

NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

RESOLUTION APPROVING A PILOT PROGRAM TO
EVALUATE A RESPONSE-TIME METRIC FOR PROVIDING WHEELCHAIR
ACCESSIBLE FOR-HIRE VEHICLE SERVICE

December 13, 2017

The New York City Taxi and Limousine Commission (the “Commission” or “TLC”) hereby approves by resolution (“Resolution”) a Pilot Program, pursuant to section 52-27(a) of the Commission’s rules, to test and evaluate a response-time metric for requests for wheelchair accessible For-Hire Vehicles (the “Pilot”).

In response to a longstanding lack of accessible service in the rapidly expanding FHV sector, on December 13, 2017, the Commission approved rules requiring all For-Hire Vehicle (“FHV”) bases to dispatch a percentage of their trips to wheelchair accessible vehicles (“WAVs”), beginning with 5% of all trips in 2018 and escalating to 25% in 2022. As outlined in the Statement and Basis of Purpose for the rule, this trip mandate gradually incorporates accessible vehicles into the fleet and ensures their circulation. Providing accessible service requires readily available vehicles. When bases are required to regularly dispatch trips to wheelchair accessible vehicles and incorporate these vehicles into their everyday operations, wheelchair accessible vehicles will be on the road and available to pick up passengers that use wheelchairs.

An alternative approach to providing FHV WAV service is through a centralized dispatching entity required to meet a service level standard. Given significant recent technological advances, dispatching systems today are better able to match passengers and cars and overall response times have significantly decreased. The same advances that have improved overall response times could be used to provide service for people who use wheelchairs, who today have limited service options. Trip recording and data reporting protocols could allow TLC to monitor compliance with service standards and other customer satisfaction metrics could provide the level of accountability the TLC and the public need from such as program.

The purpose of this pilot is to evaluate whether a centralized dispatching system utilizing modern technology, with robust monitoring and other requirements set by the TLC (e.g., sufficient vehicle supply; customer interface uniformity for WAV and non-WAV requests; ensuring that WAVs are not dedicated only to serving passengers who use wheelchairs), could provide excellent service to people with disabilities and overcome the potential pitfalls of utilizing a centralized dispatching entity to provide WAV FHV service. Therefore, through this Resolution the Commission authorizes testing of a centralized dispatcher approach to providing FHV WAV service, subject to the conditions outlined below.

In this Pilot, FHV Bases may apply to join the Pilot as:

1. A Participating Base, responsible for receiving WAV requests from passengers, sending requests for WAVs to the WAV Dispatcher, cooperating with the WAV Dispatcher, and ensuring that the WAV Dispatcher has the resources necessary to meet the response-time metric; and/or

2. A WAV Dispatcher, responsible for receiving requests for WAVs from Participating Bases and dispatching WAVs to fulfill at least sixty percent (60%) of those requests in under 15 minutes and ninety percent (90%) of those requests in under 30 minutes by the end of the first year of the Pilot Program and at least eighty percent (80%) of those requests in under 15 minutes and ninety percent (90%) of those requests in under 30 minutes by the end of the second year of the Pilot Program.

Pursuant to Section 52-27 of TLC Rules, approval of this Resolution is subject to the following:

1. Commencement and Duration:

The Pilot Program will commence on July 1, 2018. The Pilot Program will run for up to two years.

2. Pre-Qualification Conditions

- a. Pursuant to Section 52-28(a) of TLC Rules, each Participant in the Pilot Program must enter into a binding Memorandum of Understanding (“MOU”) with the Chair on behalf of the Commission, which is approved as to form by the New York City Law Department, which obligates the Participant to adhere to all requirements of this Resolution and sets forth additional specifications for each requirement. This Resolution contains a summary of the major MOU terms but does not include each and every term. The MOU must not conflict with any provision of this Resolution.
- b. Each Participating Base must be a TLC-licensed For-Hire Vehicle Base in good standing with the TLC and must sign an agreement with a WAV Dispatcher. The agreement must not conflict with any provision of this Resolution.
- c. Each WAV Dispatcher must be a TLC-licensed For-Hire Vehicle Base in good standing with the TLC prior to approval as a WAV Dispatcher.

3. Means of Public Notice

Notice of opportunity to participate in the Pilot Program will be published in the City Record and on the Commission’s website.

4. Application

- a. The Commission will begin accepting applications for participation in the Pilot Program immediately after a template MOU setting forth the specific terms of participation is published on the TLC website.
- b. The Commission will accept applications to participate in the Pilot Program as a Participating Base until June 20, 2018. The Commission will accept applications to

participate in the Pilot Program as a WAV Dispatcher until one year after the commencement of the Pilot Program.

