



David Do  
Commissioner/Chair

Sherryl A. Eluto  
General Counsel/Deputy  
Commissioner for Legal  
Affairs and Prosecution

33 Beaver Street  
22nd Floor  
New York, NY 10004

## New York City Taxi & Limousine Commission

### Proposed Rules – Accessible E-Hail

#### Public Hearing Comments:

- NYC Rules Public Comments – Page [2](#)
- Mayor’s Office for People with Disabilities – Page [4](#)
- Robert Acevedo-member of Disabled in Action of Metropolitan NY – Page [5](#)
- CURB Mobility – Page [7](#)
- Bronx Independent Living Services /Brooklyn Center for Independence of the Disabled Center for Independence of the Disabled, New York /Civics League for Disability Rights /Disabled In Action of Metropolitan New York /Transportation Equity Working Group/ Downstate New York ADAPT Greater New York Council of the Blind of the American Council of the Blind of New York State / Harlem Independent Living Center / National Federation of the Blind, Vanguard Chapter of Greater New York / New York Lawyers for the Public Interest /One Heart One Vision Inc./ Staten Island Center for Independence Living / United Spinal /Association-New York City Chapter / Yad HaChazakah-The Jewish Empowerment Center /Brooklyn Center for Independence of the Disabled – Page [10](#)
- Greenberg Traurig, LLP-John Mascialino – Page [15](#)
- CMT and Arro Inc. – Page [17](#)
- Metropolitan Taxicab Board of Trade-Peter Mazer General Counsel – Page [23](#)
- NYTWA-New York Taxi Workers Alliance – Page [27](#)

# Accessible E-Hail – NYC Rules

---

 [rules.cityofnewyork.us/rule/accessible-e-hail/](https://rules.cityofnewyork.us/rule/accessible-e-hail/)



**Rule status:** Proposed

**Agency:** TLC

**Comment by date:** January 21, 2025

[Rule Full Text](#)

[TLC-Proposed-Amendment-of-Accessible-Dispatch-Rules-Preliminarily-Certified-12.13.24-clean.pdf](#)

This rule package will transition the Accessible Dispatch service away from a private vendor and toward regulated E-Hail Application Providers.

Attendees who need reasonable accommodation for a disability such as a sign language translation should contact the agency by calling [1 \(212\) 676-1135](tel:2126761135) or emailing [\[email protected\]](#) by **January 21, 2025**

**Send comments by**

- **Email:** [\[email protected\]](#)
- **Mail:** TLC, Office of Legal Affairs, 33 Beaver Street Room/Floor: 22nd Floor ; New York, New York 10004

**Public Hearings**

---

## Comments are now closed.

---

Online comments: 2

**Anna Pakman**

I'm disabled and use a wheelchair. I also have just about every ehail app on my phone. The current Accessible Dispatch system provides by far the most efficient and customer friendly way to connect with an accessible taxi that meets my needs as I can select vehicle type. As I often travel with others, getting assigned a random taxi doesn't work for me as the Nissan models require that the entire back seat be folded up and unusable for a wheelchair to be able to be transported. Additionally, in my experience, without the incentive, taxi drivers will not pick up wheelchair users as I already get ghosted by then using other apps and they often refuse to pick me up on the street as a street hail

Comment added December 21, 2024 7:20am

**Emily Sweet, General Counsel, NYC Mayor's Office for People with Disabilities**

See attached comment submitted on behalf of the Mayor's Office for People with Disabilities.

[Comment attachment](#)

MOPD-Comment-on-TLC-Proposed-Accessible-E-Hail-Rule-final1.pdf

Comment added January 21, 2025 4:29pm



**Mayor's Office for  
People with Disabilities**

Eric L. Adams  
Mayor

Christina Curry  
Commissioner

**Mayor's Office for People with Disabilities' Comment on the Taxi and Limousine  
Commission's Proposed Accessible E-Hail Rule**

The Mayor's Office for People with Disabilities (MOPD) is the liaison between the disability community and City government and acts as an advocate for the rights and needs of people with disabilities who visit, live and work in New York City. MOPD submits this comment regarding the proposed rule of the NYC Taxi and Limousine Commission (TLC) that would replace Accessible Dispatch with Accessible E-Hail.

We understand that, generally, the disability community has been happy with the service they receive from the call-takers at Accessible Dispatch, who have experience speaking with people with disabilities. If TLC moves forward with the changes described in the proposed rule, we urge TLC to ensure the level of service provided under the new program is as good or better than current service. Specifically, we urge TLC to ensure that people who request an accessible vehicle by telephone are treated with at least the level of professionalism and respect they currently receive through Accessible Dispatch.

We note that the proposed rule provides the following with respect to telephone calls:

"E-Hail Application Providers must maintain a call center for customers to request a trip or to ask about the status of a trip over the phone, which must be available to take calls 24 hours a day and seven days a week. These calls must be handled by a customer service representative and not by an automated service."

We think it is critical for any new call system to include the four elements set forth below. To that end, we urge TLC to include these requirements in any final rule, as appropriate, and to delay implementation until such requirements can be met:

1. Callers must be able to request an accessible taxi from any of the e-hail application providers by calling a single number (preferably 311).
2. The number of prompts, if any, must be kept to a minimum.
3. Call-takers must be able to handle ride requests from people with various disabilities, including speech disabilities and cognitive disabilities. To accomplish this, call-takers must be required to receive robust sensitivity training from the disability community.
4. Callers must be able to speak with someone in real-time if their ride does not show up or shows up and refuses to take them.

**From:** [Robert Acevedo](#)  
**To:** [tlcrules \(TLC\)](#)  
**Subject:** Re: [EXTERNAL] testify at the hearing on Wednesday, January 22...  
**Date:** Monday, January 20, 2025 12:17:20 PM

---

Here is a copy of my testimony which is similar to what I will say (I signed up previously to testify) during the public hearing on the proposed rule on January 22nd at 10 am.

## The Human Element

I am Robert Acevedo, a member of Disabled in Action of Metropolitan NY.

Getting rid of AccessibleDispatch is an exercise in getting rid of the human element which many in NYC rely on. While the Mayor loves to talk about how important the disabled are to the City, I know that what the TLC proposes to do is all about the money.

The TLC was forced in court to try to do what they promised years ago, and Accessible Dispatch is being done away with to save more money according to the TLC.

