

# Mobility for All New Yorkers

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June 11, 2014

Disabled Accessibility Plan (“DAP”)

Prepared by the New York City Taxi and Limousine Commission

Submitted to the New York State Department of Transportation

The New York City (“NYC” or “City”) Taxi and Limousine Commission (“TLC”) respectfully submits this Disabled Accessibility Plan (the “DAP”) to the New York State Department of Transportation (“DOT”) as required by Chapter 602 of the Laws of 2011, as amended by Chapter 9 of the Laws of 2012 (“HAIL Law”). The HAIL Law, among other things, requires the City to prepare a DAP addressing access for persons with disabilities to the TLC’s for-hire fleet. Specifically, the HAIL Law requires that the DAP:

- (a) Lead to meaningful accessibility over a period of years for individuals with disabilities to all taxicabs, for-hire vehicles (“FHVs”) and HAIL vehicles<sup>1</sup>;
- (b) Make accessible vehicles available based on need within geographic areas of the City by for-hire base stations and provide the method to be used to calculate such need and monitor this availability;
- (c) May include alternate means of increasing marketability and adequacy of incentives to purchase accessible licenses so that accessibility requirements can be achieved; and
- (d) Contain a recommendation for the percentage of HAIL licenses issued in any second or third issuances to be restricted to use with accessible vehicles, although if no recommendation is made, the percentage will remain the 20% originally specified in the Hail Law.

The DAP was prepared in consultation and cooperation with the Mayor’s Office for People with Disabilities (“MOPD”), disability rights advocates and other stakeholders, and submitted to the City Council for its comments, which shall be considered by TLC prior to the submission of the DAP to DOT. TLC submitted the DAP to City Council for its comments on June 4, 2014. TLC staff met with the Chair of the City Council Transportation Committee and Council staff regarding the DAP on June 6, 2014. Members of City Council also discussed provisions of the DAP with the TLC Commissioner and staff at a June 9, 2014 City Council Transportation Committee hearing. The HAIL Law required submission of the DAP to DOT by June 12, 2014, the one-year anniversary of the issuance of the first Boro Taxi permit, and it was submitted on June 11, 2014.

The DAP, in line with the de Blasio Administration’s platform, prioritizes inclusion, and sets forth a multifaceted, practical, and service-oriented path to meaningful accessibility. The DAP supports the overall goals of the de Blasio Administration that New York is truly *one city* and, as such, all residents must have access to the City’s taxis, FHVs, and Boro Taxis. To further these goals, the DAP will result in a fleet of more than 16,900 accessible vehicles. This means that over time 54% of all street hail-able vehicles in NYC will be wheelchair accessible. To complement this large accessible fleet, the DAP will expand upon existing dispatch services so that wheelchair users in all five boroughs will be able to have an accessible taxi or accessible Boro Taxi dispatched to them on-demand or by advanced reservation. The City appreciates New York State’s continued support of accessibility initiatives like those outlined in the DAP and looks forward to continued collaboration on this issue.

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<sup>1</sup> HAIL vehicles are called Street Hail Liveries (“SHLs”) in TLC rules and are colloquially called “Boro Taxis” or “green taxis.” They are a special type of for-hire vehicle that is permitted to accept dispatch calls and make street-hail pickups in certain areas of New York City. Their service area includes Brooklyn, Queens, The Bronx, Staten Island, and Manhattan north of W. 110<sup>th</sup> St. and E. 96<sup>th</sup> St.

## **I. Background**

### **Access and NYC**

NYC residents and visitors rely heavily on the public transportation network to move around the City. This expansive system of buses, subways, commuter rail, and paratransit vehicles operated by the Metropolitan Transit Authority (“MTA”), along with taxis and other FHV’s regulated by the TLC, provide almost 9 million rides every day and are critical components of the City’s economy. The strength of this network is a key driver behind the decision that 53% of NYC households have made to forego car ownership and rely upon the affordable and sustainable public transportation system.<sup>2</sup>

