

**Testimony of David Yassky, Chair/Commissioner  
NYC Taxi & Limousine Commission**

**INTRO 433-A, in relation to requiring that all newly manufactured taxicabs be accessible to people with disabilities.**

**City Council Transportation Committee  
April 18, 2013**

Good morning, Chairman Vacca and members of the City Council Committee on Transportation. I am David Yassky, Commissioner of the New York City Taxi and Limousine Commission. Thank you for the opportunity to speak with you today regarding Intro. 433-A, which mandates access to the entire taxi fleet for wheelchair users.

While we support expanding access to the taxi system for people who use wheelchairs, we believe acting on this bill would be premature and the Bloomberg Administration opposes it at this time. We believe we have a package of initiatives in process which would achieve a substantial expansion of disability access without the costly burdens and mandates imposed by this legislation, and we look forward to working with the Council to advance this shared ambition.

Let me dispose of one issue at the outset, and that is the issue of the ADA. Expanding access is a policy goal, not a legal mandate. The courts have determined that existing TLC rules satisfy the Americans with Disabilities Act. But we are not here to do the legal minimum. We are here to do right by all New Yorkers, including those with disabilities, and I believe that requires putting more accessible taxis on the road.

The issues involved in pursuing this goal have been threefold: (1) finding a suitable vehicle; (2) determining how quickly to phase-in accessibility; and (3) determining how to pay for the increased costs. Before addressing these issues, I would like to first review our accomplishments to date.

Six months ago, we began operation of a dispatch program that enables wheelchair users to request an accessible taxi, either by calling 311, calling or

texting the dispatcher directly, or using a website or a smartphone app for trips starting in Manhattan.

With this initiative, we have decisively turned the corner, from being a city in which wheelchair users were effectively shut out of the taxi system, to being a city in which wheelchair users do have access to the network.

So far, the dispatch service has provided over 6,000 trips in its first six months of operation (more than a previous demonstration project provided in two years from 2008 to 2010). To be sure, we are not yet providing a level of service that I am happy with – but we are providing real service to real customers, light years ahead of where we were six months ago.

Now let's discuss the quality of the service, both at present and what we can expect over time. Those are the key questions: Are we providing excellent service today – and I can tell you at the outset that we are not. And next: Do we have a plan, and are we on track to provide excellent service?

First, where we are today. Over the past month, about 45% of people requesting accessible service get a cab within 10 minutes after they call. Another 36% get a cab between 11 and 20 minutes after they call; 10% get a cab between 20 and 30 minutes after they call; 5% wait more than 30 minutes; and another 4% get no service at all, meaning that they give up after 30 minutes or more of waiting. For the 96% who do get service, the average wait time is running at between 13 and 14 minutes.

These wait times are too long. And 4% of callers not getting service at all are too many. The reason is simple: There just are not enough accessible taxis on the street.

Now, I should note that wait times have been consistently dropping since the program began, as the dispatch operator has been working out the kinks, and drivers and taxi owners are getting used to the system. For example, during the first month of the program, the average wait time was 21.5 minutes – now it is 13.5 minutes. During that first month, 15% of the time it took more than a half hour for the taxi to arrive; now, that number is down to just 5%. And it is noteworthy that we are seeing these improvements even as demand for

the service has been increasing. At the start of the program, we were providing approximately 15 trips a day – now, we’re up to 60 trips a day.

I should also note that the program is delivering far better results than the demonstration project of three years ago, and I want to credit the terrific work of the team at the TLC that has worked on this, and also the folks at Metro Taxi who are doing the dispatching. I think there are three reasons for the improvement. First, the program is better designed – in particular, compensating drivers for the “pickup” portion of a trip has greatly reduced driver resistance, and the fact that drivers are penalized for refusing to accept dispatches has reinforced that. Second, we and Metro Taxi both put a lot of effort into working with the industry ahead of the launch, to prepare fleet owners and drivers for participating. Third, the program is making much better use of technology. Utilizing a caller’s pickup location and the GPS equipment in the taxis, the dispatch system is able to identify the closest available accessible taxicab, automatically dispatch the trip request to that taxi driver, and generate an electronic confirmation for the requesting passenger.

Also, some 20% of passengers who use the service use an e-hail app on their smartphones to request their taxi, which automates and expedites the process even further. Pretty soon, I hope any taxi passenger will be able to e-hail a taxi and, as you know, we’re planning to pilot this technology systemwide, but for now, it’s limited to wheelchair accessible taxis only.