Many visitors and other New Yorkers need the human element of Accessible Dispatch

to request a vehicle. I remember calling Accessible Dispatch to drive me in the snow to get my vaccine. I appreciated speaking to a live dispatcher who assured me that I would arrive at my appointment in time. Accessible Dispatch helped me worry less about the appointment.

The TLC and its drivers are worried about saving money, but the human element is worth more than money. Many visitors and other New Yorkers will miss this service, and will see the hypocrisy of the City as they are forced to maneuver through the prompts on their phones (remember not everyone has a “SMART” phone).

**“IF IT'S NOT BROKE, DON'T FIX IT”**

Dorel Tamam

917.204.1149

[Dorel.Tamam@gocurb.com](mailto:Dorel.Tamam@gocurb.com)

**January 21, 2025**

VIA EMAIL [tlcrules@tlc.nyc.gov](mailto:tlcrules@tlc.nyc.gov)

New York City Taxi and Limousine Commission

Office of Legal Affairs

33 Beaver Street, 22<sup>nd</sup> Floor

New York, NY 10004

To whom it may concern:

Please accept this letter as written comments on behalf of Curb Mobility, to the proposed rules for the public hearing taking place on January 22, 2025, at 10am where the Taxi and Limousine commission is proposing to amend its rules to improve wheelchair accessible taxicab service by (1) replacing the Accessible Dispatch Program with a streamlined regulatory approach and (2) changing how the Taxi Improvement Fund is administered.

**1. Section 14 of the proposed rules-Masking vehicle type for WAV trips-**

This section adds a new section to 78-21 of Title 35 by adding a new section which requires that the E-Hail application must;

Display the Passenger's request for service to the Driver in a way that does not indicate to the Driver that the Passenger will require additional assistance to enter or exit the vehicle.

We recommend that this provision not be adopted. We believe that full transparency of the trip should be displayed to both the driver and passenger (including pricing and any specific requirements of the trip). If the concern is Driver refusals to WAV trips, there are better ways to address this using analytic methods and identifying specific drivers who consistently refuse WAV rides. Masking specific facts about trips, such as whether a WAV vehicle is part of the offer, drivers



Mobility | Systems | Media

will notice the loss of transparency on our platform and can cause discouragement to what drivers are accustomed to and have been trained to notice.

The Ehail program core is based on driver and passenger choice. We allowed passengers to cancel booked ride within a window of time and we should continue to allow driver with the choice of selecting between street hail, Ehail rides.

## **2. Elimination of deadhead fee-**

The proposed rules exclude driver deadhead fees. Excluding dead head fees will only increase the challenge of drivers' willingness to accept these rides. Without dead head fees, there is no incentivize for drivers to accept trips with longer distances (especially trips outside of Manhattan) In general, we currently observe that yellow taxi drivers acceptance of jobs begin to decrease with trips from distances of 0.5 miles and greater, and weigh the total fare amount with the pickup distance. To overcome the distance to pickups and to compensate for the passenger loading time, drivers under the current WAV program received an additional compensation between \$15 to \$30, in addition to the meter fare. Removing this fee will have a negative effect on the success of this program and impact the driver's acceptance of such rides.

## **3. Elimination of WAV program funding-**

The proposed rule shifts the entire WAV program management, performance and responsibility to the Ehail and TSP providers. This is proposed without taking into consideration to any of the cost elements associated with managing the program. At present and for the last 8 years, the current program is funded on an annual basis (including the driver deadhead fee) between \$7,000,000 to \$8,000,000. This cost included funding of the Call center, multiple layers of technology, drivers deadhead fee, customer service, distribution of driver's funds, and other applicable resources/infrastructure.

The proposed shifts the entire burden on to the Ehail providers without providing any financial funding to help support the cost of running and managing the program.



We believe that the recommended changes and comments for consideration are instrumental in conducting an efficient and reliable WAV service to help serve the public.

We look forward to discussing these critical aspects of the program with you.

Regards,



Dorel Tamam  
Director, Head of Mobile Business Unit

cc: Chairman/Commissioner David Do [DoDa@tlc.nyc.gov](mailto:DoDa@tlc.nyc.gov)  
Commissioner Kenneth Chan  
Commissioner Sarah Kaufman  
Commissioner Kenneth C. Mitchell  
Commissioner Thomas Sorrentino  
Commissioner Eliza Velazquez  
Commissioner Paul Bader  
Commissioner Andrea Bierstein  
Sheryl Eluto, General Counsel

**Bronx Independent Living Services · Brooklyn Center for Independence of the Disabled · Center for Independence of the Disabled, New York · Civics League for Disability Rights · Disabled In Action of Metropolitan New York · Transportation Equity Working Group, Downstate New York ADAPT · Greater New York Council of the Blind of the American Council of the Blind of New York State · Harlem Independent Living Center · National Federation of the Blind, Vanguard Chapter of Greater New York · New York Lawyers for the Public Interest · One Heart One Vision Inc. · Staten Island Center for Independence Living · United Spinal Association-New York City Chapter · Yad HaChazakah-The Jewish Empowerment Center**

January 14, 2025

Hon. Eric Adams  
Mayor, City of New York  
City Hall  
New York, NY 10007

Dear Mayor Adams:

**We write to urge you to reverse the Taxi and Limousine Commission's (TLC) plans to end Accessible Dispatch, which is a lifeline for some New Yorkers with disabilities. The TLC's proposal runs directly counter to your goal of increasing disability employment and independence for people with disabilities.**

Accessible Dispatch is an essential service for disabled taxi riders who use wheelchairs, allowing them to call for an accessible yellow taxi whenever and wherever they are in New York City. But to save a very small amount of money, the TLC has proposed killing it off.

Bizarrely, the TLC is proposing to end the Accessible Dispatch program to advance another disability goal: Making at least 50% of yellow taxis wheelchair accessible, which it agreed to do in a court settlement with the Taxis For All Campaign in 2013. The TLC lost its attempt to abandon that legal agreement last year. To get to the 50% requirement, the TLC now has proposed ending Accessible Dispatch and using the estimated \$3 million to \$6 million savings to augment the Taxi Improvement Fund. The TLC is proposing to use these purported "savings" to fund up to a \$35,000 subsidy to drivers to cover the purchase of a wheelchair accessible vehicle.