- c. Each candidate applying as a Participating Base must submit a statement outlining the manner in which it will adhere to the following requirements for participation in the Pilot:
 - i. The Participating Base must enter into an agreement with a WAV Dispatcher and remit any payments to the WAV Dispatcher in accordance with the agreement.
 - ii. Passengers must be able to request a WAV from the Participating Base in the same manner(s) in which passengers can request a non-WAV from the Participating Base.
 - iii. The Participating Base must conduct targeted and continuous outreach and marketing to passengers who use wheelchairs about its wheelchair accessible services.
 - iv. The Participating Base must forward requests for WAVs it cannot fulfill itself to its WAV Dispatcher and cooperate with its WAV Dispatcher to the extent necessary to ensure the forwarded requests are fulfilled in accordance with the response-time requirements outlined in Section 4(d)(ii) of this Resolution.
 - v. The Participating Base may not charge, and is responsible for a WAV Dispatcher not charging, a passenger requesting a WAV a fare that exceeds the fare a passenger requesting a non-WAV would be charged for the same trip.
- d. Each candidate applying as a WAV Dispatcher must submit a statement outlining the manner in which the WAV Dispatcher will adhere to the following requirements for participation in the Pilot:
 - i. The WAV Dispatcher must enter into an agreement with its Participating Bases outlining the frequency and amount of any payments Participating Bases must make to the WAV Dispatcher.
 - ii. The WAV Dispatcher must service at least sixty percent (60%) of all the requests for WAVs it receives in under fifteen (15) minutes and ninety percent (90%) of those requests in under thirty (30) minutes by the end of the first year of the Pilot Program and must service at least eighty percent (80%) of all the requests for WAVs it receives in under fifteen (15) minutes and ninety percent (90%) of those requests in under thirty (30) minutes by the end of the second year of the Pilot Program.
 - iii. The WAV Dispatcher must support its Participating Bases' targeted and continuous outreach and marketing to passengers who use wheelchairs about its Participating Bases' wheelchair accessible offerings.

- iv. The WAV Dispatcher cannot use WAVs exclusively dedicated to servicing requests for WAVs received through the Pilot.
- v. The WAV Dispatcher cannot charge a passenger more for a trip request received from a Participating Base than the Participating Base that forwarded the request would charge a passenger requesting a non-WAV for the same trip.
- vi. The WAV Dispatcher must, upon application, report the number of WAVs it will be able to dispatch at the commencement of its participation in the Pilot, and the number of WAVs it will be able to dispatch by the end of its third and sixth months of its participation in the Pilot.

5. Selection

- a. Selection of Participants will be made by the Chair.
- b. Criteria for selection will include the sufficiency of the application and required statements and the applicant's ability to meet the requirements set forth in this Resolution and the MOU. The Chair reserves the right to reject applications which do not adhere to the criteria set forth in Section 4 and in this section.
- c. The Chair may ask any candidate to supplement an application as necessary to complete the evaluation of the application and selection of Participants.
- d. The minimum number of WAV Dispatchers in the Pilot Program is one (1) and the maximum number of WAV Dispatchers in the Pilot Program is limited to three (3).
- e. The minimum number of Participating Bases in the Pilot Program is ten (10) and there is no maximum number of Participating Bases.

6. Termination

- a. If the Chair determines a Participant has violated or not complied with any provision of this Resolution or the MOU, fails to demonstrate material progress or provide adequate service at any time during the duration of the Pilot Program, or otherwise engages in behavior contrary to the goals of this Pilot Resolution, the Chair may immediately terminate approval to participate in the Pilot Program.
- b. The Chair may terminate a Participating Base's approval to participate in the Pilot if a Participating Base fails to timely remit any payments it owes its WAV Dispatcher. If the Chair terminates a Participating Base's approval to participate in the Pilot, the Participating Base will be subject to Section 59B-17(c) of TLC's Rules, subject to a transition period granted by the Chair on a case-by-case basis.
- c. If the Chair terminates a WAV Dispatcher's approval to participate in the Pilot Program, all Participating Bases that have entered into an agreement with that WAV Dispatcher will immediately lose their approval to participate in the Pilot Program and the WAV Dispatcher and Participating Bases with which it had agreements will

be subject to Section 59B-17(c) of TLC's Rules, subject to a transition period granted by the Chair on a case-by-case basis.

- d. The Chair may cancel the Pilot Program for any reason, including but not limited to failure to bring about continuously increasing service levels to passengers who use wheelchairs.