In addition to improvement in wait times, we are also seeing much greater utilization of the program than we saw in the pilot. Many of the advocates argued that the demonstration project was inadequately publicized, so we allocated a substantial advertising budget of \$515,000 this time around -- \$320,000 for the first year of the program, and \$195,000 for the second year. You have probably seen the ads on bus shelters and phone kiosks, and heard them on 1010 WINS. Metro Taxi is also developing an advertising program targeted specifically at the wheelchair-using population. Still, I am sure that it will take a while for the word to get out fully. You can help in this effort by publicizing the service in your newsletters. We would be happy to supply draft language for a newsletter item if any of you would like.

Now, one word of caution: If demand continues to rise, which I expect to happen, it will be difficult to continue to make continued progress on wait times, and at some point we may even see deterioration, unless and until we get more accessible taxis into the fleet. That is the key point today. We are never going to get to an appropriate level of service with 231 accessible taxi vehicles. That is simply too few to get service to the people who need it within an acceptable time frame. We need more accessible taxis on the street, period.

Of course, as you know, the Bloomberg Administration has been pursuing that goal for some time. We worked with State legislators and with Governor Cuomo to secure legislation that includes approval for 2,000 new taxi medallions, all of which must be used with accessible cabs. Unfortunately, as you also know, some medallion owners have chosen to fight this legislation in court, and we are still awaiting a final judicial outcome, even though the legislation was signed into law over a year ago. We expect a final decision by early June, and of course we expect that the legislation will be upheld.

Two thousand additional accessible taxis will bring down wait times for the dispatch program substantially. Modeling is uncertain, and I would caution you to apply a healthy margin of error, but I predict that with 2,231 accessible cabs, the wait time for the dispatch program will be less than 5 minutes for passengers in midtown or downtown Manhattan. Two thousand new accessible cabs will also create a meaningful hail opportunity – at that point, one in seven taxis will be accessible.

In short, I expect that once 2,000 new accessible taxis have been approved and deployed, we will be able to provide a satisfactory level of service to wheelchair-using taxi passengers.

The question before this Committee is whether to go further by requiring all existing medallion-holders to use accessible vehicles. While as I have said, I do believe we are on track toward providing a satisfactory level of service, I also recognize the dignitary and symbolic value of full-fleet accessibility, as well as the practical effect it would have of improving service even further. As this Committee considers what, if any action to take, I would like to make two observations that I hope will guide your deliberations.

First, I want you to know that, for the first time, we will soon have a vehicle that can be used as an accessible taxi without sacrificing service to other passengers and while providing reliability for taxi owners and drivers. In the past, one of the strongest arguments against accessibility requirements has been that the available converted vehicles were substandard, in terms of ride quality for all passengers, in terms of the maintenance and repair costs for owners, and in terms of time off the road for owners and drivers.

Now, our partnership with Nissan and Braun, one of the world's leaders in accessible vehicles, has yielded a design for an accessible taxi that does not compromise the vehicle's frame, that meets or exceeds all ADA requirements, and that can be executed without voiding the manufacturer's warranty. It also allows wheelchair passengers to benefit from all the passenger amenities that all other passengers will enjoy in the Taxi of Tomorrow – panoramic roof, driver-passenger intercom system, odor-reducing fabric, and USB chargers, among others. With the Taxi of Tomorrow, taxi owners or policymakers can choose accessibility without sacrificing either ride comfort for the vast majority of passengers or durability and performance for owners and drivers.

Most important, it will be crash-tested in its taxi configuration -- no existing taxi model, accessible or otherwise, meets this standard. The accessible Taxi of Tomorrow vehicle will be the safest accessible taxi ever put on the road in the City.

The availability a first-rate accessible vehicle removes one significant downside to greater accessibility.

The remaining downsides are cost, fuel efficiency, and, candidly, industry resistance. Accessibility adds about \$14,000 to the purchase price of a vehicle, and likely adds some repair cost as well. To help offset this cost, a New York State tax credit of \$10,000 is available to taxi owners who purchase accessible vehicles. However, we do not have very good visibility into how effective the tax credit is to taxi owners. As you consider this issue, I urge you to get a clear answer on the tax credit question.