But the savings from ending Accessible Dispatch would cover the cost of no more than 171 accessible taxis. The TLC and the City must find other ways to fund accessible taxis, not by eliminating a program that helps disabled people.

The reasons to keep the current system in place without changes are strong:

- **Accessible Dispatch serves disabled people who otherwise would not be able to get a taxi to get to jobs, school or otherwise participate in the life of the city.** For New Yorkers who

have manual dexterity, visual or communication disabilities in particular, the current Accessible Dispatch system is a lifeline because it allows them to call a dedicated provider with extensive experience in working with disabled persons and order a ride without using an app, pressing additional buttons or working through a complicated phone tree.

Blind taxi users, travelers with low vision, and seniors, among others, often have difficulty navigating digital technology and following menu prompts, especially for multiple menus. As the population ages, the need for services like Accessible Dispatch increases. It's incumbent upon New York City to provide trained accessible dispatch operators for these different populations.

As Bernard Carabello, who is a member of the New York State Disability Rights Hall of Fame and a CIDNY board member, recently said:

*"For me, if Accessible Dispatch is stopped, I have no way to get places. It's locking me up in my apartment. I won't be able to go out anywhere. Someone with my type of disability can't use apps, and needs to be able to make phone calls with people I know will understand me."*

Sharon Shapiro, another veteran disability advocate who has cerebral palsy, added:

*"For someone like me with dexterity issues, the ability to call into Accessible Dispatch is essential because I need to be able to initiate a call. It's very hard for me to respond to calls, or to push through a series of prompts. I just need to be able to call someone, and Accessible Dispatch as currently set up allows me to do that."*

- **Eliminating Accessible Dispatch runs counter to the City's goal to increase employment for people with disabilities. Not only that, it would eliminate several jobs already held by disabled people.** New Yorkers with disabilities already have a tough enough time finding jobs, as you noted in announcing your initiative to increase the number of employed people with disabilities on June 23, 2023. (See "New Investment to Support Career Advancement for People With Disabilities," City of New York press release, link at end of letter.)

In announcing your commitment "to being the mayor for all New Yorkers, including those living with disabilities," you also pointed out that "around two-thirds of working-age New Yorkers with disabilities are jobless... because they have so often been denied the supports necessary to access and sustain employment."

Those supports include the ability to get to and from your workplace, and for some New Yorkers, eliminating Accessible Dispatch would make their commutes more difficult or impossible.

MTM, which operates Accessible Dispatch, employs about 20 New Yorkers, including several with disabilities. They will lose their jobs if the TLC ends this program.

Accessible Dispatch also serves as an essential back-up when other transportation options fail – when Access-A-Ride doesn't show up or repeatedly sends a non-accessible vehicle, when a subway elevator doesn't work (assuming you're near an accessible station), or when an accessible Uber or Lyft is unavailable. Without it, wheelchair users may end up stranded.

- **Accessible Dispatch actually works.** Under the current Accessible Dispatch system, run by MTM, anyone who needs an accessible taxi can call one phone number (or 311) and order one by speaking to a dispatcher. Its New York City-based dispatchers, whether or not they have a disability, go through extensive training to help callers. Response times generally are swift.

Callers to Accessible Dispatch include a wide variety of people, people with and without disabilities, including visitors from out of town who do not or cannot use app-based transportation providers; elderly people; families and caretakers of persons who are using wheelchairs, people who do not live in a neighborhood heavily frequented by yellow taxis; and others.

The TLC has told disability advocates it is looking to somehow replicate the system by requiring Uber, Lyft and other companies to provide an equivalent option. But these companies are almost impossible to reach by phone and have little, if any, experience offering service to people with disabilities. (Our skepticism about the ability or interest of Uber, Lyft and other companies to offer phone guidance is based on bitter experience with them. We can cite example after example where their apps have misdirected people with disabilities and the companies are either impossible to reach or their representatives are unhelpful and rude.)

In fact, Uber, Lyft and other companies have even gone to court to fight accessibility requirements, including the TLC's own proposals to increase the wheelchair-accessible service they offer.

Even if the TLC is able to provide one phone number for callers, it is likely that it will require a number of prompts to get through to a company or a significant investment by the TLC itself to make the service as seamless as it is now.

People need to call back if they cannot get to or find the vehicle, and with Accessible Dispatch, they now can call back if there is a problem and get a live person to follow-up with on what is happening in real time. With Accessible Dispatch, riders can do this. Why replace it?

- **The cost to the City is minimal.** The TLC says it will be able to redirect \$6 million for the purchase of accessible yellow taxis if it eliminates Accessible Dispatch. However, it is unclear if this figure includes the cost of a \$1 passthrough that the TLC gives to drivers who respond to an Accessible Dispatch call, which the TLC also is planning to eliminate. If it does,

the cost of the program may be closer to \$3 million, meaning the savings will cover the subsidy for only 85 accessible taxis.

No matter whether the true cost of Accessible Dispatch is \$3 million or \$6 million, this is a small amount of money for a program that is a life-saver for many disabled New Yorkers.

Accessible Dispatch exists because of advocacy from the late Edith Prentiss and other disability advocates after the Taxis For All Campaign and the City settled our lawsuit more than 10 years ago. Edith and her colleagues knew that finding an accessible taxi would still be a tremendous challenge during the ramp-up to 50% accessibility, and even after that deadline was met. They also recognized that a simple phone option would make it possible for virtually anyone with a disability to get an accessible taxi.

The TLC has yet to meet the 50% requirement, and it continues to be a challenge for riders with disabilities to get an accessible ride. Without the specific services Accessible Dispatch now provides, a significant portion of its current users will be effectively cut off from taxi services, which is a vital service to people with disabilities. We urge the City and the TLC to retain the program as is. We look forward to hearing from you.

Yours truly,

Joseph G. Rappaport  
Brooklyn Center for Independence of the  
Disabled

Manuel Perez  
Bronx Independent Living Services

Sharon McLennon Wier, Ph.D., MEd., CRC,  
LMHC  
Executive Director

Anne-Elizabeth Straub  
Civics League for Disability Rights

Jean Ryan  
Disabled In Action of Metropolitan New  
York

Christopher Schuyler  
New York Lawyers for the Public Interest

Michael Ring, Marilyn Tucci, Brandon  
Heinrich and Anne Elizabeth Staub,  
Transportation Equity Working Group,  
Downstate New York ADAPT

Terence B. Page  
Greater New York Council of the Blind of  
the  
American Council of the Blind of New York  
State

Yaw Appiadu, MPH  
Harlem Independent Living Center

Jovan Campbell  
National Federation of the Blind, Vanguard  
Chapter of Greater New York

Rasheta Bunting MS. Ed  
President/ co-founder  
One Heart One Vision Inc.

