanie Toro presents to NYCHA tenants in Queens about the Office of Inclusion.

Organization	Number of Palm Cards Mailed Out
NYCHA Buildings	4,060
Public Libraries	8,625
Department of Education Centers	3,900
Elected Officials' District Offices	21,855

Driver Outreach

The Office of Inclusion has met with yellow taxi, green taxi, livery and black car stakeholders to discuss the Office's mission and goals.



Stephanie Toro meets with green taxi drivers to talk about the Office of Inclusion



OOI held a Town Hall on December 11, 2019 in partnership with the **Manhattan Borough President Gale Brewer's** Northern Manhattan office. Members of the public and TLC drivers and bases were in attendance. We screened our public service announcement and had in-depth discussion about why service refusals occur.

We've held twenty focus groups with drivers from different sectors and cultural backgrounds, where we have delved into the reasoning behind service refusals as well as the discrimination and trauma that drivers face daily behind the wheel. The focus groups are held in partnership with the Commission on Human Rights who can investigate and act against cases of discrimination. Often, Thrive and the New York Police Department (NYPD) attend to provide programming and resources to drivers.

“We've held 20 focus groups with drivers from different sectors and cultural backgrounds.”

In addition to holding focus groups and meeting with industry stakeholders, the Office has provided its "Protect Your License" palm cards at over forty-five TLC driver facing events. OOI routinely shares driver tips through email and TLC's newsletter Keys to the City. The tips are to help equip drivers with the tools they may need to provide a pleasant trip experience to all passengers.



Malcolm Cain, Office of Inclusion director, conducts a focus group for Chinese drivers.



Focus group for Gambian drivers held summer 2019.





People with Disabilities

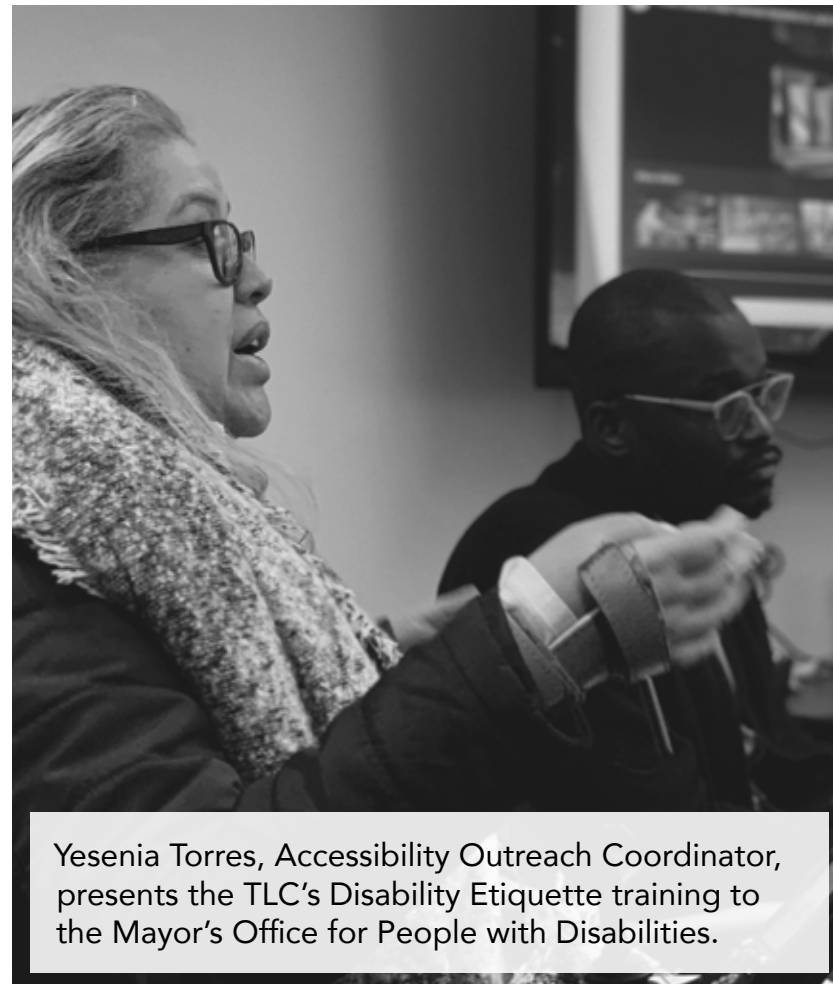
Accessibility

In 2019 TLC appointed an Accessibility Outreach Coordinator to head our accessibility initiatives and to monitor and create resources for persons with disabilities.

Our Accessibility Outreach Coordinator is also responsible for ensuring the agency is in compliance with Title II and Title I of the ADA — both titles built on the principles of equal opportunity, full participation, independent living, and economic self-sufficiency. It is important to ensure our agency investigates any complaints and recommends resolutions to grievances, provides technical information and advice to staff, and develops and maintains relationships with local disability advocacy groups and the local disability community.

The office recently launched a **Disability Etiquette and Awareness Training** mandated for all TLC staff. The goal of the training is to facilitate effective interaction with people with disabilities and help develop better customer service for the disability community. This training fosters sensitivity and understanding toward the disability community and provides proper language, and address etiquette considerations.

Throughout this year, we also arranged meetings with several disability leaders, advocates and community groups that represent the needs of their community.



Yesenia Torres, Accessibility Outreach Coordinator, presents the TLC's Disability Etiquette training to the Mayor's Office for People with Disabilities.

Some of the groups we met with this year were:

Taxis for All Campaign

Disabled In Action

United Spinal Association

New York Lawyers for the Public Interest

In 2020 the Office of Inclusion will continue to incorporate feedback from advocates concerning passenger and driver outreach and safety. OOI is also supporting our Education team in improving driver training with our Wheelchair Accessibility Course.



TLC Staff talk about the Office of Inclusion and Accessibility Initiatives at an event with AHRC NYC.

In our effort to communicate and share information with the community we have presented at several events for people with disabilities on:

FHV Accessibility rules requiring all car service bases doing business in NYC (including apps like Uber, Lyft, & Via) to provide wheelchair accessible service.

Accessible Dispatch program that is providing yellow and green taxi services throughout the five boroughs with accessible taxis.

Service Refusal Campaign to inform passengers about their rights, how to make a complaint, and what they can do if a taxi or app driver refuse to pick them up and take them where they want to go.

Our outreach has been targeted to passengers, drivers, and the disability community in order to educate and expand awareness.

We continue to reach out to consumers, drivers and stakeholders throughout annual events, conferences, fairs, NYCHA Tenant association meetings and emails to over 72 local organizations.

Events Attended

Building Bridges on Disability Conference, Manhattan

QCDD Family Support Conference, Queens

Fun Walk and Roll Annual Disability Event, Manhattan

Mount Sinai Hospital Research Fair, Manhattan

Self-Advocacy Association NY State — A Forum on Disabilities: Improving Access for People with Disabilities Living with HIV, Brooklyn

Special Needs Resource Fair at JCC, Staten Island

The Disability Pride Parade, Manhattan





Statistics

Local Law 219 of 2018

Consumer Complaint FAQ

§ 2305. Office of Inclusion.

c. The Director shall have the power and duty to:

“2. Compile and report statistics relating to discrimination against passengers or prospective passengers on the basis of ethnicity or race, gender, disability and other categories as appropriate;”

Month	Number of Inclusion Complaints
Jan	109
Feb	78
Mar	190
Apr	296
May	316
Jun	316
Jul	334
Aug	267
Sept	347
Oct	354
Nov	291
Dec	368
Grand Total	3,266

*These are complaints that **allege** a service refusal and/or act of discrimination by a TLC licensee. Whether or not a violation has been committed is determined after a complete investigation has been conducted by a TLC prosecutor.

What is a Consumer Complaint?

Simply put, a consumer complaint is complaint made by anyone against a TLC licensee.

Who can file a Consumer Complaint?

Anyone can file a consumer complaint against a TLC licensee by reporting the complaint to 311. Passengers, pedestrians, motorists, cyclists, tourists, and native New Yorkers (including TLC licensed drivers) all file consumer complaints.

What can you file a Consumer Complaint about?

