

# **Closing the Accessibility Gap: A Report on the TLC’s Wheelchair-Accessibility Policies and Recommendations for Improving Accessible Taxi and For-Hire Vehicle Service in New York City**

## **Executive Summary**

In July 2008, the New York City Taxi and Limousine Commission commenced a two-year pilot program to test passenger demand for wheelchair-accessible taxicab service. The Accessible Dispatch Pilot Program concluded in June 2010, and this report presents the results of the program – low usage, high cost, low driver participation, high driver non-compliance – along with a brief survey of the current state of wheelchair-accessible mass transportation<sup>1</sup> in New York City and a brief overview of for-hire vehicle accessibility policies in select other cities.

In addition, in light of the results of the pilot program and of the performance of the accessible for-hire vehicle sector, this report recommends a more comprehensive for-hire vehicle accessibility policy for all of New York City that would meet the Taxi and Limousine Commission’s goal of providing wheelchair users with convenient, affordable transportation comparable to what is available to the general riding public.

## **Part I. – Current state of wheelchair accessibility in public transportation in New York City**

Residents of, and visitors to, New York City rely heavily on the public transportation network to move them around the City. Comprised of an expansive system of buses, subways, commuter rail, and paratransit vehicles operated by the Metropolitan Transit Authority (MTA), and taxis and other for-hire vehicles (FHV) regulated by the Taxi and Limousine Commission (TLC), this network provides almost 9 million rides every day, and is a critical component of the City’s economy.

Unfortunately, much of this network is still out of the reach for the approximately 60,000 wheelchair users in New York City.<sup>2</sup> For example, most subway stations are not wheelchair-accessible<sup>3</sup>; many bus routes are too distant for some wheelchair users; the MTA’s Access-A-Ride paratransit service provides an advanced registration system but does not provide a convenient, on-demand point-to-point option; and only a fraction of the City’s taxis and FHV are wheelchair-accessible and even fewer are available and affordable to wheelchair users.

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<sup>1</sup> While we acknowledge the diversity of the disabled community, this report focuses on wheelchair users only.

<sup>2</sup> Unfortunately, we lack an authoritative count on the number of wheelchair users in New York City. The U.S. Census does not track wheelchair users, and this number is an estimate provided by disability advocates. Additionally, we lack authoritative data on the geographic distribution of these wheelchair users.

<sup>3</sup> The Americans with Disabilities Act does not require subway stations to be accessible except under prescribed conditions.

## **A. MTA Services – Subways, Buses and Access-A-Ride**

**Subways and Staten Island Railway.** The MTA is the primary entity charged with providing mass transportation services throughout New York City, and it operates 230 route miles of subway and train service across the five boroughs, which are accessed from 490 stations (468 subway stations and 22 Staten Island Railway stations).

- Of these 490 stations, 78 stations (or 16%) are fully wheelchair-accessible and offer features to assist customers with visual, hearing, and mobility impairments in accordance with the Americans with Disabilities Act (ADA). (Of these 78 wheelchair-accessible stations, 31 are located in Manhattan, 17 in Brooklyn, 14 in Queens, 9 in the Bronx and 4 in Staten Island.)
- An additional eight stations are currently undergoing renovation to become accessible (including wheelchair-accessible) in accordance with the ADA, and the MTA's 2010-14 Capital Plan includes \$303 million for ADA station rehabilitation projects with the goal of increasing the number of accessible stations to 100 by 2020.
- The MTA offers reduced-fare MetroCards (with a base fare of \$1.10) to riders with a qualifying disability or to riders who are 65+ years old. This is particularly helpful for a population that is often on a limited, fixed income.

The price of making all subway stations wheelchair-accessible is cost-prohibitive, meaning the majority (84%) of subway stations are not wheelchair-accessible. This leaves many wheelchair users (especially those living or working outside Manhattan) unable to gain easy access to the subway system.

**Buses.** The MTA also operates over 6,000 buses on approximately 300 bus routes throughout the five boroughs. These routes connect with many subway and commuter rail stations and other key transportation hubs.

- Approximately 94% of the surface area of the City is within ½ mile of an MTA bus stop.
- Each of these buses is fully wheelchair-accessible, and a majority of them are equipped with a kneeling feature that lowers the front entrance of the bus for easy access by customers with mobility impairments.
- As with subways, the MTA offers reduced-fare MetroCards (with a base fare of \$1.10) to bus riders with a qualifying disability or to bus riders who are 65+ years old.