Reginald Rosarion, MA  
Staten Island Center for Independent Living

Sharon Shapiro  
Yad HaChazakah-The Jewish Empowerment  
Center

Jose Hernandez  
United Spinal Association  
New York City Chapter

Cc: Meera Joshi, Christina Curry, David Do

---

Please respond to Joseph G. Rappaport, Brooklyn Center for Independence of the Disabled,  
[jrappaport@bcid.org](mailto:jrappaport@bcid.org), 646-284-1078, 25 Elm Place, 5<sup>th</sup> floor, Brooklyn, NY 11201

Note: Link to Mayor Adams Announces New Investment to Support Career Advancement for  
People With Disabilities, press release, June 26, 2023:  
[https://www.nyc.gov/office-of-the-mayor/news/549-23/mayor-adams-new-investment-  
support-career-advancement-people-  
disabilities?utm\\_medium=email&utm\\_name=&utm\\_source=govdelivery](https://www.nyc.gov/office-of-the-mayor/news/549-23/mayor-adams-new-investment-support-career-advancement-people-disabilities?utm_medium=email&utm_name=&utm_source=govdelivery)

John L. Mascialino  
Tel 212.801.9355  
Fax 212.805.9355  
mascialinoj@gtlaw.com

January 21, 2025

VIA EMAIL [tlcrules@tlc.nyc.gov](mailto:tlcrules@tlc.nyc.gov)  
New York City Taxi and Limousine Commission  
Office of Legal Affairs  
33 Beaver Street, 22<sup>nd</sup> Floor  
New York, NY 10004

To Whom It May Concern:

Below are comments from Curb Mobility to the proposed rules for the Public Hearing taking place on January 22, 2025 at 10am.

Under the existing rules for the Accessible Dispatch Program, the Technology System Providers (TSP's) are permitted to charge the Accessible Dispatch Provider for the costs of integration. See **Chapter 66 (Licensing & Rules for Technology System Providers), Specifically, Section §66-22-C.**

The Technology System Provider may only charge the Accessible Taxi Dispatcher for the costs of labor, equipment, data, data connections, or any other expense resulting from the data connection to the Accessible Dispatch Program. All expenses charged to the Accessible Taxi Dispatcher must be clearly documented.

Under the Proposed Rule, the section is to be REPEALED.

The proposed rule amending the Program, fails to incorporate similar language anywhere in the proposed rules, and therefore shifts the complete economic burden to the TSP.

The payment for the costs of integration to the TSP was a critical piece of the Accessible Dispatch Program. It allowed for the proper integration and support from the TSP's to the Accessible Dispatch Vendor (ADV) and also provided a reasonable fee for the TSP's to provide such integration and support so that no one entity bore the technological burdens or costs associated with the integration. This has been working well over the past several years of the program between the TSP's and the ADV.

The proposed rule package proposes to amend the WAV program and eliminate the need for the ADV. However, the proposed rule in Section 9 (below), in eliminating the TSP's connection to the ADV (and therefore the need for the TSP to charge the ADV for the integration) replaces the ADV with unknown licensed TLC entities, including additional TSP's that may enter the marketplace. However, the proposed rule fails to include language permitting the current TSP's to charge for the same integration services as they do currently with the ADV. (While adding to the responsibility of the TSP, the requirement to provide the integration services to an unlimited number of licensed entities). Therefore, we are requesting that Section 9 of the proposed rule be amended to include such language by also amending Section 66-24(e)(2).

We recommend that Chapter 66, section 66-24 (e) (2) be amended to replace the current \$1 per trip fee with the same fees as is currently permitted under Section 66-22(c) (which is proposed to be repealed). (see suggestions in **BOLD and UNDERLINED, below**)

**TLC Rules: Chapter §66-24**

Technical Requirements –Technology System

No Technology System will be approved by the Commission pursuant to this Chapter unless it complies with all the requirements set forth in this section, unless such requirements are waived or modified by the Commission pursuant to subdivision (f) of §66-05 of these Rules.

e) Public API. All Technology System Providers must maintain an application programming interface (API) that is available to any licensed E-Hail Provider and the Accessible Taxi Dispatcher.

(2) The Technology System Provider may charge the E-Hail Application Provider or Accessible Taxi Dispatcher a fee not to exceed one dollar (\$1.00) per E-Hail request accepted by a Driver for use of the API. The Technology System Provider may not charge the E-Hail Application Provider or Accessible Taxi Dispatcher credit card processing fees greater than the wholesale fees collected by the credit card issuer and credit card network for that transaction.

We propose to Repeal the Section 2 above, and replace it with a new Section 2 below:

**(2) The Technology System Provider may charge an entity licensed by the Commission to route Accessible E-Hail requests, including other Technology System Providers, for the costs of labor, equipment, data, data connections, or any other expense resulting from the data connection to the TSP.**

We believe these recommended changes keep the status quo and reduce the economic burdens of the TSP's as they play a critical role in the continued success of the WAV programs.

Very truly yours,



John L. Mascialino

cc: Chairman/Commissioner David Do [DoDa@tlc.nyc.gov](mailto:DoDa@tlc.nyc.gov)  
Commissioner Kenneth Chan  
Commissioner Sarah Kaufman  
Commissioner Kenneth C. Mitchell  
Commissioner Thomas Sorrentino  
Commissioner Eliza Velazquez  
Commissioner Paul Bader  
Commissioner Andrea Bierstein  
Sheryl Eluto, General Counsel



**COMMENTS SUBMITTED ON BEHALF OF CREATIVE MOBILE TECHNOLOGIES, LLC AND  
ARRO, INC.  
PROPOSED ACCESSIBLE TAXI E-HAIL RULES  
JANUARY 22, 2025 HEARING**

---

Good afternoon, Chairman Do and members of the Taxi and Limousine Commission ("TLC"). These comments are submitted on behalf of Creative Mobile Technologies, LLC ("CMT") a TLC licensed technology system provider ("TSP") and Arro, Inc. ("Arro") a TLC licensed e-hail application provider ("E-Hail App Provider"). We request that these comments be made part of the record.