In 2019, the TLC received **26,889** consumer complaints. These complaints encompass a wide variety of issues including, but not limited to:

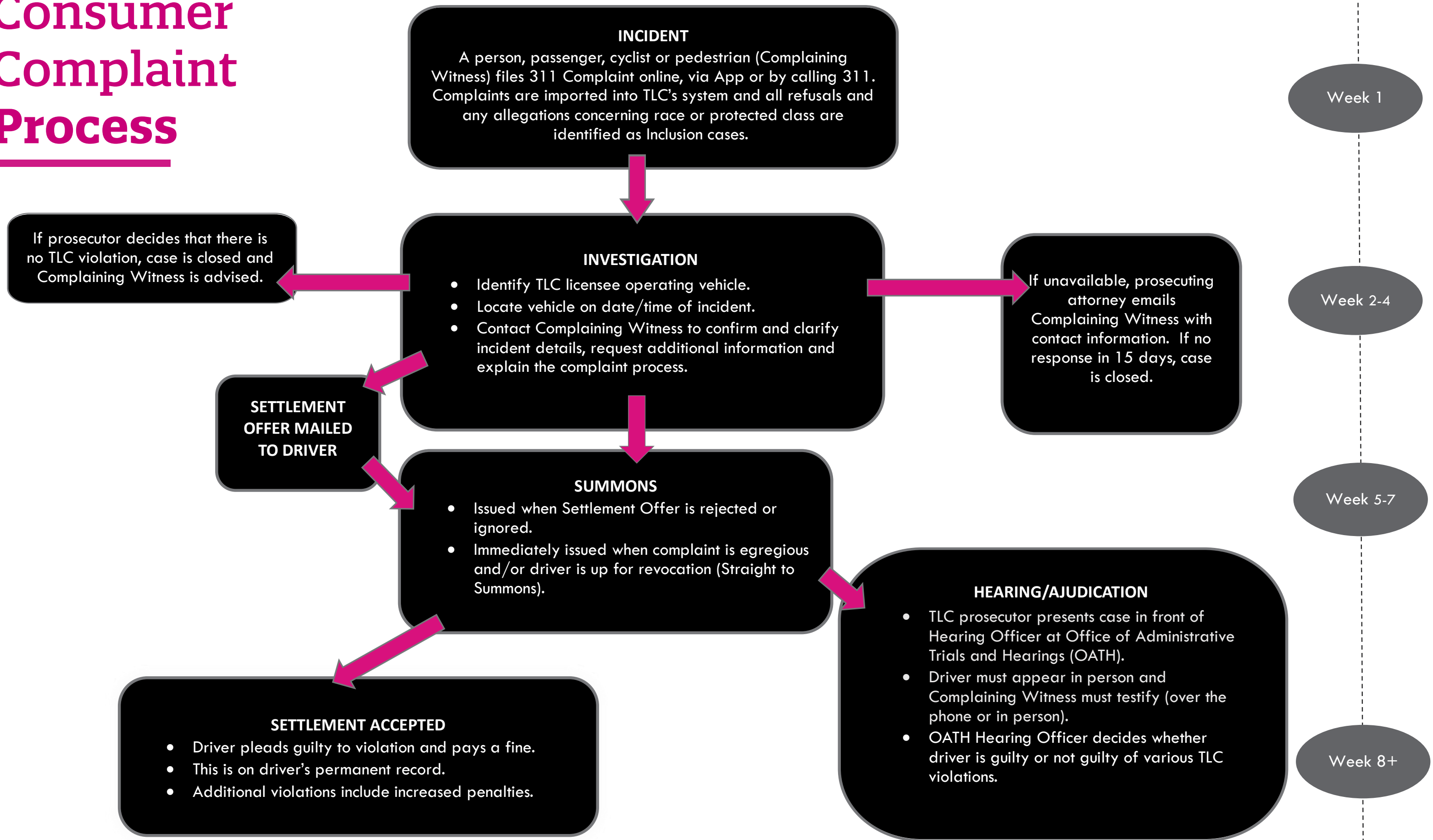
- Using a cell phone while driving, even if it's a hands-free headset
- Overcharging or demanding tips
- Refusing to accept a credit card, demanding an extra fee to use a card, or requesting that a card be swiped again after payment was confirmed
- Not using E-Z Pass for tolls
- Refusing to pick you up
- Refusing your request to change how the radio, air conditioner, or heater is set
- Unsafe driving
- Route complaints
- Being discourteous or rude
- Not displaying a license, or displaying someone else's license
- A dirty condition or bad odor in the vehicle, including cigarette smoke and body odor
- Broken or missing air conditioner, heater, credit card machine, information screen, lights, windows, or seatbelts
- Acts of discrimination*
- Parking and traffic violations

*not listed on 311 website

What is an Inclusion Complaint?

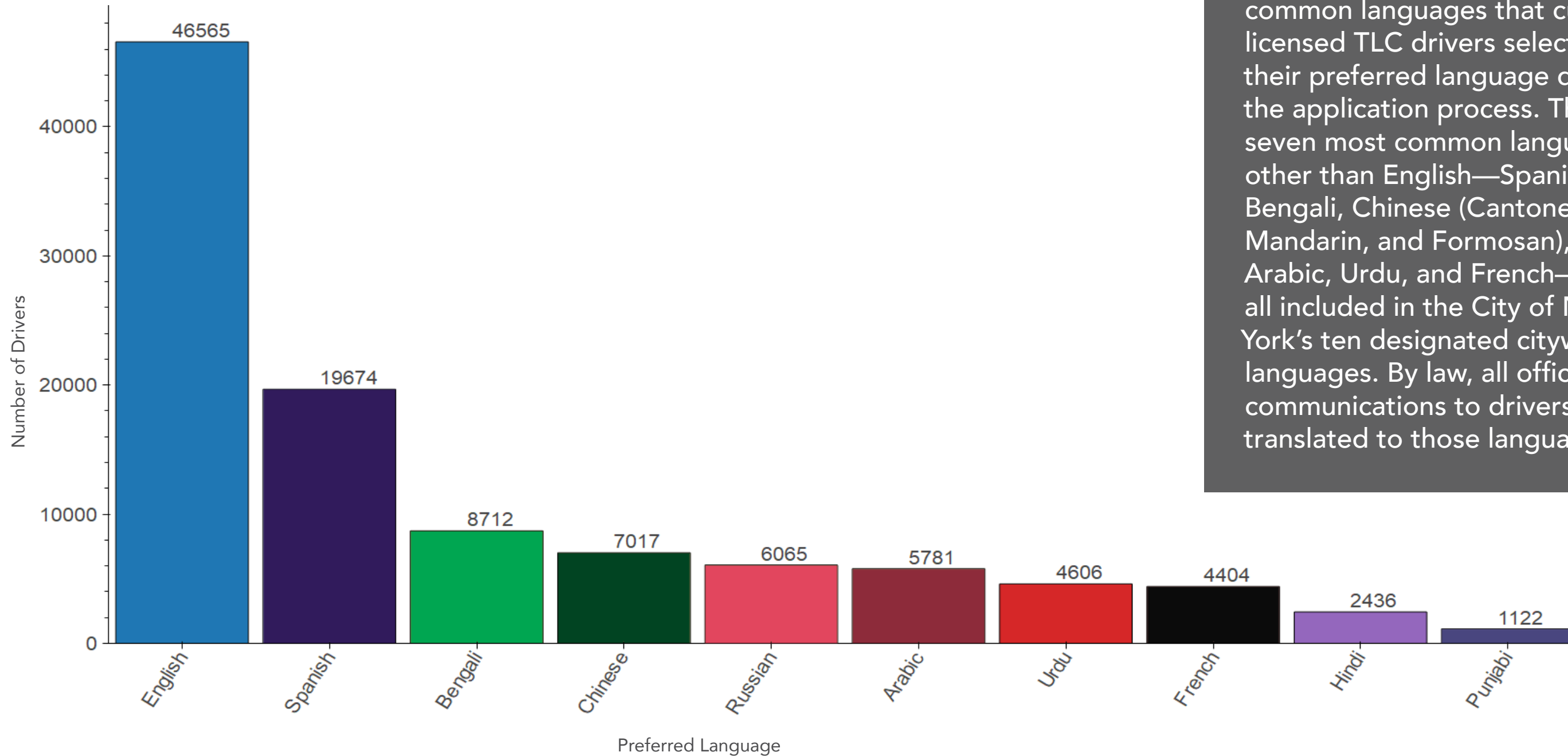
A specific type of consumer complaint that alleges a service refusal and/or act of discrimination by a TLC licensee.