Of course, not all wheelchair users are able to travel ½ mile to the closest bus stop and/or manage the requisite transfers to get to their destination.

**Access-A-Ride.** As mandated under the Americans with Disabilities Act, public transportation entities must provide a comparable paratransit service. The MTA provides the Access-A-Ride (AAR) service – a shared ride, door-to-door paratransit dispatch service.

- According to federal law, AAR must serve users within a ¾ mile corridor parallel to and beyond fixed route bus and subway service, 24 hrs/day, 7 days/week. The extensive fixed route service within

New York City results in a paratransit service area that addresses the entire five boroughs and portions of Nassau County, Westchester County and Yonkers.<sup>4</sup>

- To arrange for service, customers must call 1-2 days in advance to reserve their trip. The fare is the regular base transit fare (\$2.25)<sup>5</sup> and must be paid when the customer boards the vehicle. (Personal care attendants may accompany the rider free of charge.)
- Pick-ups that occur within 30 minutes of the scheduled trip time are considered on-time. If the vehicle is more than 30 minutes late, an AAR operator will try to locate another vehicle or authorize the customer to take a taxi or livery car service eligible for reimbursement. On average, 94% of AAR scheduled trips are on time<sup>6</sup>.
- AAR provides approximately 7.3 million rides each year, and it has approximately 142,000 registered customers. 36% of these rides originate in Brooklyn; 24% in Queens; 17% in the Bronx; 13% in Manhattan; and approximately 10% in Staten Island.
- 72% (or 1,716) of the vehicles used for AAR trips are minibuses that are fully wheelchair-accessible. These vehicles seat 4 ambulatory (non-wheelchair) and 2 wheelchair passengers. (The remainder of the AAR fleet consists of 651 non-accessible Crown Victoria sedans.)
- Approximately 28,400 (or 20%) of AAR's registered customers are wheelchair users and they account for approximately 28% of daily trips.
- The cost to the MTA of providing this service is high (approximately \$49 per trip). This is, at least in part, the result of the high operating costs of the minibus vehicles that are used. To help reduce these costs, the MTA has contracted with FHV services for some of their ambulatory trips.
- The TLC is also currently working to assist the MTA in the implementation of a pilot program for Manhattan-based AAR customers that would permit them to use MTA-issued debit cards in medallion taxicabs for certain AAR-authorized trips

## **B. TLC-regulated industries: Medallion taxis and FHV's**

Though the ADA does not generally<sup>7</sup> require TLC-regulated industries to be wheelchair-accessible, we believe it is an important service to provide. And when looking at what we will require of medallion taxis and FHV's in this regard, the TLC has likewise looked to supplement the services provided by the MTA's buses, subways and AAR. The aim of the TLC's accessibility initiative has been to provide the most cost efficient and timely means of transporting wheelchair users who are not able to access the subway or bus system, and for trips that cannot be pre-arranged per the requirements of AAR.

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<sup>4</sup> The ADA requires the provision of paratransit service for areas between fixed route lines.

<sup>5</sup> Under the ADA, the MTA has the option of charging double the base fare (\$4.50) for its AAR service, but it does not.

<sup>6</sup> This statistic was provided by MTA Access-A-Ride.

<sup>7</sup> The exception is vehicles that seat 8 or more passengers and are bought new. These vehicles are required to be wheelchair-accessible. Therefore, some TLC-licensed commuter vans and many TLC-licensed paratransit vehicles are covered by the ADA and must be wheelchair-accessible.

**Medallion taxis.** The TLC currently licenses 13,237 yellow medallion taxicabs in New York City. Historically, medallion owners have not invested in wheelchair-accessible vehicles in great numbers because they did not find it economical to do so. This is a result of: (1) high purchasing and operating cost (e.g., vehicles must be retrofitted with an after-market wheelchair lift, which equates to start-up cost of approximately \$35,000 and higher ongoing maintenance costs); and (2) low passenger demand for unsubsidized service (partly because an AAR trip is always cheaper than a taxi fare). And further compounding the challenge, there is currently no fully accessible taxicab that is also fuel efficient and affordable.

Of the 13,237 taxicabs, 240 (or approximately 1.8%) are wheelchair-accessible. This amounts to about one accessible taxi for every 55 non-accessible cabs. They are the direct result of TLC's issuance, starting in 2004, of 231<sup>8</sup> reduced-cost wheelchair-accessible medallions, which were a means of spurring the industry to provide accessible services. As with yellow cabs generally, these 240 accessible taxicabs provide service mainly in Manhattan.