Unfortunately, much of this network is currently out of reach for the estimated 90,000 wheelchair users who reside in or visit the City.<sup>3</sup> Most subway stations are not wheelchair-accessible. Although it is laudable that all MTA buses are wheelchair accessible, it can sometimes be inconvenient or slow for some wheelchair users to reach their destinations via bus. The MTA’s Access-A-Ride paratransit service provides an advanced registration system that enables a passenger in a wheelchair to be picked up and dropped off virtually anywhere in the City for the affordable price of a bus or subway ride; however, the service is not available “on-demand” for spontaneous trips that a non-wheelchair user could make through a taxi or car service company. The City has made great strides in recent years and months to increase accessibility in the taxi and for-hire vehicle fleets; however, the share of the hail-able fleet that is currently accessible remains under 10%.

Expanding wheelchair users’ access to taxi and FHV service is paramount for Mayor de Blasio’s Administration. The City has a special obligation to ensure that wheelchair users have mobility options that enable them to live their lives to the fullest. For many years before, and with a renewed energy and focus since the passage of the HAIL Law, TLC has been working to develop a program that makes taxis and FHV’s a key part of this mobility solution. TLC’s efforts have included programs to put more accessible vehicles on the road, improve matching between accessible vehicles and the passengers who need them, establish funding sources for accessibility initiatives, and monitor levels of accessibility. Section II of this DAP specifically outlines the steps TLC has taken since the passage of the HAIL Law to achieve meaningful accessibility in the industries we regulate. For a description of accessibility policy in the taxi and FHV industries in earlier years and for additional background information, please see Appendix A.

### **Developing the DAP**

The TLC has undertaken a collaborative approach to developing the DAP. TLC’s collaboration with the MOPD and, most critically, disability rights advocates, was vital in developing this DAP. These advocates included not only formal representatives of the disability community who have been working tirelessly

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<sup>2</sup> Source: New York City Economic Development Corporation. <http://www.nycedc.com/blog-entry/new-yorkers-and-cars>

<sup>3</sup> Source: NYC Mayor’s Office for People with Disabilities.

over the years to expand accessibility in transportation and other venues, but also City residents who use wheelchairs and thus could provide first-hand perspectives on gaps in service and what program elements are most essential. These personal accounts of the impact the lack of accessible transportation has had on their lives and the lives of others in the disability community were inspiring and a constant reminder of the urgency of finding an accessibility solution that provides fairness to all New Yorkers both swiftly and sustainably. These advocates highlighted the importance of working towards both increases in the number of accessible vehicles in service *and* improving the channels, such as citywide dispatch, through which they could be accessed in all five boroughs. They also emphasized the importance of a broad sharing of responsibility for providing accessible service across the various TLC-regulated industries, the need to continuously monitor progress towards accessibility goals, and the importance of developing programs that will ensure that accessibility initiatives launching now continue in the future.

After submitting the DAP to City Council for its review, TLC met with the Chair of the Transportation Committee and his staff. The Chair frequently hears from constituents about this issue and is an advocate for accessibility. He provided productive feedback on the DAP and indicated his support for increased accessibility in both the yellow taxi fleet and the Boro Taxi fleet.

TLC also worked with participants in the industries it regulates, such as yellow taxi vehicle and medallion owners, yellow taxi drivers, Boro Taxi permit holders and vehicle owners, Boro Taxi drivers, Boro Taxi base operators, and other industry stakeholders to solicit input for policies and obtain feedback on proposed aspects of this DAP. Members of all sectors of the for-hire industries understand the importance of being able to provide service to all New Yorkers; however, over the course of many meetings, phone conversations, and public hearings, they drew upon their experiences to highlight the operational and financial issues associated with translating this goal into a reality. There was not broad agreement on what a “fair” policy looks like when revenues and expenses are spread among drivers, independent operators, large fleet operators, and existing owners of restricted accessible medallions.