Consumer Complaint Process



Driver Statistics

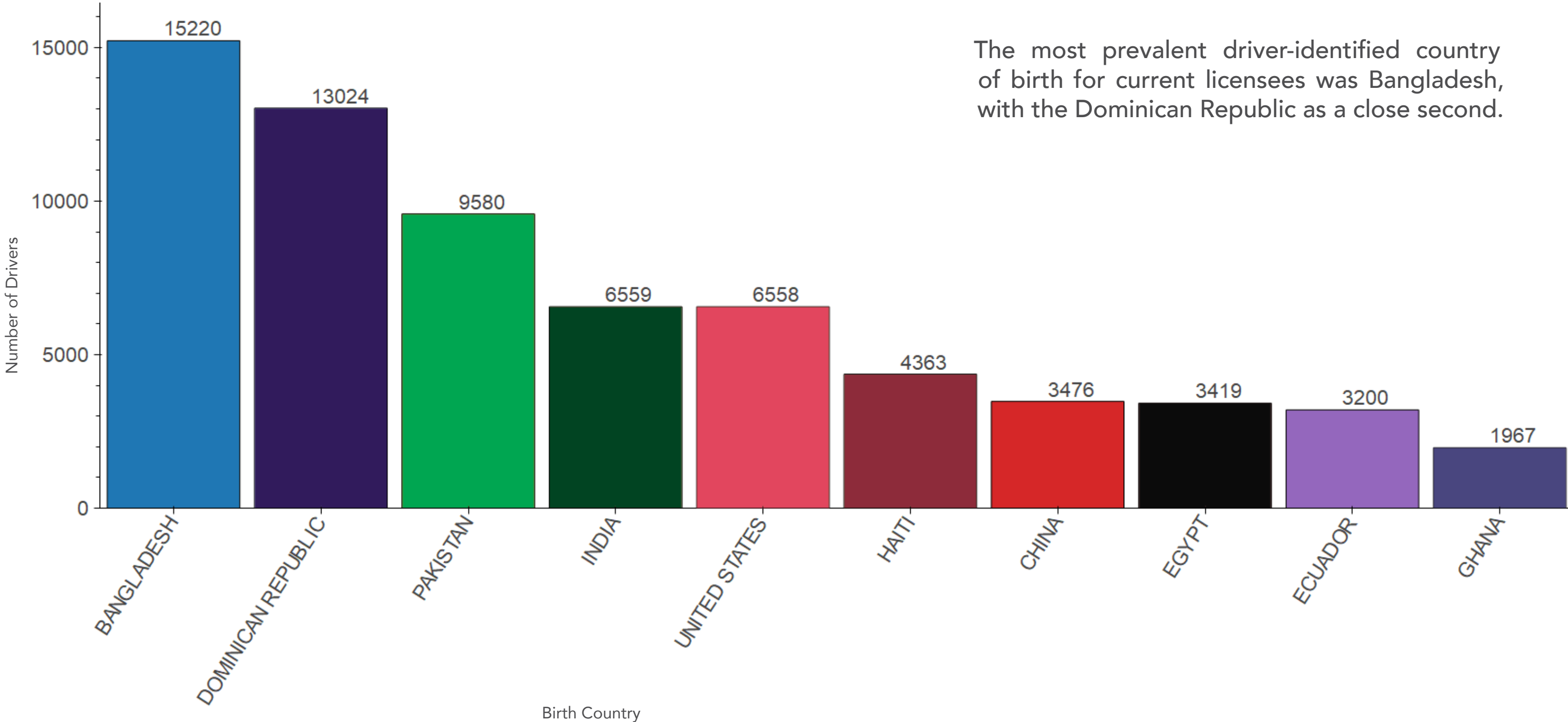
Most Common Driver Language Preference, 2019



Driver Languages

The graph reflects the most common languages that current licensed TLC drivers selected as their preferred language during the application process. The seven most common languages other than English—Spanish, Bengali, Chinese (Cantonese, Mandarin, and Formosan), Russian, Arabic, Urdu, and French—are all included in the City of New York’s ten designated citywide languages. By law, all official TLC communications to drivers are translated to those languages.

Most Prevalent Driver Countries of Birth, 2019

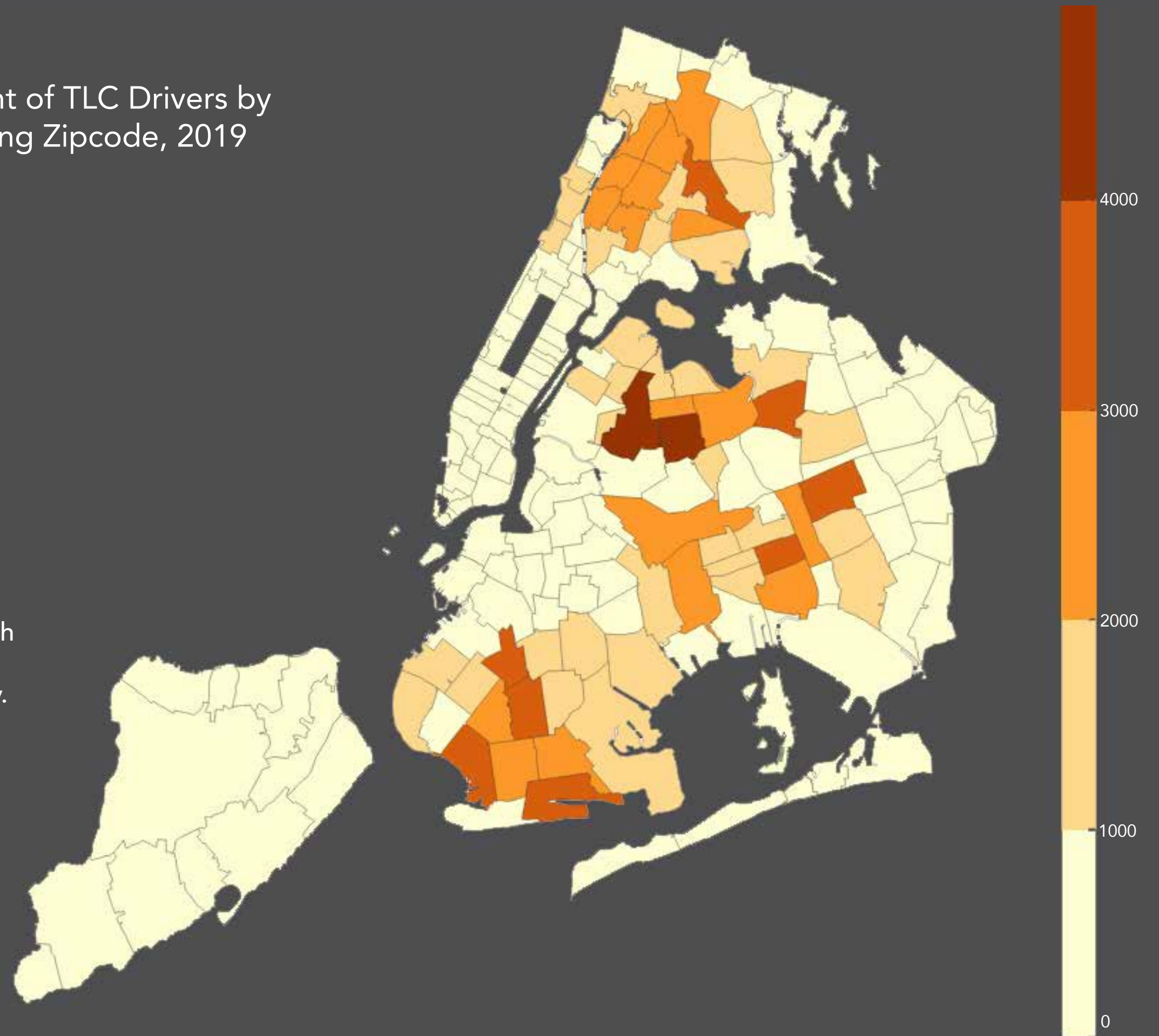


The most prevalent driver-identified country of birth for current licensees was Bangladesh, with the Dominican Republic as a close second.

Count of TLC Drivers by Mailing Zipcode, 2019

Driver Population

This map shows the number of current TLC licensed drivers by zip code, based on the driver's primary address. The zip code with the most drivers is in Woodside, Queens, but we see large populations of drivers throughout Queens, in the Bronx and in South Brooklyn. Drivers who live outside NYC are not represented in this map, although a significant number live in Westchester County, Nassau County, and New Jersey.



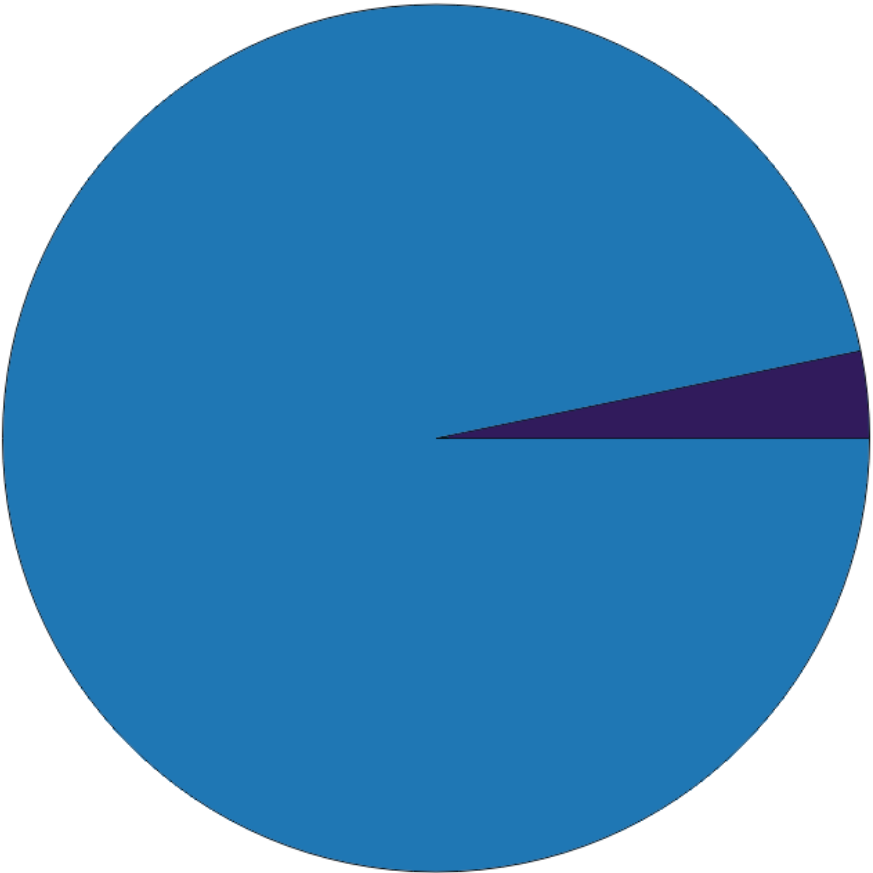
Driver Age & Gender

The overwhelming majority of current licensed TLC drivers are male.