We acknowledge the challenges faced by the TLC to manage the current Accessible Dispatch Program and are committed to working with the TLC to sunset such program and replace it with a system that best serves the interests of the passengers who currently use and rely upon the Accessible Dispatch Program, the taxi drivers that provide the transportation services, the TSPs and the E-Hail App Providers. However, while the proposed rules may be well intentioned, we believe that they require significant revision. Otherwise, these rules may have the effect of doing more harm than good to the program. We welcome the opportunity to work with the TLC and other interested parties who collectively bring many years of real-world experience to the table, to craft a program that is effective in bringing safe and reliable taxi service to all passengers. It is with this commitment to the new program to be established by the new rules that we submit our comments for your consideration.

**Accessible E-Hail Requests**

We understand that the TLC, in its attempt to "streamline how passengers request Wheelchair Accessible Vehicles" ("WAVs"), is dealing with budgetary challenges. While we believe that the changes we have proposed below are necessary and will be most helpful to achieve the TLC's goals, we must also point out that we are deeply concerned that the elimination of both the distance fees paid to drivers as part of the current Accessible Dispatch Program ("Distance Fees" also known as "Deadhead Fees"), which payments begin at a minimum of \$15 per trip to a maximum of \$35 per trip, and the payment of the \$1 Taxi Improvement Fund (TIF) per trip (collectively, the "Financial Incentives") will disincentivize the drivers who participate in the Accessible Dispatch Program from accepting Accessible E-Hail Requests and result in the degradation of service.

This program is based on a very careful balance of driver incentive and responsiveness to the community of people who require accessible service. If incentives drop, the program can fall apart, setting us all back years or decades on the tremendous progress we have all contributed in making NYC the most taxi-accessible city in the country.

Currently, when a driver accepts an Accessible Dispatch trip request, he/she expects that there will be additional time required to assist the passenger and secure their wheelchair both prior and subsequent to engaging the taximeter. A driver may also have to carry packages for the passenger and assist the passenger with a service animal. All of this takes additional time,

thereby reducing the number of other trips a driver may complete during that driver's shift. However, in exchange for this time and the potential loss of income that could have been earned from other trips, the driver is compensated through the Financial Incentives of the Accessible Dispatch Program. If the Financial Incentives are to be eliminated, this can create a real financial hardship on the driver. Moreover, under the proposed rules, the TLC is transferring the financial burden of the program onto the TSPs and E-Hail App Providers with no provision for their compensation. As such, we implore the TLC to re-evaluate whether there are any existing sources of city, state or federal grants/funding that might be available to support these proposed changes, or whether increases in the current sources of program funding are necessary to make the Accessible Dispatch Program sustainable. The Mayor's Preliminary Budget was released just last week. There is ample time for TLC and perhaps MOPD to advocate for this important incentive on behalf of people with disabilities.

#### **Proposed Section 78-21(7)(ii)**

The TLC has drafted proposed Section 78-21(ii) as follows:

#### **(7) The E-Hail Application must**

#### **(ii) Display the Passenger's request for service to the Driver in a way that does not indicate to the Driver that the Passenger will require additional assistance to enter or exit the Vehicle.**

This new language, i.e., to conceal the origin of the accessible e-hail request ("Accessible E-Hail Request"), has been proposed by the TLC because they have concerns that a driver will not accept an E-hail trip request if he/she knows that it is an Accessible E-Hail Request, and will likely sustain a financial loss. We note that this is a drastic departure from the current practice set forth in Section 66-22(b)(4) which requires the Technology System to identify the trip as an Accessible Dispatch request for transportation and requires the driver to accept the trip but also provides the driver the Financial Incentives which enable the driver to recoup the potential income he/she might be giving up. Thus, it is not surprising that without the existing requirements, which include Financial Incentives, few drivers will voluntarily accept these trips. Hiding these trips from drivers is not the answer. Other than the obvious fact that it is not fair to the driver, we believe that there will be other less obvious negative consequences which need to be acknowledged and addressed if this rule is implemented as promulgated:

- E-Hail programs all use Flex Fares. Since there are currently no E-Hail programs which utilize meter-based fares or in-vehicle payment options, once a driver sees that a trip offer is for a meter-based fare or includes the option to pay the fare in vehicle, the driver will immediately identify that the trip is an Accessible E-Hail Request. This will be further addressed below.
- Perhaps the driver is not capable of the physical demands required to provide the additional assistance required by the passenger making an Accessible E-Hail Trip Request.
- As an Accessible E-Hail Request may be offered to drivers whose WAV vehicles are situated at a greater distance from the pickup address than a typical E-Hail request, a driver may, simply by virtue of the distance of the location of the passenger, have the ability to identify the request as an Accessible E-Hail Request.

- If drivers are reluctant to accept Accessible E-Hail Requests due to the elimination of the Financial Incentives and the possible pecuniary loss, they may, as a consequence, refuse to accept all Arro E-Hail dispatches as well, merely to avoid accepting any Accessible E-Hail Requests. This is something that causes us great concern. If drivers decide to refuse all Arro E-Hail requests, the on-going success of the core Arro E-Hail business as a whole, which has proven to be very popular to the riding public and the drivers, will be jeopardized.

For the reasons above and the success of the new program, we believe it is important for E-Hail Application Providers to continue to accommodate Accessible E-Hail Requests as a separate E-Hail offering, similar to the system in place with the current Accessible Dispatch Program. As such, we request that the TLC reconsider the deletion of Section 66-22(b)(4) and the promulgation of proposed Section 78-21(ii).

#### **Upfront Fares Paid by Credit Card on File**

If the TLC truly believes that this program cannot go forward without masking that a request for transportation is an Accessible E-Hail Request, then the other proposed amendments defeat the TLC's intent. As previously indicated above, all E-Hail programs utilize Flex Fares with upfront pricing. There are currently no E-Hail programs that utilize metered fares. Therefore, any driver receiving anything other than a Flex Fare trip offer, will know that is an Accessible E-Hail Request. Accordingly, the proposed rules should be amended to eliminate all references to the metered fare. We also note that most recently, when the TLC implemented new rules to make the Flex Fare Pilot Program permanent, it acknowledged the benefits of the upfront fare for both passengers and drivers. As such, believe that the use of the metered fare for Accessible E-Hail Requests is a step backwards as all Accessible E-Hail Trip Requests utilize upfront pricing.