One example of the differences of opinion among parties revolved around TLC’s April 2014 Accessibility Rules that outline a path to a 50% accessible yellow taxi fleet. In discussions regarding these rules, some single-shifting yellow taxi owner-operators felt that their small business model, which generates less revenue per vehicle than a double-shifted fleet yellow taxi, should have accessibility requirements that differ from those faced by larger fleet owners. Large fleet owners thought that every taxi owner should have similar accessibility requirements and collect surcharges in the same way, regardless of operational model, and that each fleet should collect and retain surcharge money to self-fund accessibility. However, TLC calculations revealed that the latter would result in fleet owners’ taking in more through surcharge revenue than would be needed to cover their accessibility-related expenses, while independent operators would take in less than their accessibility-related expenses. To promote equity among stakeholders, the rules TLC passed require all taxi owners to have accessibility requirements at similar levels, but instead of self-funding, all owners would draw grants of equal amounts from a common fund.

Drivers had their own concerns with TLC's April 2014 Accessibility Rules. They wanted to ensure that the drivers' share of the accessibility funding was proportionate to the expenses they face when operating an accessible vehicle, including fuel costs, training, and additional off-meter time spent serving passengers in wheelchairs. Drivers were also concerned about the impact that a passenger surcharge would have on their tips, ridership, and ability to lobby for future fare increases. TLC used data from past surcharge introductions to analyze the impact that a surcharge has on the tip level, which revealed that there will likely be no impact on the tip level, and calculated the amount of revenue that an accessible vehicle driver could expect as part of the program.

The Boro Taxi industry, which is a brand new system with lower per-vehicle revenues than the yellow taxi industry, was also supportive of providing service to all New Yorkers, including those who use wheelchairs. However, they expressed a concern with the high share of accessible vehicles that disability advocates were calling for, and instead favored an apportionment based on a scientific assessment of demand rather than the equity and rights-based perspective favored by advocates.

Vehicle owners of all stripes expressed concerns about the durability of accessible vehicles, which have historically not lasted as long as non-accessible vehicles. They also questioned whether there would be sufficient supply of accessible vehicles when accessibility requirements go into place, since in the past accessible vehicle up-fitters have sometimes lacked the capacity to deliver the number of vehicles the industry has needed. In response, TLC reached out to accessible vehicle manufacturers to get a sense of their current capacity and ability to increase production as demand for accessible vehicles climbs.

TLC also heard from representatives of taxi passengers. They expressed support for increasing accessibility in TLC-regulated vehicles and for a passenger surcharge to fund these improvements. However, they called for an expansion of vehicle improvements to further align with the traffic safety goals outlined in Mayor de Blasio's Vision Zero initiative.

## **II. The DAP**

The DAP sets forth initiatives vital to increased access that also meet the three goals set forth in the HAIL Law:

- (A) Promoting meaningful accessibility over a period of years for individuals with disabilities to all taxicabs, FHV's and HAIL vehicles;
- (B) Making accessible vehicles available based on need within geographic areas of the City by for-hire base stations and providing a method to be used to calculate such need and monitor this availability; and
- (C) Developing alternate means of increasing marketability and adequacy of incentives to purchase accessible licenses so that accessibility requirements can be achieved.

TLC has various initiatives that fall under each of these goals, which are discussed in turn below. The highlights of the DAP include the creation of a hail-able fleet in which 54% of vehicles are accessible. By 2024, more than 12,700 accessible vehicles will be available in all five boroughs for wheelchair users to street hail or call via dispatch services. Over time, this number will grow to over 16,900.

The following sub-section discusses these initiatives as they relate generally to Goal A. Subsequent sections focus on the geographic distribution of these vehicles (sub-section B, Goal B) and incentives in place to ensure these plans move forward successfully (sub-section C, Goal C).

**A. Promoting meaningful accessibility over a period of years for individuals with disabilities to all taxicabs, FHV's and HAIL vehicles.** Several initiatives fall under TLC's plan to promote meaningful accessibility over time. These include:

1. Increasing accessibility in the yellow taxi fleet.
  - a. Implementing rules such that at least 50% of the yellow taxi fleet will be accessible by 2020. Existing rules put approximately 6,500 new accessible yellow taxis on the road in addition to the 631 existing accessible medallions.
  - b. Upon approval of the DAP, selling 1,600 additional accessible medallions.