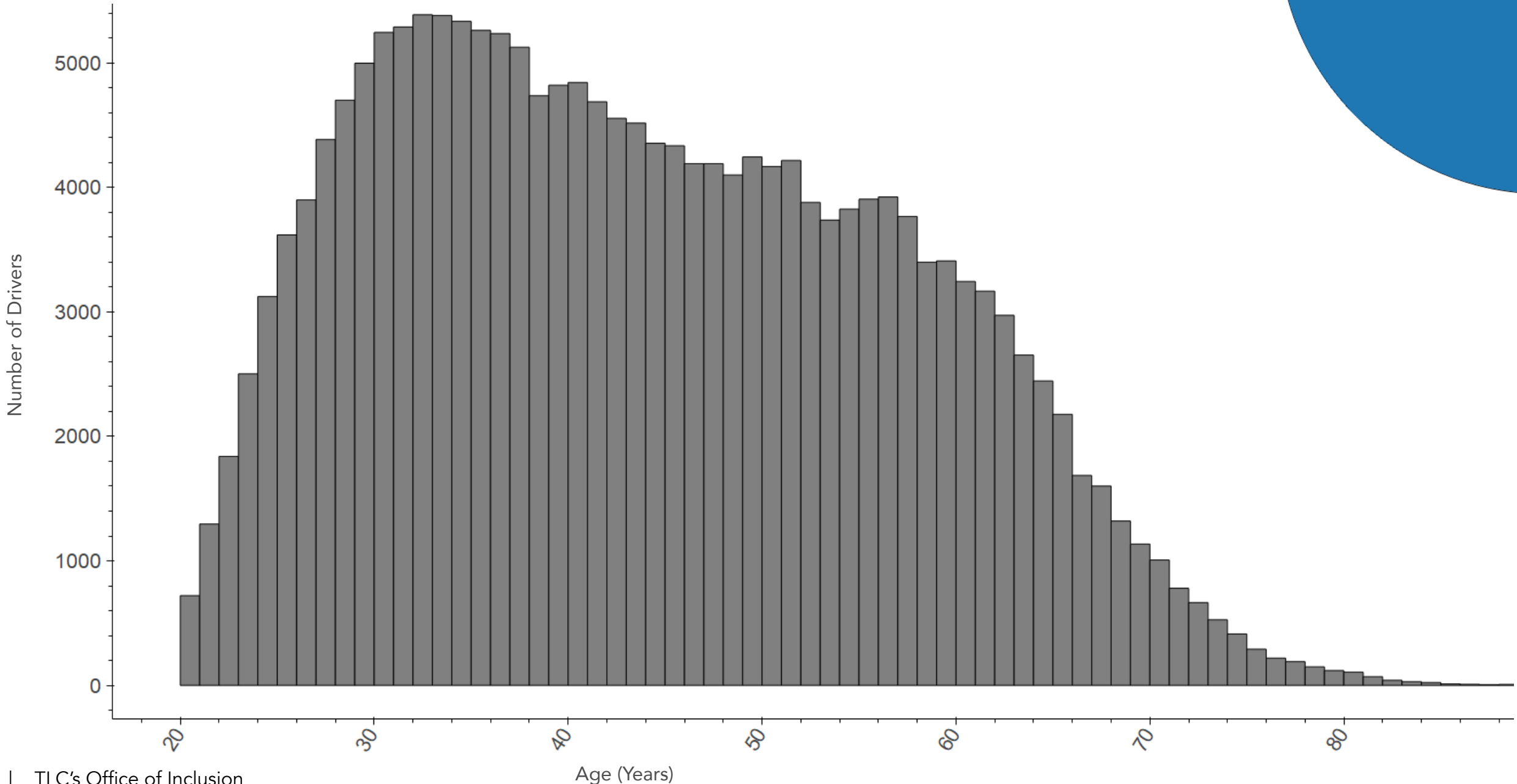
The histogram below shows the distribution of ages for current TLC licensed drivers. The most common age for drivers is 33, but most drivers are older than that. The median driver age is 42 years old.

Driver Gender Balance, 2019

- Male, (97%)
- Female, (3%)



Distribution of Driver Ages, 2019

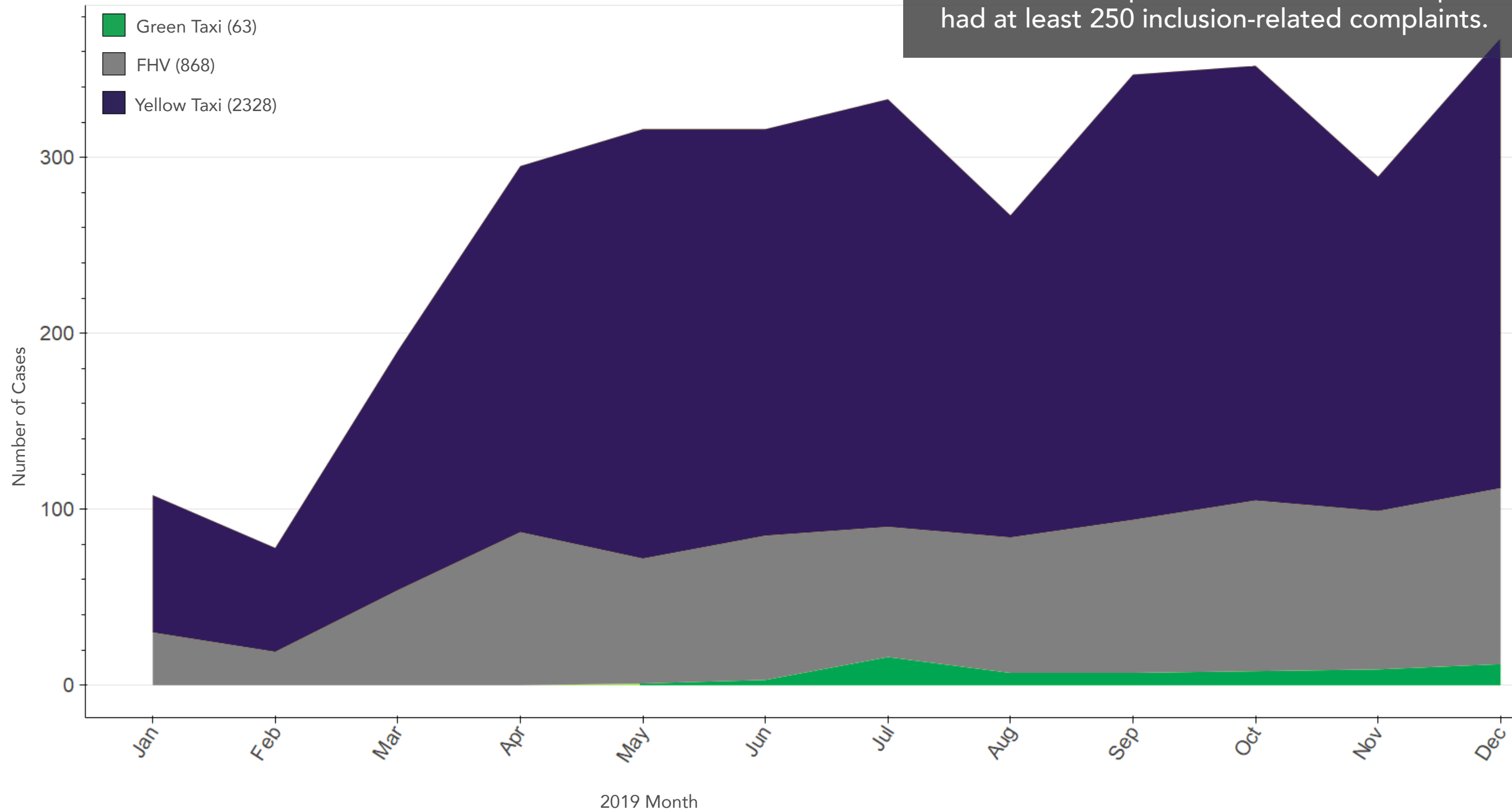


Complaint Statistics

Complaints Per Month

TLC's Office of Inclusion began tracking discriminatory complaints in January of 2019, in which we saw 108 complaints industry-wide. There were slightly fewer complaints in February because the month is shorter and there are relatively fewer trips in the winter months. After February, we saw a large increase in complaint volume and from April on, every month had at least 250 inclusion-related complaints.