We also note that there are currently no rideshare programs, taxi or otherwise, that accept payment for a rideshare trip in-vehicle, whether by credit card or cash. Given the stated goal of maintaining consistency amongst all E-Hail trips, we are requesting that Accessible E-Hail Requests require payment by a credit card on file with the E-Hail Application Provider or provided at the time of the trip request.

Additionally:

- Drivers are entitled to cancellation and no-show fees on all other E-Hail trips and without a customer credit card on file or provided at the time of the request for transportation, there is no way to compensate the driver for a cancelled trip by the passenger or a passenger no-show. We also note that such payments to the drivers should be mandated, as Section 66-24(e)(3) currently provides that the TSP may require an E-Hail App Provider sending E-Hails to Drivers to charge "a uniform Passenger cancellation and/or no-show fee." This can only be implemented if the passenger provides a credit card at the time of booking the Accessible E-Hail Request.
- Prior to the implementation of the Flex Fare Pilot Program, use of meter-based fares for E-Hail trips caused great confusion. Passengers utilizing the E-Hail Application requested trip estimates and then were angered when traffic conditions resulted in a higher metered fare. Providing an upfront price provides assurances to the passenger of what they will be paying for the trip and to the driver of what they will be paid to provide transportation services.

- There must be consistency amongst all E-Hail trips so that there is no confusion between the driver and the passenger as to whether the passenger has paid for the trip by electronic payment with a credit card on file with the E-Hail App Provider or whether the driver is expected to collect the fare in-taxi at the end of the trip. Otherwise, there will be confusion at the end of the trip over whether the passenger is required to pay in-vehicle. There may be some circumstances where the driver fails to collect the fare and others where the driver expects payment when the passenger has already paid at the time of booking the trip.
- There must also be consistency among all rideshare trips to avoid confusion amongst drivers and passengers. Passengers may utilize non-taxi rideshare services and taxi drivers may also provide non-taxi rideshare services. Upfront fares and payment by card on file are the accepted methods of booking and paying for rideshares and Accessible E-Hail Requests should not deviate from established universal rideshare practices.

For the reasons indicated above, we are suggesting the following changes to Section 80-20(a)(6):

- Delete the proposed language “**based on the metered rate of fare**” subdivisions (6)(i) and (6)(ii) and
- Delete in its entirety, the proposed subdivision (6)(vii) which provides as follows:

**(vii) Assist with payment. Upon a Passenger’s request, the Driver must assist the Passenger with completing payment, including but not limited to helping the Passenger to access the credit card reader and counting cash aloud.**

#### **Repeal of Section 66-22**

Under the existing program, Section 66-22 provides that TSPs are required to make commercially reasonable efforts to support the Accessible Dispatch Program by providing a data connection allowing the current Accessible Taxi Dispatcher to dispatch through the TSPs/E-Hail App Providers. Subsection (c) permits the TSP to charge the Accessible Taxi Dispatcher the costs and expenses incurred by the TSP resulting from the data connection. The proposed amendments seek to entirely repeal these protections and replace them with a new Section 66-26. Under the new section, a TSP will receive the Accessible E-Hail Request from a licensed E-Hail App provider and must be capable of servicing same by interfacing with the E-Hail App Provider. Without the benefits of the existing Section 66-22 the TSP will unreasonably sustain the financial burden of complying with the new language.

Under the proposed amendments, the only consideration available to the TSP is the ability to charge the E-Hail App Provider a fee not to exceed \$1 for the ongoing use of the API for each Accessible E-Hail Request fulfilled. However, this will not compensate the TSP for the costs/expense actually incurred for the integration. To address these concerns, we propose the following new Section 66-22 be included in the new rules:

**66-22. The Technology System Provider shall make commercially reasonable efforts to provide a data connection with an E-Hail Application Provider to utilize the Technology System to dispatch Accessible E-Hails Requests to Wheelchair Accessible Taxis and Street Hail Liveries. In addition to any fees permitted to be charged to any E-Hail Application Provider under Section 66-24(1)(e)(2) hereunder,**

the Technology System Provider may charge the E-Hail Application Provider for the costs associated with labor, equipment data, data connections or any other expense resulting from the data connection to the Technology System Provider, including but not limited to costs and expenses related to upfront and ongoing integration expenses and the cost to maintain the API.

**Proposed new language to Section 66-24(k)(3) and Proposed Section 66-26**

The public notice published by the TLC ("Public Notice") makes it clear that the purpose of the proposed amendments is to remove any reference to the Accessible Taxi Dispatcher from the rules. This essentially puts those obligations on E-Hail App Providers and TSPs. The amendments proposed by the TLC are consistent with this proposition except for portions of the proposed new language to Section 66-24(k)(3) and proposed Section 66-26.

Below is the TLC proposed new language in Section 66-24(k)(3):

**(k) The Technology System Provider must enable the Commission to inspect all components and inner workings of the Technology System by providing Commission inspection personnel with access to the Technology System by magnetic swipe card and through the use of a self-diagnostic tool. The self-diagnostic tool must automatically check and display the status of:**

**(3) the Technology System's connection to [the Accessible Dispatch vendor] any entity licensed by the Commission to route Accessible E-Hail Requests, including any other Technology System Provider; and**

The language in section (3) referring to "any entity licensed by the Commission" should be deleted. As noted above, the trips are to be routed through E-Hail App Providers. Only authorized E-Hail App Providers can send E-Hail Requests. The reference to "any entity licensed by the Commission" is confusing and refers to entities that might not be E-Hail App Providers. It infers that entities that are not E-Hail App Providers could route Accessible E-Hail Requests, a concept which doesn't even exist under the TLCs regulations. The words "any entity licensed" should be replaced with the words "any E-Hail Application Provider licensed".

In addition, the language in section (3) referring to "any other Technology System Provider" should be deleted. First, as set forth in Section 66-24 (1)(e), a TSP must make its API available to a licensed E-Hail App Provider. The new Accessible E-Hail Request rules require each TSP to dispatch Accessible E-Hail trip requests through its Technology System. They do not require TSP integration with other TSPs in order to successfully dispatch Accessible E-Hail Requests. As each TSP can comply with the proposed new rules absent any integration with other TSPs, it is superfluous to include "including any other Technology System Provider" and such provision should be deleted.