In combination, TLC projects that these policies will result in a yellow taxi fleet that is 58% accessible (approximately 8,800 accessible vehicles) by 2020.
2. Increasing accessibility in the Boro Taxi fleet.
  - a. TLC has already ensured that 20% of the first Boro Taxi issuance—1,200 of 6,000 vehicles—are accessible, consistent with the requirements of the HAIL Law.
  - b. Going forward, TLC will issue permits in proportions so that 50% of the entire Boro Taxi fleet is accessible.
    - i. In the second issuance starting August 2014, of the 6,000 permits issued, 2,700 (45%) will be accessible by 2024 and ongoing financial incentives will be available to purchasers of these accessible permits.
    - ii. Following a Hail Market Analysis demonstrating need, the first 4,200 permits from the third issuance will be accessible, and any additional permits sold beyond that will be sold in proportions to keep the overall fleet at least 50% accessible.<sup>4</sup> Beyond the one-time grants available for some third-issuance permits (as were called for in the HAIL Law), there is not yet an identified source of initial funding for other third-issuance accessible permits or a recurring funding source for any third-issuance purchasers. However, going forward, the TLC, with disability advocates and Boro Taxi industry participants, will explore additional funding opportunities.
3. Supporting private-sector innovation to improve access to accessible taxis and Boro Taxis.
4. Expanding the pool of drivers qualified to drive accessible vehicles.

### **1. Increasing accessibility in the yellow taxi fleet.**

**1a. Implementing rules such that at least 50% of the yellow taxi fleet will be accessible by 2020.** On November 27, 2013, TLC and several entities representing advocates for wheelchair passengers – including Disability Rights Advocates, the United Spinal Association, and the Taxis for All Campaign –

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<sup>4</sup> The Hail Law requires that before any third issuance occurs, a Hail Market Analysis be prepared and submitted to City Council and to New York State Department of Transportation. See Chapter 9 of the Laws of 2012, section 6.

agreed that TLC would commence rule-making to require half of all yellow medallion taxis to be wheelchair-accessible by 2020. Firmly committed to taxi fleet accessibility, Mayor de Blasio, through TLC, undertook the complex task of promulgating rules that would make the prior administration's general settlement a reality. On March 27, 2014, TLC published rules that took industry participant and advocate feedback into account, and addressed concerns about economic impact, participation by all owners, and the need for fairness for both minifleet medallion owners and independent medallion owners. A hearing on these rules took place on April 30, 2014, and a representative of the Chair of the City Council's Transportation Committee testified before the Commission at that hearing expressing support for the 50% accessibility requirement. The Commission voted to approve the rules, which enable the City to reach the goal of a 50% accessible fleet by 2020 by gradually requiring taxi owners to purchase accessible taxi vehicles once their existing vehicles reach their scheduled retirement dates, on April 30, 2014. The rules also provide for a passenger surcharge, discussed in Section C below, which will be used to create a grant program to fund expenses associated with operating accessible vehicles. There is no sunset or expiration for these rules, and TLC has no plans to take action that would reduce the yellow taxi fleet below 50% accessibility. For details on these rules, please see Appendix B.

**1b. Upon approval of the DAP, selling 1,600 additional accessible medallions.** In addition to implementing the conversion plan for the existing taxi fleet, if this DAP is approved, TLC will schedule the sale of the 1,600 additional accessible medallions authorized by the HAIL Law. TLC expects that these sales would take place over the next several years.

In combination, TLC projects that these policies will result in a yellow taxi fleet that is 58% accessible (approximately 8,800 accessible vehicles) by 2020.