Inclusion Complaints Per Month By Industry, 2019

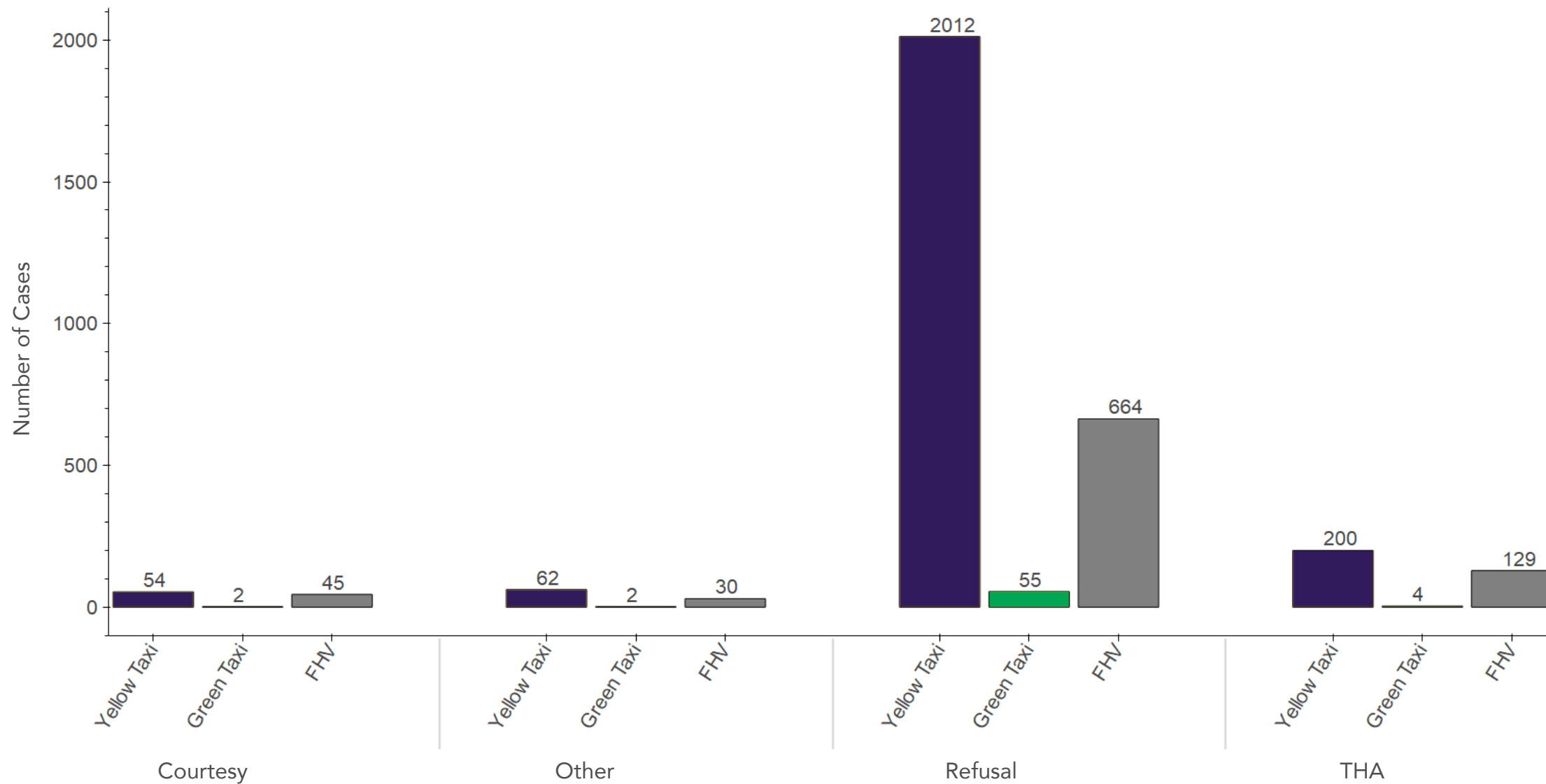


Complaints by Industry

When the Office of Inclusion receives a discriminatory complaint, it assigns that complaint a category based on the narrative that the complainant provided to 311— either Refusal, Threats/ Harassment/Abuse (THA), or Courtesy, which pertains to a driver’s attitude when accommodating a disabled

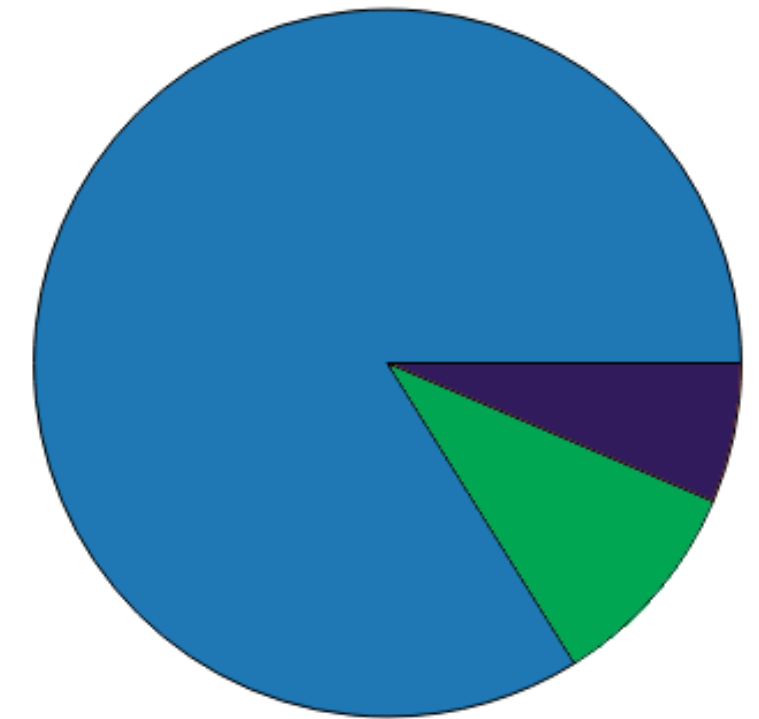
passenger. The most common category of complaint handled by the Office is a yellow taxi refusal, with 2,012 total complaints in 2019. However, we have seen increases in the number of refusals in for-hire vehicles as app-based services have become more popular.

Initial Complaint Type By Industry, 2019



Office of Inclusion 2019 Complaints: Investigation Status

- Complete, 2729 (84%)
- Ongoing, 317 (10%)
- Pending, 208 (6%)



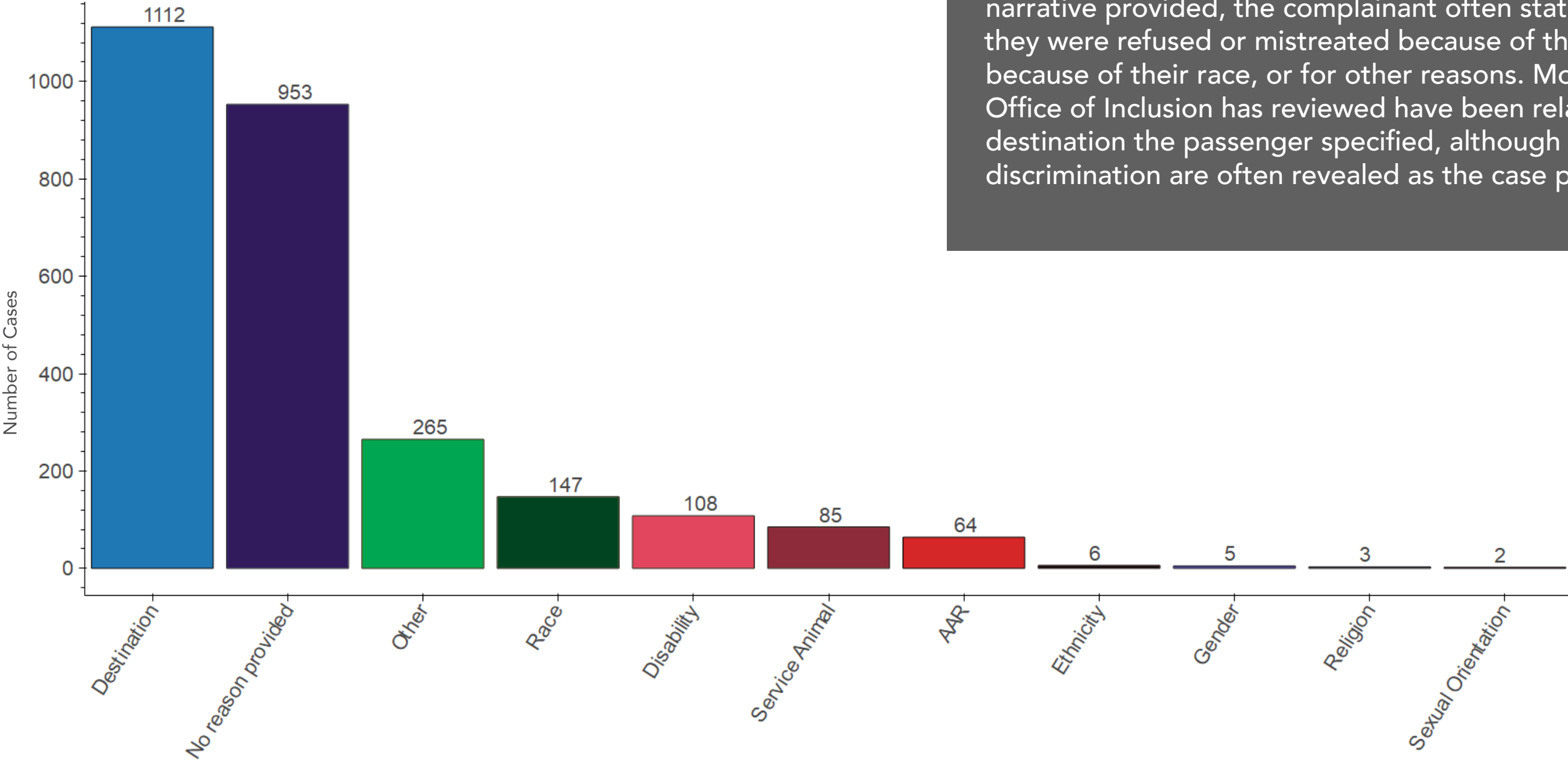
Investigations

Of the complaints received in 2019 that were flagged for the Office of Inclusion, 84% have been closed or completed as of Jan 28, 2020. Cases are closed after a settlement is reached or a hearing is held, or if TLC’s prosecutors are unable to proceed with the case.