**FHVs.** Alongside the yellow medallion taxicabs, which primarily serve Manhattan, the TLC also licenses approximately 36,000 FHVs in the City (through 800 FHV services). Of these approximately 36,000 vehicles, only 6 (or 0.02%) are FHVs equipped to be wheelchair-accessible, and only 17 (or 0.05%) are paratransit vehicles<sup>9</sup>. This amounts to only one accessible vehicle for every 1,565 non-accessible FHVs.<sup>10</sup> As with yellow taxis, this very low number of wheelchair-accessible FHVs (counting the paratransit vehicles as FHVs) is the result of high purchase prices and operating costs, and low passenger demand for an unsubsidized service. In an effort to supplement the efforts of the MTA in providing accessible transportation options to wheelchair users, particularly outside Manhattan, the TLC in 2000 passed Rule 6-07(f). In passing the rule, the TLC noted that

The Commission recognizes a need for the provision of service to persons with disabilities. Present transportation service providers, including mass transit providers, do not offer adequate demand-responsive service to disabled persons.... Although not required to do so by the ADA, a number of Cities in the United States, as well as other Cities abroad, have already either mandated the use of accessible for-hire vehicles or have provided for voluntary conversion to accessible vehicles by for-hire vehicle service providers.... With the adoption of these Rules, the TLC would establish accessibility requirements that exceed those presently mandated by the ADA and the Regulations promulgated thereunder, by requiring an accessible vehicle be provided to any disabled person, upon request.

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<sup>8</sup> Nine taxicabs have been voluntarily outfitted for wheelchair accessible service. These taxicabs, like the other 231 wheelchair-accessible medallions, receive an additional two years on their retirement age.

<sup>9</sup> FHV services can use TLC-licensed paratransit vehicles to comply with their TLC-imposed accessibility requirements.

<sup>10</sup> Note, prior to the issuance of accessible medallions (a form of economic inducement by the TLC), the ratio of accessible to non-accessible in the medallion taxicab sector was a similarly anemic 1:1444.

TLC Rule 6-07(f) requires all FHV services to provide a wheelchair-accessible vehicle to anyone who requests one. This service must be equivalent to the service provided to non-wheelchair users in the following ways: (1) response time; (2) fare charged; (3) hours and days of service availability; (4) ability to accept reservations; (5) restrictions based upon trip purpose; and (6) other limitations on capacity or service availability. This means, for example, that FHV services cannot charge a wheelchair user more for a trip or require a longer wait time, or require an appointment if one is not required for non-accessible service.

*Compliance with 6-07(f).* An FHV service can comply with Rule 6-07(f) by either having a wheelchair-accessible vehicle in its fleet or by contracting with a 6-07(f) provider (another FHV service that has a wheelchair-accessible vehicle). In either case, there must be provision of “equivalent service” (as described above) in order for the FHV service to be in compliance with Rule 6-07(f).

- There is currently no limit to the number of contracts a 6-07(f) provider can have with other services. Consequently, all FHV services in the City have contracted with one of only seventeen 6-07(f) providers for their wheelchair-accessible vehicles.
- Combined, these seventeen 6-07(f) providers have 23 wheelchair-accessible vehicles between them, creating a system where, on average, one wheelchair-accessible vehicle is required to be shared among 35 FHV services. Again, this amounts to approximately one wheelchair-accessible vehicle for every 1,565 non-accessible FHV.
- There is also no restriction on how far away a 6-07(f) provider can be from the operations of its partner FHV bases, calling into question these providers’ ability to provide service of comparable wait time to other FHV services.
- High cost to serve. FHV services typically pay \$300 to \$600 annually to a 6-07(f) provider. They also pay a per trip charge for each trip. This charge is typically much more than a trip for a non-wheelchair user. For example, a trip that would typically cost \$7 in a sedan may cost \$30-50 in an accessible vehicle. And per Rule 6-07(f), the FHV service must pay the cost differential, making these trips very unprofitable.
- Low demand. Most services get few passenger requests for accessible vehicles. According to one 6-07(f) provider, a month with 100 calls is a ‘very good month’. We believe the low demand is the result of passengers with limited incomes, a cheaper alternative in Access-A-Ride, and a widespread belief that FHV services do not typically provide equivalent service.