Whatever the precise amount of additional net expense, it is greater than zero. Any proposal to impose accessibility requirements on existing medallions must include a decision as to who bears this additional expense. The possibilities include: medallion owners (this would occur if a requirement was imposed with no additional provision for allocating the cost); taxi drivers (by raising the lease cap); taxi passengers (by raising the lease cap and the fare); the broader public, that is, taxpayers; or some combination of the foregoing.

On the issue of fuel efficiency, it's worth noting that adding the accessibility equipment does degrade a vehicle's fuel efficiency somewhat, but not enough to be a factor in your decision. Of greater concern is that adding the accessibility equipment restricts vehicle design in a way that could have implications for which vehicles can be permitted to be used as taxis. Mr. Chairman, I know that you have taken the position that the Administrative Code currently requires all taxi owners to have the option to use a hybrid vehicle. Yet there is no hybrid vehicle available today that can be converted to accessibility, and, as a result, we do not currently afford the hybrid option to holders of the 231 medallions that require accessibility. The Taxi of Tomorrow program will resolve this dilemma by making available a taxi vehicle that is both hybrid AND accessible although this version will not be available at the program launch. And looking further into the future, the electric vehicles that are currently available on the market all rely on large batteries that sit under the vehicle, and which would preclude installation of a wheelchair ramp. If future EVs continue to be designed along the same lines – and I believe that Nissan's preliminary design for the EV version of the Taxi of Tomorrow vehicle is along those lines – it may not be possible for a single taxi to be both electric and accessible.

The final challenge I would note is that there will be strong resistance in the taxi industry to any effort to require existing medallion owners to purchase accessible vehicles. There will also be implementation challenges such as properly training drivers and ensuring vehicles have the correct equipment to transport passengers in wheelchairs. I do not believe these challenges are insurmountable, but I do believe that the views of the industry should be taken into account.

Finally, I note that the proposed legislation will leave wheelchair users in most of the City completely stranded. As you know, the yellow taxi fleet operates almost exclusively in midtown and downtown Manhattan and at the airports. That still

leaves wheelchair users in four-fifths of the City without access to accessible taxis. The proposed bill before you would do nothing to change that. Last year, however, we proposed a solution. Should the Five Borough Taxi Legislation be upheld, and we believe it will, 200 of every 1,000 street hail livery licenses sold will be for wheelchair accessible borough taxicabs. With the implementation of borough taxis, there will be 3,600 wheelchair accessible vehicles available for-hire that currently do not exist today.

Now, we do have rules on our books that require all for-hire vehicle bases to provide accessible service. In particular, TLC Rule 59B-17(c) (formerly known as Rule 6-07(f)), requires all bases to provide service to people in wheelchairs equivalent to the service provided to other passengers. This rule has almost never been enforced by the TLC. For a brief period in 2010, at my direction, the TLC enforcement division began to conduct stings on bases to test their compliance. We tested 147 bases -- 147 bases failed -- and 147 bases got summonses and fines. In response to these summons, several elected officials asked us to suspend enforcement of Rule 6-07(f) and instead work with the FHV industry to increase the number of accessible FHV vehicles. And that is what we have done. The same state legislation that provides for two thousand new accessible yellow taxis also provides for three thousand six hundred accessible street hail livery vehicles, and requires TLC to issue up to \$54 million in grants to subsidize the purchase of these vehicles. We would go from having practically no accessible FHV service today to having three thousand six hundred accessible borough taxis, which would provide service to the people who live and work in the parts of the City that aren't served by yellow taxis -- northern Manhattan, Brooklyn, Queens, the Bronx and Staten Island. Again, we're confident the litigation holding up these accessible street hail liveries will be resolved in our favor very soon, and we'll finally be able to remedy the ongoing injustice. I urge this Committee not to lose sight of the urgent need for wheelchair-accessible service outside Manhattan, and to do all you can to support the TLC in getting those three thousand six hundred accessible street hail liveries on the streets.

In conclusion: We are on a path to excellent service for wheelchair users -- we've established a dispatch capability that works, given the limited number of cars now on the road, and we expect to have thousands more cars on the road soon. Moreover, the State legislation authorizing the borough taxis and the new medallions requires the City to assess the impact of all these innovations on

disability access, and to submit a Disability Access Plan to the State Transportation Department. The Administration believes this process is the most appropriate way to determine the necessity for additional steps.

Thank you for your attention to this very important matter, and to Councilman Koppell, in particular, for his dedication to this issue. That concludes my prepared testimony, and I'm happy to answer any questions you might have at this time.