Initial Reason For Refusals

The Office of Inclusion also uses the complaint narrative to flag the type of discrimination that the complainant experienced in order to plan outreach initiatives to drivers. While we cannot always determine the reason for the refusal based on the narrative provided, the complainant often states if they believe they were refused or mistreated because of their destination, because of their race, or for other reasons. Most refusals the Office of Inclusion has reviewed have been related to the destination the passenger specified, although other types of discrimination are often revealed as the case proceeds.

Refusal Initial Reason Types, 2019



Discrimination Refusals

Among the Threats/Harassment/Abuse complaints that the Office of Inclusion reviewed, the threat or harassment was most commonly related to the complainant's race (168 complaints for 2019).

Initial Reason Type: Upon receipt, each complaint is subject to a cursory review and categorized based upon the complaint allegations. Complaints that are labeled "Threats, Harassment & Discrimination" are sub-categorized by "Initial Reason Type" including race, disability, no reason provided, sexual orientation, ethnicity, gender, destination, AAR (Access-A-Ride), religion, or service animal. The sub-category answers the question, "Why was this complainant subject to discrimination?"

Included Reason Type (Verified Reason Type): After a prosecutor has spoken to the complainant and verified the allegations of the original complaint, the complaint may be re-categorized if a prosecutor evaluates that the "Initial Reason Type" is inaccurate.

Example:

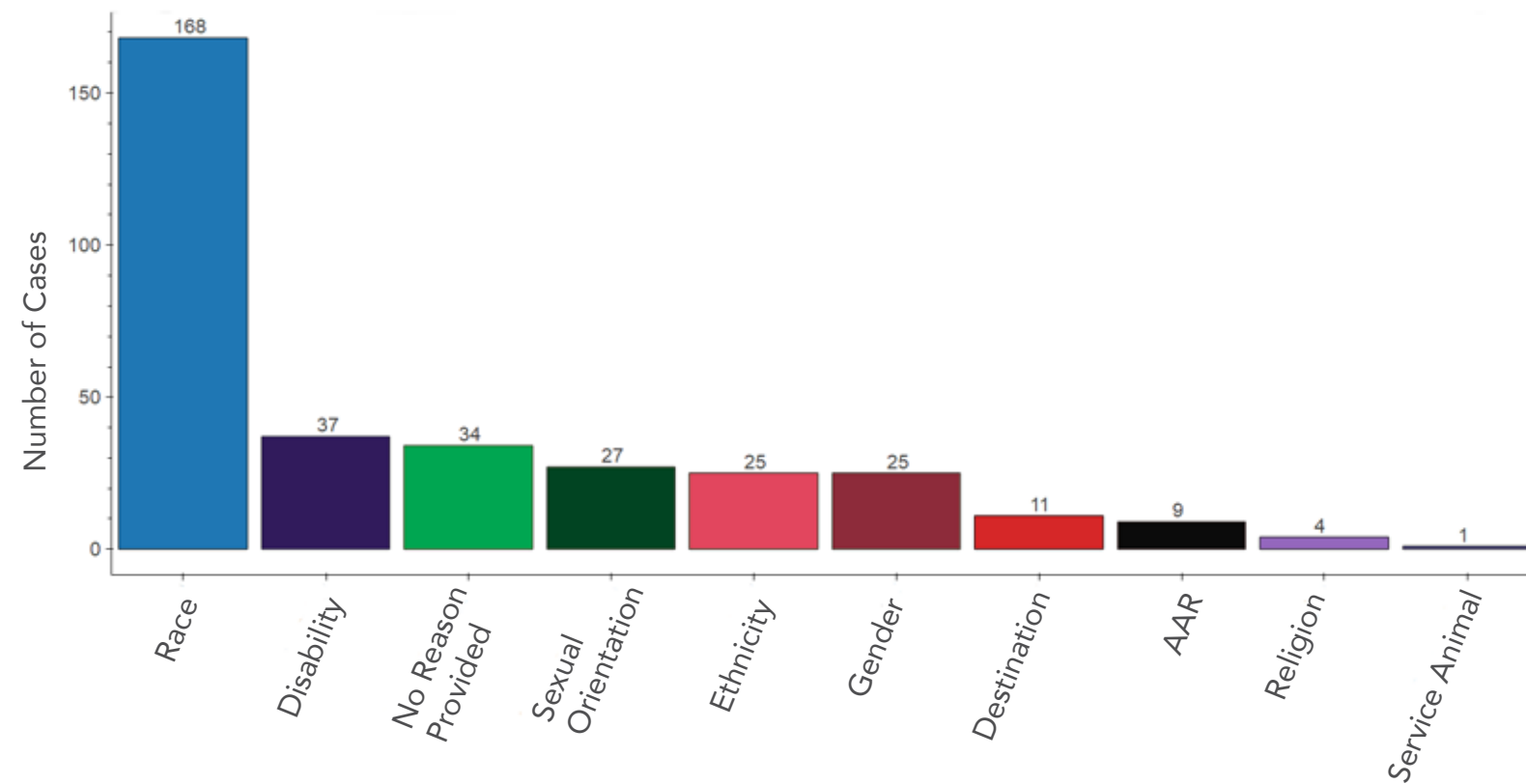
Original Complaint states, "Driver saw me with my partner and called me an offensive name."

Initial Reason Type: Sexual Orientation

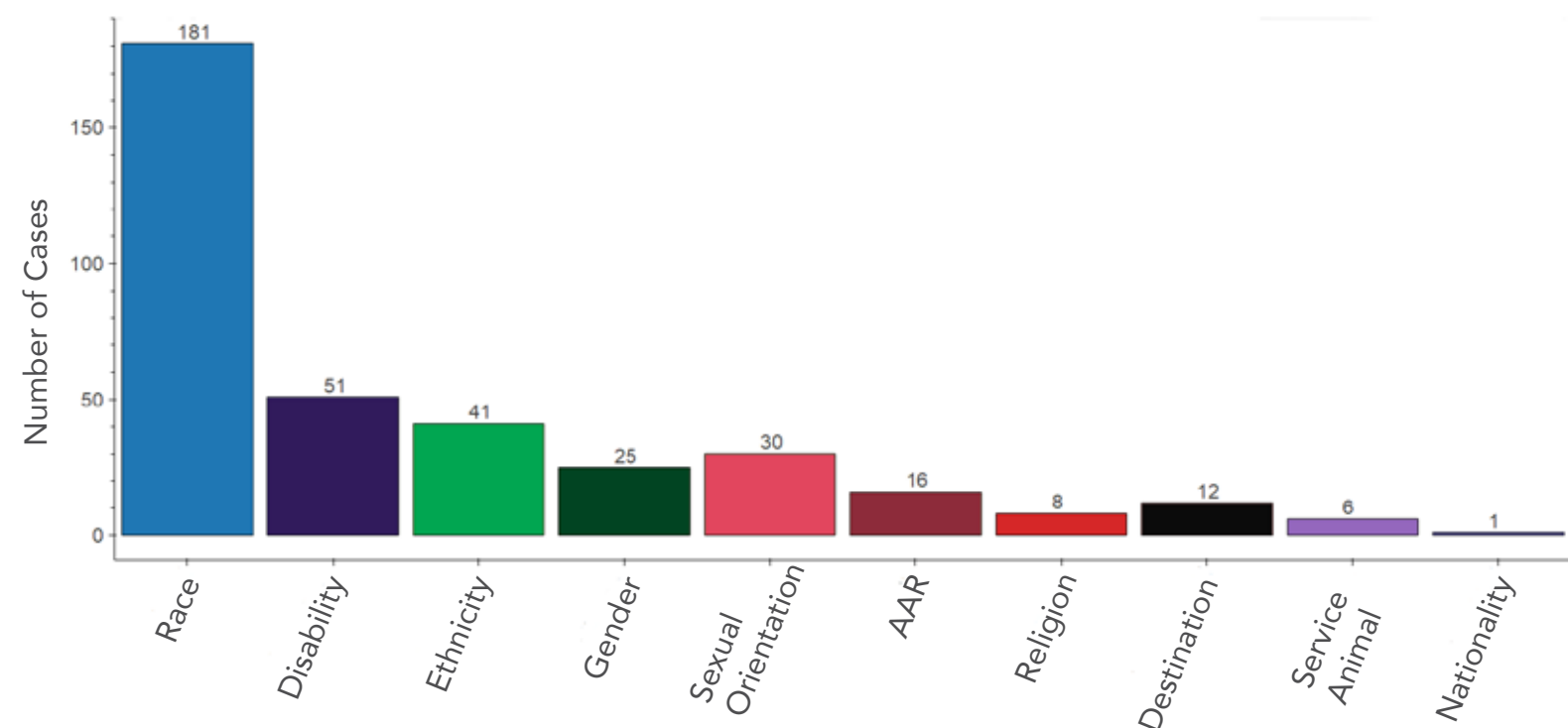
Upon speaking with Complainant, Complainant states that the driver used a racial slur.