## **2. Increasing accessibility in the Boro Taxi fleet.**

**2a. Ensuring that 20% of the first Boro Taxi issuance—1,200 of 6,000 vehicles—are accessible.** While the phase-in plan described above for yellow taxis will make significant progress towards providing excellent accessible taxi service in the areas of the city yellow taxis serve (i.e., Manhattan and the airports), the rest of the City relies on FHV's, including Boro Taxis. As Boro Taxis have gone into service, growing from a few hundred vehicles in October 2013 to over 5,000 vehicles in May 2014, TLC review and analysis of electronic trip records has shown that an unprecedented level of safe and legal hail service is now available in many communities outside the Manhattan Core.<sup>5</sup>

The HAIL Law required 20% of Boro Taxi permits to be restricted to use with wheelchair-accessible vehicles. Between June and October 2013, TLC issued all 6,000 Boro Taxi permits, including 1,200 accessible Boro Taxi permits, it was allowed to issue during the first year of the program. As of June 2, 2014, 548 accessible Boro Taxis were fully-equipped and approved for service by TLC.

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<sup>5</sup> The Manhattan Core refers to the parts of Manhattan south, east, and west of Central Park. The Manhattan Core contains the Central Business district and additional neighborhoods on either side of the park.

Owners of the 652 accessible Boro Taxi permits that are not yet in service are in various stages of preparation, such as awaiting the arrival of specially-equipped accessible vehicles. Based on TLC's experiences with the rollout of accessible yellow taxis, these delays are not surprising. There are relatively few suppliers of accessible taxi vehicles, so owners sometimes have to wait to obtain a vehicle. TLC is in close communication with manufacturers and up-fitters of accessible vehicles and is working to expedite owners' putting accessible Boro Taxis into service wherever possible. Some owners whose accessible vehicles are not yet on the road are in various stages of TLC's grant process, either gathering application materials or awaiting processing and approval by TLC. TLC closely monitors progress towards getting all 1,200 on the road and available to pick up passengers. Most importantly, although TLC has no means of tracking the actual volume of Boro Taxi trips taken by wheelchair users, accessible Boro Taxi drivers report demand from these residents. One permit holder reported that she rarely, if ever, saw a wheelchair passenger when she drove a traditional livery vehicle, but she was hailed by one on her first day of driving an accessible Boro Taxi.

## **2b. Going forward, requiring at least 50% of the entire Boro Taxi fleet to be accessible.**

One of TLC's primary initiatives to increase accessibility in the communities outside the Manhattan Core is to set forth a new requirement that, over time, at least 50% of the entire Boro Taxi fleet will become accessible. After all three issuances have taken place and all accessibility requirements have been phased in, this will result in at least 8,100 accessible Boro Taxis being available by both dispatch and street hail. TLC developed this plan for a 50% accessible fleet based on careful consideration of a variety of factors. While estimates of passenger demand for accessible service suggest that a smaller than 50%-accessible fleet would meet wheelchair passengers' needs, consideration of empirical need must be balanced with that fact that it is difficult to quantify the level of access that is acceptable. If one wheelchair user is unable to avail himself or herself of for-hire service, then the number of accessible vehicles and the features of other programs that support accessibility, such as accessible dispatch, needs to be re-evaluated. In striking a workable balance, TLC is also mindful of the importance of funding to support accessible vehicle conversions. Because the Street Hail Livery Improvement Fund would generate funding to make putting a larger share of accessible vehicles on the road than the needs analysis suggests, and because we expect that over time the industry will develop new way to generate revenue and reduce accessibility-related costs, TLC would like to raise the bar and provide a higher level of service than needs analysis suggests.

There is a clear need for additional Boro Taxi service, including accessible Boro Taxi service. The 6,000 Boro Taxi permits that have already been issued have dramatically increased access to safe and legal street hail service in many City neighborhoods outside Manhattan (see Appendix C for maps of pickup patterns). However, many neighborhoods, such as Coney Island, Sunset Park, Flushing, and much of The Bronx, remain in which street hail service demand—based on field observation and a TLC index that

gauges street hail demand—exceeds supply.<sup>6</sup> For example, Jamaica, Queens’ high concentration of commercial activity, relatively low car ownership rates, and status as a major transit hub generate high demand for street hail service that is only beginning to be met given the current supply of Boro Taxis. When legal street hail service is not available, the public resorts to illegal forms of for-hire transportation. These vehicles have not been inspected by TLC, so their brakes may be worn and their tires balding. These vehicles are most likely under-insured, if they are insured at all, and the drivers have not undergone the mandatory background checks and annual drug testing required of all licensed TLC drivers.