7. Indemnification

- a. Each Participant is responsible for the conduct of its employees, contractors, and agents, and must familiarize each employee, contractor, and agent with relevant regulatory rules and regulations.
- b. Each Participant must defend, indemnify and hold harmless the City of New York, its officers and employees from all claims arising from participation in the Pilot Program.

8. Reporting and Evaluation

- a. WAV Dispatchers must submit monthly records to the Commission containing:
 - i. Each request for a WAV received by the WAV Dispatcher, including
 1. the Base License Number of the Participating Base that sent the request to the WAV Dispatcher,
 2. the date and time that the request was received by the WAV Dispatcher,
 3. an indicator as to whether each request resulted in a completed trip
 4. if the request was fulfilled,
 - a. the TLC License number of the vehicle that fulfilled the request, the base to which the vehicle is affiliated, and the driver who fulfilled the request
 - b. the pickup and drop off locations of the trip
 - c. the date and time at which the vehicle arrived at the pickup location,
 - d. the total passenger wait time, and
 - e. the date and time at which the passenger left the vehicle at the drop off location
 5. if the request was not fulfilled,
 - a. the date, time, and location of the requested pickup
 - b. the location of the of the requested drop off (if provided)
 - c. an indicator as to the reason the request was not fulfilled, such as passenger cancellation, passenger no-show, driver cancellation, or no vehicles available
 - ii. Payments received from Participating Bases,
 - iii. All complaints and compliments received from passengers, including all driver ratings, where applicable, and

- iv. All marketing and outreach to potential passengers conducted in the previous month
- b. Participating Bases must submit monthly records to the Commission containing
 - i. Each request for a WAV received by the Participating Base, including
 - 1. the date and time the Participating Base received the request
 - 2. the date and time the Participating Base forwarded the request to a WAV Dispatcher
 - ii. Payments made to the WAV Dispatcher,
 - iii. All complaints and compliments received from passengers, including all driver ratings, where applicable, and
 - iv. All marketing and outreach to potential passengers conducted in the previous month.
- c. Such reporting must be in a format approved by the Chair, as further specified in the MOU.
- d. TLC staff shall prepare and transmit to TLC Commissioners a six month report, a one-year report, and final report on the results of the Pilot Program.
- e. The final report will be submitted to the Commission prior to the end of the Pilot Program. The final report will include findings based on the entirety of the Pilot, including but not limited to service levels, response times, and passenger and driver feedback. The final report will also include a recommendation as to whether or not to undertake rule-making or other Commission action. If the recommendation is to undertake rule-making, such recommendation is not limited to making permanent the terms of the Pilot and may include shorter wait times and/or increased service levels than those outlined in the Pilot. Additionally, if the recommendation is to undertake rule-making, the Commission will initiate rule-making expeditiously so that the service provided pursuant to the Pilot, in whole or in part, can continue uninterrupted.

9. Exemption

- a. All approved Participants in the Pilot Program will be exempt from Section 59B-17(c) of TLC's Rules.
- b. FHV Bases approved as WAV Dispatchers in the Pilot Program will be exempt from reporting trips pursuant to Section 59B-19(a) of TLC's Rules to the extent such trips were dispatched and reported to the Commission in accordance with their participation as WAV Dispatchers in the Pilot Program.

10. Compliance

- a. Participants must comply with all applicable state, federal, and local laws, including but not limited to the Americans with Disabilities Act (ADA), Occupational Safety

and Health Administration (OSHA) standards and requirements and, unless otherwise provided herein, TLC rules, all laws regarding workers compensation, disability benefits and tax withholding, and must pay all fees and fines owed to state, federal or local government jurisdictions when they are due. Section 9, above, provides the only exemption pertaining to this compliance subdivision.

- b. Participant must not file with the Commission any statements that he or she knows or reasonably should know to be false, misleading, deceptive or materially incomplete.
- c. Participant must not accept, request, give or offer gifts or gratuities to or from a licensee for the purpose of violating any of the requirements of the Pilot Program or applicable provisions of state, federal and local law, and must report to the TLC and the New York City Department of Investigation any request or offer for the same.
- d. Participant must not commit fraud, misrepresentation and/or larceny, willful acts of omission and/or commission; and must not act against the best interests of the public, including but not limited to acts of threats, harassment, abuse, use or threat of physical force, or failure to cooperate with law enforcement or the Commission.
- e. Participant must notify the TLC in writing of any suspension or revocation of any license granted to the Participant by any local, state or federal agency.

11. Safety Evaluation

- a. No safety evaluation of the Pilot Program will be required.