

**Testimony of Taxi and Limousine Commission for CITY COUNCIL COMMITTEES
ON TRANSPORTATION
AND ON MENTAL HEALTH, MENTAL RETARDATION, ALCOHOLISM, DRUG
ABUSE, AND DISABILITY SERVICES
December 13, 2010**

Good morning Chairmen Vacca, Koppell and the members of your respective Committees. My name is David Yassky and I am the Commissioner of the New York City Taxi and Limousine Commission. Thank you for this opportunity to speak to you today about wheelchair accessibility in New York City's yellow taxi and for-hire vehicle industries, including our proposed accessible dispatch program and the Taxi of Tomorrow Request for Proposal process. Accessibility is an important priority for the Taxi and Limousine Commission, and we are fully committed to ensuring that wheelchair users can have access to taxis and for-hire vehicles. The taxi and for-hire vehicle industry is a key part of the City's transit network, and it must be accessible to all, just like the buses and subways. Before we discuss proposed local law Intro 433, I would like to briefly discuss the City's prior attempts at addressing accessibility in the yellow taxi and for-hire vehicle industry, and some of our plans for the future.

As you know, starting in 2004 and continuing through 2008, the TLC issued 231 taxi medallions that can only be used with wheelchair accessible vehicles. This idea originated with the City Council when this body enacted legislation in 2002 that required the first 81 such medallions. The Administration continued by adding additional medallions in subsequent years.

Of course, that number of accessible taxis is too few for wheelchair users to have a realistic expectation of hailing one. So, the next step was a pilot program to enable wheelchair users to call 311 and have one of the accessible taxis dispatched to pick them up. Again, the first concrete step here was taken by the Council, which allocated \$1 million to fund the program. The program was in operation from July 2008 through June of this year, and as to the threshold question -- can a dispatch program work with

yellow taxis? -- the pilot demonstrated that such a program can work. It delivered more than 5,800 trips to approximately 2,700 unique customers.

Even more important, our two years of experience with the pilot gave us critical information about how to design a more effective permanent program. To be clear: The TLC remains committed to enabling people who need wheelchair-accessible taxis to get them. It is a shame that we have accessible taxis on the road today, but ever since the expiration of the pilot program, the wheelchair-using community has no means to access them. We do intend to implement a permanent program, and we want to make sure we learn the lessons of the pilot so as to design the most effective program possible.

One of the deficiencies of the pilot was lack of outreach to wheelchair users. This was due, in part, to the fact that the program was not allotted any funds for outreach or advertising – all funds were directed to its operations. Also, I think at the time there was a belief that word would spread more quickly on its own. But we now know that more outreach was necessary. We also did not know what the peak demand for this service would be. The pilot was designed to provide a minimum of 250 trips a day. However, on average, the program provided 8 trips per-day. That means that the pilot program was way overfunded -- as it turned out, the program cost about \$172 per trip. Again, I believe the actual demand is higher, and that the low usage in part reflects the lack of outreach. But, even a mammoth increase in the number of daily users – a 1,000% increase from 8 to 88 riders a day -- would still be significantly less than the 250 daily riders the TLC had been told to anticipate and expect.

A second and related deficiency was the lack of service standards. Given that we don't really know how many rides to anticipate, we at the TLC think the best way to set up a permanent program is to establish standards for maximum response time and require the operator to figure out how to meet that. In practice, response times for the pilot were ok -- not great, but ok. Customers could call on-demand with an average wait time of about 44 minutes or in advance to receive service within 23 minutes.