Included/Verified Reason Type: Race

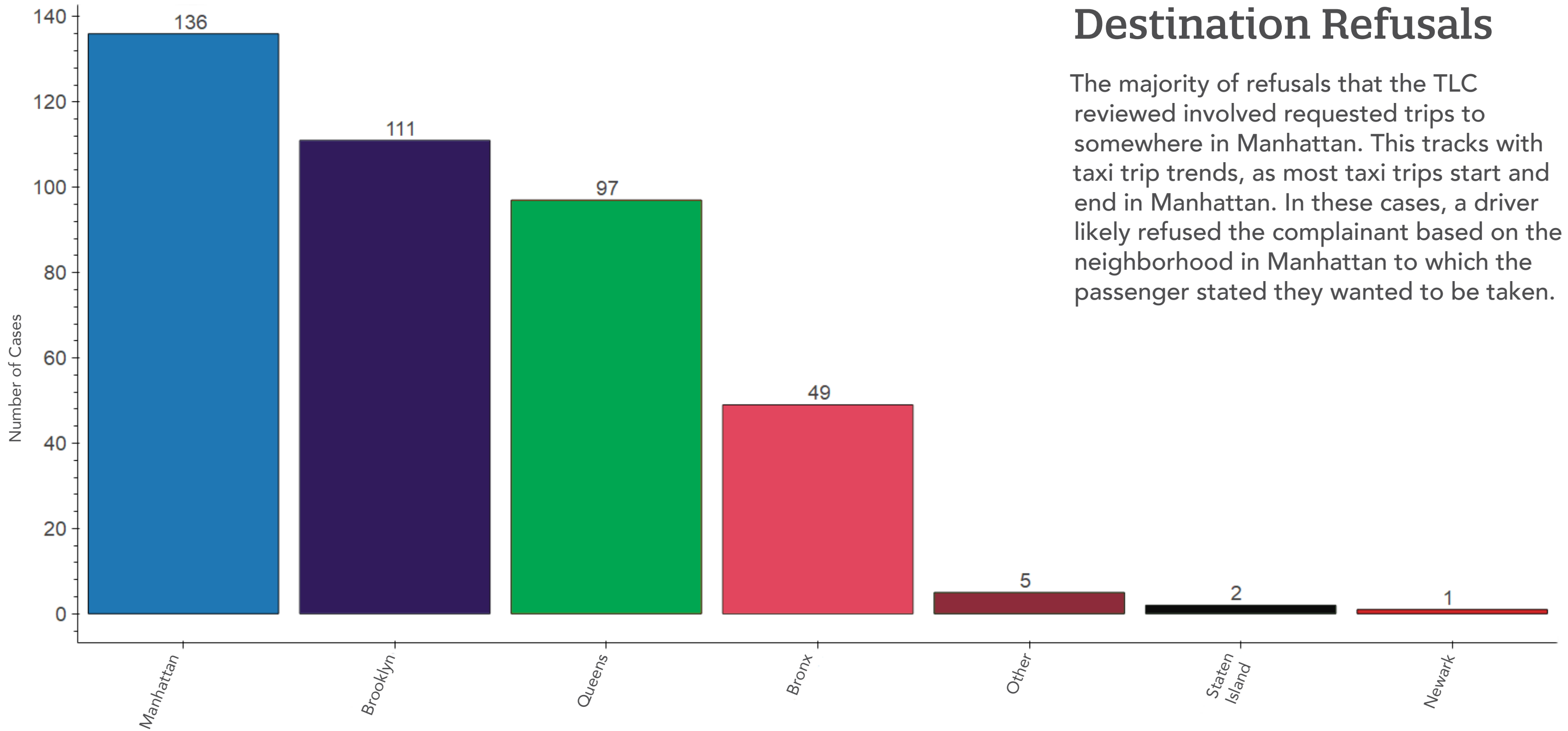
Threats, Harassment, & Discrimination Initial Reason Types, 2019



Threats, Harassment, & Discrimination Included Reason Types, 2019



Refusals by Destination, 2019



Destination Refusals

The majority of refusals that the TLC reviewed involved requested trips to somewhere in Manhattan. This tracks with taxi trip trends, as most taxi trips start and end in Manhattan. In these cases, a driver likely refused the complainant based on the neighborhood in Manhattan to which the passenger stated they wanted to be taken.

Hearings & Outcomes

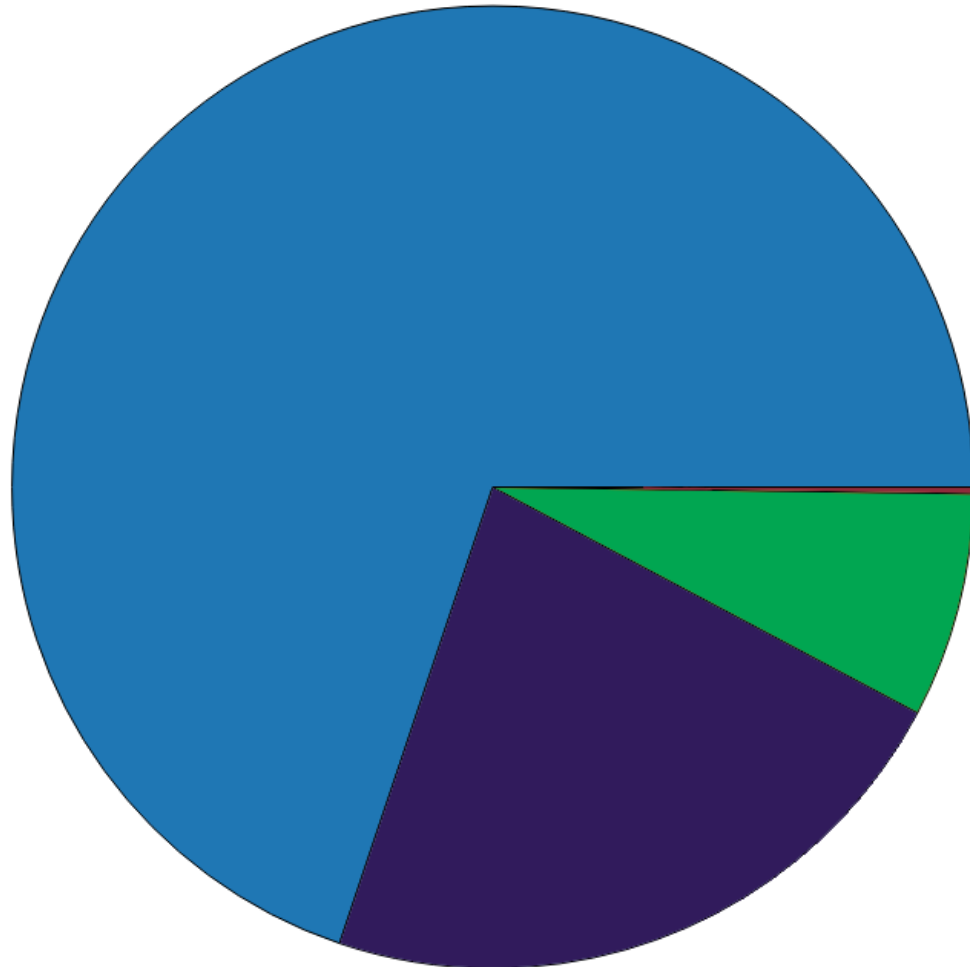
Among complaints that went to a hearing, the driver was found guilty roughly half of the time.

The TLC's Prosecution Unit flags NYC 311 complaints that would be of interest to the Office of Inclusion based on the narrative provided by the complainant. However, when the Office of Inclusion contacts the complainant, they often wish not to proceed, do not respond,

or do not have enough information to positively identify the driver they filed the complaint against. These are categorized as "Unable to prosecute" in the graph above, and comprise 70% of the complaints the Office received this year. Of the cases that the Office is able to prosecute, the case goes to hearing one third of the time, and the rest are settled out of court.