To maintain consistency within the rules and eliminate any confusion regarding obligations of the TSPs going forward we are proposing that Section 66-24(k)(3) be revised to read as follows:

**(3) the Technology System's connection to [the Accessible Dispatch vendor] any E-Hail Application Provider licensed by the Commission.**

Below is the TLC's proposed new Section 66-26(a)

**The Technology System must be capable of servicing Accessible and non-Accessible E-Hail Requests to drivers of Taxis and Street Hail Liveries via a TLC-licensed E-Hail Application provider or other solution approved by the TLC.**

Similarly, the inclusion of the phrase "or other solution approved by the TLC" in Proposed Section 66-26(a) casts uncertainty on the obligations of the TSPs and conflicts with the other proposed changes and therefore requires revision.

Proposed Section 66-26(a) should be revised to read as follows:

**(a) The Technology System must be capable of servicing Accessible and non-Accessible E-Hail Requests to Drivers of Taxis and Street Hail Liveries via a TLC-licensed E-Hail Application Provider.**

**Proposed Section 66-24 (a)(3) - Department of Motor Vehicle Searches**

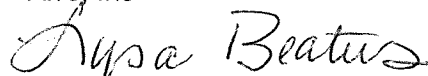
Additionally, we submit our comments to Section 66-24(a)(3), which, as drafted, creates confusion regarding the system initiation searches required by a TSP's Technology System upon driver log in. The current practice is that the TLC provides the data source via Open Data, for all Department of Motor Vehicle and TLC and Medallion information necessary for the driver to be authorized on the Technology System. To avoid confusion and maintain consistency with this current practice, we are requesting an additional sentence be added to the end of Proposed Section 66-24(a)(3) as follows:

**"The TLC must provide the Data Source through Open Data for all Department of Motor Vehicle, TLC and Medallion information necessary for the system-initiated search."**

**Conclusion**

We hope these comments are helpful and are available to work with the TLC to make rides accessible to all passengers.

Respectfully submitted,  
Creative Mobile Technologies, LLC  
Arro, Inc



Lysa Beatus  
General Counsel



39-24 24th Street, 2nd Floor  
Long Island City, NY 11101

**Phone:** (718) 784-4511

**Fax:** (718) 784-1329

**E-mail:** pmazer@metrotaxiboardoftrade.com

**Peter M. Mazer**  
General Counsel

**COMMENTS SUBMITTED ON BEHALF OF THE  
METROPOLITAN TAXICAB BOARD OF TRADE  
PROPOSED ACCESSIBLE TAXI E-HAIL RULES  
JANUARY 22, 2025 HEARING**

---

Good day, Chairperson Do and members of the Commission. These comments are submitted on behalf of the Metropolitan Taxicab Board of Trade (MTBOT), a seventy-year-old association representing the owners and operators of licensed New York City medallion taxicabs. We also operate a full-service driver's center that provides an array of free services, such as representation in more than 15,000 hearings before OATH, Traffic Court and Criminal Court, for drivers of taxicabs leased from our members. Many of our drivers operate WAVs and benefit from the existing TLC accessible dispatch programs and incentives.

One of the most significant changes proposed in the rules under consideration is the elimination of the accessible dispatch program. In the statement of basis and purpose, the Commission states that elimination of this program would save the Taxi Improvement Fund (TIF) program about six million dollars per year, which could be used to provide additional hack-up funds to medallion owners placing accessible cabs into service. Since the Commission is considering increasing this grant to \$34,000 per WAV placed in service, a savings of six million dollars a year would enable the TIF program to fund an additional 176 vehicles placed into service in a year, about one percent of the entire taxicab fleet. At the same time, the TLC is disincentivizing drivers from operating these WAV vehicles by eliminating the one-dollar per trip incentive drivers currently receive for operating these vehicles. This change alone would result in a reduction in driver earnings of approximately five percent, which may be further



compounded because, as news reports indicate, taxicab ridership is in fact down because of the recently imposed congestion tolling program.

The most recent data on the TIF program was published by the TLC on May 7, 2024, and reflects 2023 revenue and expense numbers. In 2023, the TIF program generated about \$35 million in revenue. Since taxicab ridership in 2024 was up slightly from 2023, revenue for 2024 should likewise be slightly higher. In 2023, about \$4.4 million was spent on accessible dispatch program costs, about \$11 million in driver payments were made, and about \$22 million in owner payments were made. Therefore, the TIF ran at a loss of about \$2 million for the year. While driver payments have been increasing each year, the accessible dispatch costs have been declining each year since 2019. About two million dollars less was spent on accessible dispatch costs in 2023 than in 2019.

If revenue from the TIF program is dedicated exclusively to funding \$34,000 payments to owners for WAVs placed into service, with about \$35 million in revenue, the program could reimburse owners for more than 1,000 WAVs each year. As of January 15, 2025, there were 4,231 WAVs in services, representing about 44.69% of all medallion cabs currently in operation (There are also 5,296 non-WAVs in service, with the remainder of the medallions in storage or otherwise not in service.). Since the rule mandating all retiring vehicles be replaced with WAVs three months ago, 258 additional WAVs were placed in service.

TLC data shows that there are 576 medallions in service with vehicle model years 2017 or older, and therefore likely to retire this year. TIF funds of about \$19.5 million would be needed to give each of these medallion owners \$34,000, were these owners to hack-up a WAV. Using these projections, the TIF fund would need about \$19.5 million in revenue to provide hack-up payments to these owners, leaving about \$15 million to support the accessible dispatch center, and to provide operational funds for owners who placed WAVs into service before the effective date of the rule providing a \$34,000 grant. At the January 9<sup>th</sup> hearing, the TLC Chair indicated that this would likely to continue. Even if new WAVs are placed into service at the same rate as during the past three months, there would be sufficient funds to support both the enhanced grants and the accessible dispatch program.