I think we can do better, and part of the reason has to do with a third problem we encountered with the pilot, which was reluctance among many taxi drivers to respond to dispatch calls. This reluctance should not be surprising given the economics of the taxi industry. Drivers pay a fixed amount per shift or per week for the taxi and the medallion, and keep whatever they earn in fares. And with the medallion and vehicle leases the way they are, they need to keep the taxi filled with passengers if they are going to feed their families. So, many drivers were reluctant to respond to a dispatch call when it meant they might have to pass by a street hail passenger on the way. If we want this program to work, it has to work for drivers, and that means they should be compensated for the time from the dispatch to when they pick up the passenger. Once we do that, there's no good reason for a driver to avoid a dispatch call -- and so then we should also be unafraid to strictly enforce a failure to respond just like a street hail refusal. With a carrot and a stick, we should be able to get full participation by the drivers -- and that should drive response times down significantly -- at least for calls in Manhattan.

That brings up a fourth deficiency in the pilot program, which is that it purported to offer citywide service, but it included only yellow taxis. As we all know, yellow taxis cruise almost exclusively in Manhattan. Even if we could force a taxi to respond to a dispatch call from eastern Queens or southern Brooklyn or the northern Bronx, there's no way it would get there on a timely basis. I believe we have an obligation to provide service in all five boroughs, and that means the for-hire vehicle sector has to be part of the solution as well.

Now, as you also know, the TLC already has rules that in theory require for-hire vehicle bases to provide wheelchair-accessible service, either directly or by contracting with another provider. Our rules require "equivalent service" -- meaning equivalent response time and pricing -- but that standard is not being met. This has become very clear to the TLC after conducting enforcement operations through a secret shopper program, or "stings" as some in the industry have been calling it. We have issued 236

summonses, each carrying a \$1,000 fine, to 202 for-hire vehicle bases since October 2009.

The truth is that actually forcing for-hire vehicle bases to meet the equivalent service standard cannot be accomplished without great economic upheaval in the industry, as even the most ardent advocates on behalf of people with disabilities, such as Assembly Member Kellner, have acknowledged. Again, I think there's a better way -- we should have a central dispatch operator, with clear and enforceable service standards for response time, and allow that operator to provide service on behalf of the entire industry.

If you put these pieces together, and incorporate the lessons we've learned from the pilot program, you get a pretty clear direction for a citywide dispatch program, drawing on both the taxi and for-hire vehicle sectors, to get wheelchair users the service they need and deserve. The TLC intends to move forward with such a program. We would like to do so in partnership with advocates and with the industry, and so the first step is a Request for Information seeking guidance on how a program would be maximally effective. We intend to move quickly. Our goal is to get an RFP out in the first few months of next year and have the program up and running by this time next year.

One part of this I have not addressed is money. We intend to finance this program with a per-vehicle charge on the entire industry, including taxis, livery cars, black cars and limousines.

I would now like to address Intro. 433, which would require the Taxi and Limousine Commission to select a taxicab that is designed to be wheelchair-accessible whenever a new taxicab is approved for use in New York City. Though the goal of this bill is laudable, it raises serious issues with our Taxi of Tomorrow RFP process because it would require us to select a winner based on one criterion -- a fully wheelchair-accessible taxicab -- rather than a balance among performance, comfort, sustainability, accessibility and iconic design. Accordingly, the TLC cannot support this legislation.

The Taxi of Tomorrow RFP provides for a selection process that can help us get significantly closer to creating a vehicle fleet that is accessible, durable, made for New York City and our particular transportation needs, affordable and environmentally sustainable. The RFP process that we are engaged in allows the City, for the first time, to proactively work with automobile manufacturers to design a purpose-built taxi for New York City that can substantially achieve each of these goals. Additionally, this process gives the City leverage to negotiate with the three auto manufacturers for features that they did not include in their original proposals, including features that can make the vehicles accessible to passengers with other types of impairments and disabilities other than ones that require a wheelchair. If Intro 433 were to become law, the City could lose any leverage it had and be forced to contract with one manufacturer or none at all. We are currently in negotiations with all three manufacturers for their best-and-final offers, which we hope will address some of their proposals' shortcomings. And we believe the current process offers the best opportunity for bringing an accessible and clean vehicle to market. We therefore do not support Intro 433.

This concludes my testimony. I would like to thank you again for the opportunity to testify today on this proposed bill. At this time, I would be happy to answer any questions you may have.