*Ongoing enforcement efforts.* To address the issue of non-compliance with Rule 6-07(f), TLC regularly conducts enforcement sweeps of FHV services. Those FHV services that fail to provide equivalent service (e.g., quoting a higher price or a longer wait time for accessible vehicles) are issued summonses. To date, 72 separate FHV services have been surveyed and 80 summonses have been issued during these enforcement operations – a result which suggests widespread non-compliance with TLC Rule 6-07(f).

## **Part II. Accessible Dispatch Pilot Program**

In 2008, in an attempt to better match wheelchair users Citywide with the limited number of wheelchair-accessible taxicabs, the TLC, in collaboration with the Mayor's Office for People with Disabilities, the Mayor's Office of Operations and the Department of Information Technology and Telecommunications, launched the Accessible Dispatch Pilot Program.

### **A. Overview**

This was a two-year pilot program (running from July 2008 to June 2010) to test passenger demand for wheelchair-accessible taxicabs. The program was run by a third-party contractor – Executive Transportation – with \$1 million of public funding secured by the City Council.

- Under the pilot, passengers could request an accessible taxicab by calling 311 or by contacting Executive Transportation directly. Once a request was placed, the vendor would dispatch it to all available accessible taxicabs<sup>11</sup> – and failing that, to all participating taxicabs – until fulfilled.
- Drivers of participating vehicles were required to be trained in use of the dispatch equipment and passenger assistance techniques. The driver was required to obtain a certificate of completion from an approved training course in wheelchair passenger assistance techniques.
- Drivers were also required to assist wheelchair passengers, along with any packages they may have, into and out of the vehicle.
- Drivers of accessible vehicles were expected to be available to accept dispatches to provide transportation for persons in wheelchairs during their shifts. Failure to accept more than two dispatches in any one shift was deemed a failure to participate in the program and would result in penalties.
- All wheelchair-accessible taxicabs were required to participate in the program.
- The in-vehicle dispatch equipment was provided to vehicle owners at no cost to them.

### **B. Low usage and high cost**

While wait times and completion rates of the pilot program were quite satisfactory, usage of the program was still relatively low and not very cost effective.

- \$1 million of City Council funding was spent on 5,828 trips (a per cost trip of approximately \$172).
- The overwhelming majority of these trips originated (93%) and/or terminated (85%) within Manhattan, reflecting how taxicabs operate generally.
- The average wait time for a dispatch (i.e., the time from passenger call to pick-up) was 34 minutes, and the median wait time was 22 minutes.
- The dispatch completion rate (i.e., the percentage of calls which resulted in completed pick-ups) was 91%. The remainder was either calls cancelled by the passenger or were passenger no-shows.
- Most of the program's passengers were repeat-users. There were approximately 2,700 unique customers (out of the approximately 60,000 wheelchair users in the City) who used the service, indicating usage by only 4.5% of the target customer base. And among the 2,700 customers who did use it, there was a rate of approximately one trip per user per year.

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<sup>11</sup> Taxicabs were considered "available" if they were logged in the same zone as the passenger placing the call.

### **C. Driver non-participation and non-compliance**

Independently-owned (non-fleet) taxicabs provided the overwhelming majority of the service.

- 97% of all trips were done by independent medallion owners (who collectively own 28% of the accessible medallions). More specifically, 68% of all trips were done by a core group of 18 independent medallion owners.
- Conversely, fleet drivers provided only 3% of the trips, even though fleet-owned medallions represent 72% of the outstanding accessible medallions. This is partially due to how the economics of medallion and vehicle leasing work.
  - Fleet owners and independent owners received discounts for their purchases of accessible medallions and two-year extensions on the life of their vehicles (extending the life of fleet-owned vehicles from 3 yrs to 5 yrs, and of independently-owned vehicles from 5 yrs to 7 yrs), but fleet drivers never received any of the benefits of these economic inducements. For example, drivers did not have to pay a lower lease rate on the wheelchair-accessible taxicab even though providing wheelchair-accessible service requires more time (because of the loading and unloading of the passenger and the additional training requirements) and reduces the total number of trips a driver can service (because they cannot pick-up passengers on the way to picking-up a wheelchair user).
- In addition to instances of driver non-responsiveness to dispatches, there were also widespread incidences of untrained drivers operating vehicles participating in the pilot. Over the course of the pilot, TLC issued 4,444 summonses to medallion owners and drivers for failing to abide by this requirement.
- The program also added an element of dispatching to a taxi system originally designed exclusively for street hails, which may have further discouraged drivers from participating.