As more Boro Taxis have gone into service, trip data have shown that per-vehicle pickups have remained fairly constant at eleven to twelve street hails per day. This means that additional vehicles are not cannibalizing a set level of demand; rather, these additional vehicles are meeting previously unmet demand by (1) increasing service levels in inner-ring neighborhoods<sup>7</sup> and (2) increasing the number of neighborhoods with service. Analysis of geographic trends in Boro Taxi pick-ups confirms the spread of service. Two months into the program, there were only two City Council districts with more than 500 trips per day. Four months into the program, there were twelve City Council districts with more than 500 trips per day. Eight months into the program, there were nineteen City Council districts showing this level of trips. The first map in Appendix C shows the intensification and geographic spread of Boro Taxi service as it transitioned from the earliest program stage to a stage in which most of the first issuance was on the road.

The overall need for additional legal hail service in the boroughs necessarily means that there is specific need for additional legal accessible service in the boroughs. In formulating the DAP, TLC met with disability advocates who proposed 50% accessibility in each sector of hail-able vehicle (i.e., yellow taxis and Boro Taxis). The Chair of the City Council Transportation Committee also expressed support for 50% accessibility in each sector. Boro Taxi industry drivers, base owners and permit holders support a move towards greater accessibility; however, because of the dual nature of the Boro Taxi, which is designed to be either hailed or dispatched, and the prevalence of dispatch in the boroughs for all passengers, as discussed below, Boro Taxi industry participants advocated that the level of additional accessible service be driven by research on the level of demand for this service. Assessing demand levels and needs is difficult, but TLC used information from the existing yellow taxi accessible dispatch program and the population of wheelchair-users to generate a rough estimate of demand for wheelchair-accessible service in the Boro Taxi service area.

For both wheelchair users and non-wheelchair users alike who live in communities outside Manhattan, dispatch service is far more common and essential than in Manhattan. This is because street hailing is not feasible on many residential streets or in quieter neighborhoods. Therefore an estimate of the

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<sup>6</sup> This index takes into account the following criteria commonly associated with street hail demand: employment density, population density, household car ownership rates, median household income, commercial density, and presence of commuter rail hubs and airports.

<sup>7</sup> Inner-ring neighborhoods are neighborhoods outside the Manhattan Core but that are relatively close to it, such as Downtown Brooklyn, Western Queens, and Northern Manhattan.

number of accessible vehicles that would be needed to meet demand for accessible service should be linked to the number of vehicles that are needed to provide accessible dispatch service at a level that is at least as good as currently exists in the Manhattan Core.

To estimate the level of demand for accessible Boro Taxi service, TLC looked at the levels of service being provided under the current yellow taxi Accessible Dispatch system, which serves passengers in Manhattan. The agency assumed that wheelchair users in neighborhoods outside Manhattan would use Boro Taxis as frequently as Manhattan users use yellow taxis, and that accessible dispatch trips comprise the same proportion of a Boro Taxi's trips as they comprise of a yellow taxi's trips.

### 1. *Number of Wheelchair-Users in the Boroughs*

- Between residents and visitors to NYC, there are an estimated 90,000 wheelchair users in NYC.<sup>8</sup>
- Based on data available about the distribution of individuals with ambulatory difficulty across the boroughs,<sup>9</sup> TLC estimates that approximately 64% (58,000) of these individuals live in or visit the boroughs outside of Manhattan and 36% (32,000) live in or visit Manhattan.

### 2. Number of Accessible Dispatch Trips in Manhattan

- Between February 1, 2014 and April 30, 2014, there were 8,041 accessible dispatch trips in Manhattan.
- Because the population of wheelchair-using residents is 1.8 times as large in the boroughs as in the yellow taxi's primary service area, we project that in this period there would be approximately 14,000 accessible dispatch trips in this area in a similar time period.