But when it comes to deciding about continuing the existing accessible dispatch program, there are much more than merely financial considerations. At the TLC's last public hearing on January 9<sup>th</sup>, the disability community spoke loudly and clearly about the need for the existing program to continue. Commissioners heard that transferring the program to e-hail providers would provide a disservice to many in the community, who have come to rely upon the existing accessible dispatch program as a convenient, secure and reliable way to access WAV vehicles. Many users in the disability community have come to rely on the trained and qualified dispatchers who assist them, and the ease with which the existing program works. This program also seems to be costing less and less each year. Even though the number of accessible vehicles has increased and now exceeds 4,000, there is still a need for this service and we would urge its continuation. The TLC can explore ways to further reduce the cost of this program including enlisting the Mayor's Office of Persons with Disabilities to help advocate for adequate city funding for this important program. The City has record funding, as evidenced by last week's Preliminary Budget and the industry has less funding than during most times in its history,

Drivers' concerns must be addressed in deciding how to provide accessible transportation. All the WAVs on the road will provide no benefit if drivers face a financial disincentive if they drive these vehicles. Most of the incentives to drivers are being eliminated. The TLC needs to find ways to incentivize drivers, not merely punish them. Some sort of financial benefit for responding to accessible e-hails needs to be built into the system. And finally, I would be remiss if I did not address another concern of many of our drivers. The taxicab driver population is older, and many of our drivers have disabilities themselves. Their needs must also be addressed in any overall program to provide accessible transportation. The TLC should also consider further incentivizing drivers, perhaps by reinstating a driver payment program for trips serving passengers with disabilities.

We thank you for providing us the opportunity to comment on today's rule proposals, and we would be happy to answer any concerns you may have.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Peter M. Mazer", with a long horizontal flourish extending to the right.

Peter M. Mazer

*General Counsel*



# New York Taxi Workers Alliance

AFL-CIO, Int'l. Transport Workers' Federation

31-10 37<sup>th</sup> Avenue, Suite 300 LIC, New York 11101

Phone: **718-70-NYTWA (718-706-9892)** E-mail: [MEDIA@NYTWA.ORG](mailto:MEDIA@NYTWA.ORG) / [www.nytwa.org](http://www.nytwa.org)

January 22<sup>nd</sup>, 2025

Chair David Do  
New York City Taxi & Limousine Commission  
33 Beaver Street  
New York, NY 10004

Dear Chair Do,

While the Taxi and Limousine Commission's ("TLC") proposed rules requiring e-hail providers to create an accessible e-hail program is another needed step towards creating an accessible taxi fleet, it must not alter the Accessible Dispatch Program in a way that would reduce access for people with disabilities – our customers – or the deadhead fees for drivers. NYTWA supports the people with disabilities and advocates who spoke at both the hearing on January 9, 2025 and in today's hearing regarding the importance of the Accessible Dispatch Program and its centrality to the accessibility of the fleet. The Program should not be altered or diminished through cuts.

While the insolvency of TIF is an urgent matter, the only way to address it is to raise additional funds. Cutting the Dispatch Program, the \$1 per trip and the operations grants for WAV owners is going to be devastating for drivers and it is not even going to be sufficient to balance the fund. The TLC and the City have to draw the line somewhere. Imagine an owner-driver who currently operates a WAV: they would lose out on \$3,000 to \$4,000 of income for the year from the per trip supplement; \$4,000 per year on the operations grant; and an estimated about \$1,000 per year from deadhead fees for dispatched trips. That's a pay cut of \$8,000 for a working person with operating expenses that have only been increasing in the last few years, outpacing even general inflation. Redesigning the program in a way that is not accessible to potential riders and is not dedicated to yellow and green cab dispatches will also reduce the number of dispatched trips for drivers, leading to even more losses. There is no find-another-job option when you will still have medallion or car loans, or loans for both. Yellow cab drivers can't even apply for unemployment to be kept afloat when out of work.

We must expand accessible service and that means we must safeguard these programs. There is no other responsible way to proceed. In short, we must raise the funding:

- NYTWA is working on a comprehensive financial support program to alleviate the burden on TIF, and to provide owners with financial support beyond what they currently and historically have received from TIF. This includes the following:
  - The Disability Opportunity Fund (DOF), a community development financial

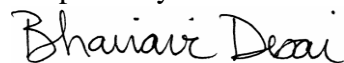
institution, is working to establish low-cost, zero interest loans for drivers to purchase WAVs. Toyota and other manufacturers must provide a discount on cars that will be retrofitted as WAV taxis; and also give the option of buying the car painted taxi yellow.

- New York State (“NYS”) must repeal the sales tax on any vehicle that is retrofitted as a WAV.
- TLC must continue to recruit companies for conversions to build a competitive market. The current duopoly means owner-drivers are beholden not only to two primary converters in NYS, but also their dealer networks when purchasing the vehicle.
- The savings from such a program would allow the TLC to reduce hack-up grants from the proposed \$35,000 to \$30,000, while maintaining maintenance grants after a cab’s seventh year in operation. At present, TLC can also consider reducing the hack up grant for used vehicles.
- NYS must redirect revenue from the 50 cents MTA State Surcharge to TIF. Assuming 38 million taxi trips in a year, this could generate \$19 million to help preserve the financial lifelines that will otherwise be cut off.
- New York City, which entered into the settlement leading to the accessibility mandate ten years ago, has never had to fund conversions or supplement TIF – a fund generated by trip surcharges alone. The City needs to pay its share toward its settlement. The City could, for example, issue bonds and use the revenue to supplement TIF and match the State’s contribution from the redirected surcharge revenue.

Again, we reiterate, the only way to establish a comprehensive accessible program that serves the public’s best interest is to have an active fleet and improved, not reduced, dispatch program. Without the existing TIF programs, owner-drivers will be driven into bankruptcy and the total taxi fleet, including WAVs, will be diminished. The current TIF programs and a hack up grant that reflects today’s market cannot be compromised. Salvaging TIF by cutting costs and sacrificing the number of active taxis and drivers would be a foolish strategy with devastating consequences. It is our hope that neither the TLC nor the plaintiffs in the *Taxis for All* litigation want to see this outcome. For their part, we hope the plaintiffs – or at least the court – reassess the timeline for conversions with TIF’s solvency in mind. TLC must post monthly reports on TIF revenue and expenditures (with taxis and SHL separated out), along with an analysis of how the agency’s calculations for projected cashflow are affected by a scenario of 50% of only active medallions and separately, a scenario of 50% of also total medallions.

We look forward to working with the TLC on this matter.

Respectfully Submitted:



Bhairavi Desai, Executive Director  
New York Taxi Workers Alliance