### **Part III – Experiences of other cities**

For this report, we looked at five other North American cities – Chicago, Toronto, Los Angeles, Boston and Ottawa – to understand how they address wheelchair accessibility in their taxi fleets. These cities were chosen either because they have large taxi fleets or because they are known among taxi regulators and disability advocates for their wheelchair-accessible taxi services. Following are some of the salient characteristics of these models:

- They each utilize wheelchair-accessible taxis. However, no city has a fully wheelchair-accessible taxi fleet.
- They employ incentives to reduce the purchase and operating cost of an accessible taxi.
- They use monitoring systems to ensure these taxis provide service to wheelchair users.
- Most of the cities partner with the paratransit divisions of their local transit agencies to reduce the paratransit divisions' costs and manage their demand.
- In some instances, their policies emphasize the importance of ownership of accessible taxis by independent, rather than corporate, owners because independent owners are believed to provide better service.

## Part IV – Recommendations for improving accessible taxi and for-hire vehicle (FHV) service

Given the lessons learned from the Accessible Dispatch Pilot Program and the deficiencies of TLC Rule 6-07(f), we recommend a centralized, citywide dispatch system for the five boroughs of New York City that improves on the Accessible Dispatch Program. We believe such a dispatch system is an achievable goal that would materially improve transportation options for wheelchair users in lieu of a fully wheelchair-accessible taxicab fleet. It should be noted, however, that a fully wheelchair-accessible taxicab fleet is an important and on-going goal for TLC. This dispatch system would have the following features:

- *Centralized dispatch service.* We propose creation of a single dispatch service to provide wheelchair-accessible, point-to-point service equivalent to the service offered by taxicabs and livery bases.
- *Utilize existing infrastructure.* We propose that the new system would take advantage of the existing set of 240 wheelchair-accessible yellow taxicabs. These taxis would be required to respond to dispatch calls. In addition, the provider would need to secure the availability of additional vehicles (presumably vehicles affiliated with livery bases) in diffuse locations in order to meet response time standards (see below).
- *Service standards.* The Accessible Dispatch Program suffered, and Rule 6-07(f) suffers, from a lack of enforceable service standards. Any new system must incorporate standards for response time and fare, to ensure that wheelchair users have access to acceptable service. We propose that the dispatch provider would be required to meet or exceed the following standards for response time (meaning the time from when a dispatch call is accepted by a dispatcher until the vehicle arrives at the pick-up location): 30 minutes or less for 50% of trips; 45 minutes or less for 75% of trips; and 60 minutes or less for 100% of trips. As to price, the provider would be required to provide trips at a metered fare, using the same fare structure as yellow taxicabs.
- *Driver subsidy.* It is evident from the levels of driver participation in the pilot program that drivers are not appropriately incentivized to make accessible dispatch trips. Specifically, drivers should be compensated for the “dispatch” portion of a trip in order to ensure that drivers of wheelchair-accessible taxicabs participate in this new service.
- *Increased enforcement.* Simultaneously, additional enforcement will be necessary in order to avoid the driver non-participation and non-compliance issues of the pilot program. Both the refusal to accept dispatches and the failure by medallion owners to have appropriately trained drivers in these vehicles must be penalized regularly and sufficiently in order to ensure sufficient supply.
- *Driver training.* All medallion vehicle drivers would be required to receive the necessary training to drive wheelchair-accessible vehicles.
- *Funded by a fee.* Both operation of the dispatch service and the provision of subsidy for the “dispatch” portion of yellow taxi trips will require funding. We propose funding this service through a fee imposed on medallion owners and the FHV industry.

- *Additional training.* As demonstrated by the pilot program, yellow taxi drivers are accustomed to the street hail model, and so additional training may be necessary in order to overcome any resistance to the dispatch model.

## **Next Steps**

TLC has solicited feedback from the MTA, the Mayor’s Office for People with Disabilities, the disability advocate community, and elected officials on these recommendations. We will continue to work with these stakeholders, and other industry participants, including FHV services and taxicab medallion owners, to reach our goal of establishing a system that provides wheelchair users with convenient, affordable transportation comparable to what is available to the general riding public. We are releasing a Request for Information (RFI) that asks questions on how a dispatch system for wheelchair-accessible taxicabs and FHV’s should be designed and operated. We ask industry stakeholders, and other members of the public, to respond to the RFI.