### 3. Number of Vehicles Needed to Meet Demand

- Accessible dispatch trips account for 1% of all 780,000 trips made by accessible yellow taxis in this 3-month period.
- Based on the conservative assumption that Boro Taxis would have no greater availability for responding to a dispatch than do yellow taxis, we assume that accessible dispatch trips would account for 1% of their projected 1.4 million trips in a 3-month period.
- Assuming that each Boro Taxi works three-quarters of all days at 10.5 trips per day, we estimate that each Boro Taxi would serve approximately 700 trips over a 3-month period.
- Therefore, to meet the demand for an estimated 14,000 trips, approximately 2,000 accessible Boro Taxis would be needed to satisfy demand in the communities they serve at a level of service that matches that available in Manhattan.

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<sup>8</sup> Source: NYC Mayor's Office for People with Disabilities.

<sup>9</sup> There are nearly 240,000 people with ambulatory difficulty living in Manhattan and nearly 420,000 people with ambulatory difficulty live in Brooklyn, Queens, The Bronx, and Staten Island. Source: U.S. Census Bureau 2012. American Community Survey.

In addition to providing dispatch service, these accessible vehicles would also respond to street-hails of wheelchair users in neighborhoods where they cruise.

TLC expects to begin issuing the second tranche of 6,000 Boro Taxi permits in August 2014. The Boro Taxi market, including the market for accessible Boro Taxi service, is still in the early stages of its development. At this early stage and in the near future, TLC is working to provide as many Boro Taxi permit holders as possible with support to put accessible vehicles on the road. Funding will already be available through the Boro Taxi grant program required by the HAIL Law, and with projected funding available from the Street Hail Livery Improvement Fund (passed by the TLC in April 2014), identified funding streams can provide ongoing financial support for a second issuance in which 45% (2,700) of the 6,000 permits will have accessibility requirements by 2024. Twelve hundred of these permits will have accessibility requirements immediately upon issuance. Five hundred more permits will gain an accessibility requirement upon first renewal (3 years after issuance), followed by 500 more upon second renewal (6 years after issuance) and 500 more upon third renewal (9 years after issuance). At full 2024 implementation of accessibility requirements for permits sold in the first and second issuances, 3,900 (33%) permits will have accessibility requirements and ongoing financial support to help meet these requirements. The financial mechanisms to facilitate the industry's purchasing and keeping accessible Boro Taxis on the road are further described in Section C.

The HAIL Law also authorized the City to sell a third tranche of 6,000 Boro Taxi permits. If need for the third tranche is demonstrated through the prerequisite HAIL Market Analysis, the first 4,200 permits of the third issuance will be accessible. When these permits go into service, it will bring the overall Boro Taxi fleet to 50% accessibility (8,100 accessible vehicles). Any additional third-issuance permits sold beyond the first 4,200 will be sold in proportions such that the overall share of accessible Boro Taxi permits is never lower than 50%. Although grant funding and anticipated accessibility surcharge funding are available to provide ongoing support to accessible vehicles purchased in the first and second issuance, identified funding to support accessibility requirements for third-issuance vehicles is currently limited to the one-time grants for some third-issuance permits that were called for under the HAIL Law. TLC will continue to evaluate funding options to support ongoing accessibility for third-issuance accessible permit holders. In addition, over time the Boro Taxi industry may find additional revenue opportunities (e.g., medical contract trips) and cost reductions (e.g., lower-priced vehicle up-fits) that will make accessible vehicle purchase more affordable without outside financial support.

The share of accessible permits TLC proposes aligns with advocates' request for at least 50%; however, the timeline for building the accessible fleet is longer than they would like. Whereas advocates believe a 50% accessible fleet is desirable regardless of empirical need estimations, Boro Taxi industry members advocate for a demand-based determination of the size of the accessible fleet, suggesting that a 50% requirement designed to mirror the yellow taxi industry may be too high.