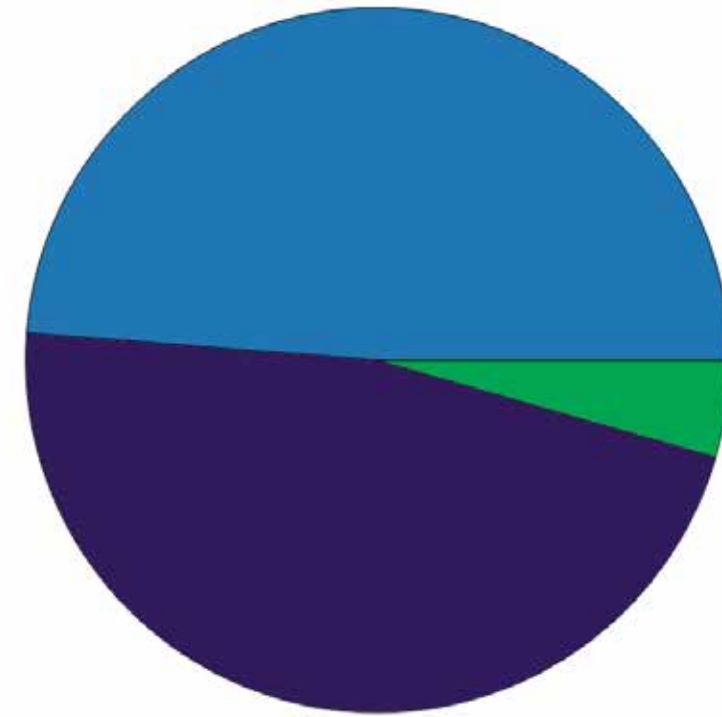
Investigation Resolutions, 2019

- Unable to Prosecute, 1906 (70%)
- Settlement, 611 (22%)
- Hearing Held, 206 (8%)
- Suspension/Revocation, 6 (0%)

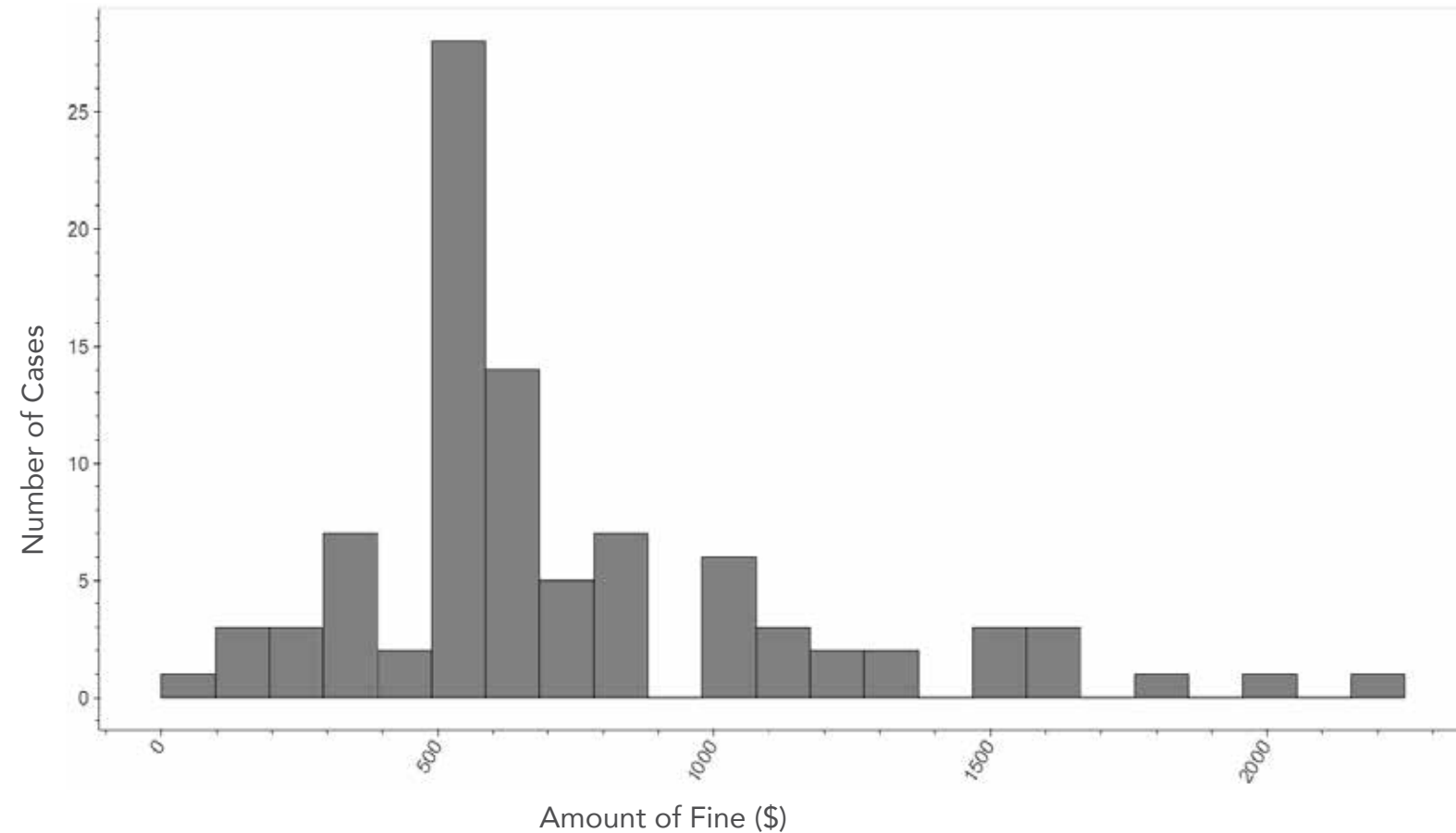


Inclusion Case Hearing Dispositions, 2019

- Dismissed, 99 (49%)
- Guilty, 95 (47%)
- Withdrawn, 9 (4%)



Inclusion Violation Fine Amounts, 2019





Public Awareness Campaign

In February 2020, the Office of Inclusion launched a citywide campaign on buses, the subway & the Staten Island Ferry to combat service refusals in the taxi and for-hire vehicle industry.



WHY DOES MY DESTINATION MATTER? I JUST WANT TO GET ACROSS TOWN.

SERVICE REFUSAL.

IF YOU REPORT IT, WE CAN STOP IT.

CALL 311 OR DOWNLOAD THE 311 APP TODAY.

Yellow cab, green cab, livery, Uber, Lyft, or Via, it is illegal for TLC-licensed drivers to refuse to drive passengers based on their race, gender, sexual orientation, religion, disability, or destination.



WHY DOES MY RACE MATTER? I JUST WANT TO GET ACROSS TOWN.

SERVICE REFUSAL.

IF YOU REPORT IT, WE CAN STOP IT.

CALL 311 OR DOWNLOAD THE 311 APP TODAY.

Yellow cab, green cab, livery, Uber, Lyft, or Via, it is illegal for TLC-licensed drivers to refuse to drive passengers based on their race, gender, sexual orientation, religion, disability, or destination.





WHY DOES MY SEXUAL ORIENTATION MATTER? I JUST WANT TO GET ACROSS TOWN.

SERVICE REFUSAL.
IF YOU REPORT IT, WE CAN STOP IT.

CALL 311 OR DOWNLOAD THE 311 APP TODAY.

Yellow cab, green cab, livery, Uber, Lyft, or Via, it is illegal for TLC-licensed drivers to refuse to drive passengers based on their race, gender, sexual orientation, religion, disability, or destination.



WHY DOES MY DESTINATION MATTER? I JUST WANT TO GET ACROSS TOWN.

SERVICE REFUSAL.
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WHY DOES MY DISABILITY MATTER? I JUST WANT TO GET ACROSS TOWN.

SERVICE REFUSAL.
IF YOU REPORT IT, WE CAN STOP IT.

CALL 311 OR DOWNLOAD THE 311 APP TODAY.

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WHY DOES MY SEXUAL ORIENTATION MATTER? I JUST WANT TO GET ACROSS TOWN.

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A black and white photograph of a city street scene. In the foreground, the front of a dark-colored Toyota car is visible, showing the hood, headlights, and the Toyota emblem. The car's license plate is visible and reads "T744247C" with "TOWER" and "TGLC" above and below it. In the background, a building with a sign that says "EARLYS" is visible. A pink rectangular box with a white double-line border is overlaid on the center of the image, containing the word "Education" in white serif font.

Education

Passenger Assistance and Wheelchair Accessibility Training



In 2018, TLC's Education Unit developed new standards for its 24-Hour Driver Education Course. The course, which is taught by TLC-Authorized education providers, is a requirement for anyone that seeks a TLC Driver License. TLC required all approved existing education providers to reapply for authorization by writing lesson plans and creating new training materials to comply with the new standards.

TLC also required providers to give a teaching demonstration as part of the evaluation process. Updating standards and requiring education providers to re-apply for authorization has resulted in higher quality education for drivers and higher pass rates on the TLC driver license exam.

In 2019, TLC took the same approach in redeveloping its Passenger Assistance and Wheelchair Accessible Vehicle (WAV)

Training, which has been a requirement for TLC Licensure since 2011 for yellow medallion drivers, and since 2014 for all TLC driver license holders. TLC established new curriculum content, essential technical skills, and instructional standards with associated rubrics to measure provider quality. Seven training



modules were developed to ensure consistent training across providers. TLC is also adding in-vehicle training in addition to classroom instruction.

TLC created a brand-new video on the WAV securement process using a TLC vehicle that covers each critical step of the process. There is also a new colorful, step-by-step instruction guide on the securement process, complete with helpful tips for drivers on providing good customer service to passengers that use wheelchairs. The new guide will also be available in a digital version, easily accessible by phone. TLC expects to launch the new course in summer of 2020.



Implicit Bias Training

As a part of the new TLC Office of Inclusion, the Education Unit is developing an Implicit Bias Course Training for drivers. The Education Unit is currently researching recent Implicit Bias Training case studies and subject matter experts who provide training across the United States. TLC is also developing focus-group questions, so TLC may better understand the attitudes of drivers towards passengers of different races.

The course seeks to educate drivers on biases, explore their own biases and how their biases influence their behavior, as well as tools and methods to mitigate racially-charged behavior as a result of these biases. The course will be culturally-sensitive, with universal content so it may reach the unique and diverse group that makes up over 200,000 TLC-Licensed drivers.