TLC believes that a 50%-accessible Boro Taxi fleet, which would contain 8,100 accessible vehicles, is more than sufficient to meet demand and can be feasibly implemented. This is based on several factors:

- *Demand.* The above calculations estimating demand for accessible Boro Taxis in communities outside Manhattan suggest that approximately 2,000 accessible Boro Taxis would be sufficient to meet demand. A 50%-accessible fleet would more than meet this projected demand, and is appropriately higher than projected demand to take into account projected population growth in communities outside the Manhattan Core and the desire to provide high-quality service to wheelchair users. NYC's population is projected to reach 8.6 million by 2020 and 8.8 million by 2030, up from today's all-time high population of 8.4 million. Approximately 84% of this population growth is expected to take place in The Bronx, Brooklyn, Queens, and Staten Island.<sup>10</sup> The above calculation also takes into account the fact that the aging NYC population is growing dramatically. The number of New Yorkers ages 65 and over is projected to increase 44.2%, from 938,000 in 2000 to 1.35 million in 2030. By 2030, the 65-plus population will increase to 14.8% of the population, up from 11.7% in 2000.<sup>11</sup>
- *Financing.* TLC projections for the amount of revenue available through the existing TLC accessible Boro Taxi grant program and anticipated future revenues from the \$0.30 per ride passenger surcharge show that accessible vehicle purchases could be financially supported for early-adopting first- and second-issuance permit holders over the 2024 timeline. This financial support is important to enabling the developing Boro Taxi industry to put accessible vehicles on the road and replace them as needed.
- *Vehicle Availability.* Past experience with accessible vehicle rollouts and discussions with accessible vehicle up-fitters and manufacturers suggest that this relatively small industry can more feasibly meet demand generated by a gradual rollout than by a rapid rollout. A realistic assessment of vehicle availability is particularly important in light of the simultaneous demand that increases in accessibility in the yellow taxi fleet will place on the manufacturer/up-fitter companies.

TLC believes that a 50%-accessible Boro Taxi fleet is more than adequate to meet this demand. The long timeline is not ideal from a service perspective, but given the costs associated with operating accessible vehicles, the newness of the industry, and issues surrounding vehicle availability, it is the agency's belief that a gradual rollout is necessary to ensure financial feasibility and vehicle availability that enable owners to purchase accessible vehicles.

**3. Support for private-sector innovation to improve access to accessible taxis and accessible Boro Taxis.** The private industries that support accessible vehicle initiatives—ranging from major automakers to specialty automakers and firms that provide accessible up-fits—are key components of the accessibility agenda. TLC will continue to collaborate with these firms to find ways to improve the durability, comfort and economic competitiveness of their vehicles. TLC believes that maintaining this ongoing dialog will improve the passenger experience, increase the attractiveness of these vehicles to taxi industry purchasers, and decrease the environmental footprint associated with their operation. Members of the City Council also stressed the importance of continued collaboration with automakers

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<sup>10</sup>Source: NYC Planning [http://www.nyc.gov/html/dcp/pdf/census/projections\\_report\\_2010\\_2040](http://www.nyc.gov/html/dcp/pdf/census/projections_report_2010_2040).

<sup>11</sup>Source: NYC Planning. [http://www.nyc.gov/html/dcp/pdf/census/projections\\_briefing\\_booklet.pdf](http://www.nyc.gov/html/dcp/pdf/census/projections_briefing_booklet.pdf)

and up-fitters to ensure that a variety of high-quality accessible vehicles are readily available for purchase by the yellow taxi and Boro Taxi industries.

**4. Expanding the pool of trained accessible taxi drivers.** Drivers must receive training on operating an accessible taxicab. Specifically, drivers must be trained on how to safely secure wheelchair-using passengers in the vehicle, and drivers must learn social skills necessary to serve wheelchair-using passengers in a culturally sensitive way. To ensure that there is an adequate supply of drivers who are qualified to drive accessible taxis and Boro Taxis as their numbers grow, TLC’s April 2014 Accessibility Rules require that all new drivers receive wheelchair passenger assistance training and all current drivers will be required to receive this training within one year of the effective date of their taxi driver’s license renewals.

**B. Making accessible vehicles available based on need within geographic areas of the City by for-hire base stations and providing the method to be used to calculate such need and monitor this availability.** Several of TLC’s initiatives under the DAP are specifically designed to ensure that accessible vehicles are available in every neighborhood where they are needed. These include:

1. Continuing the accessible dispatch program for yellow taxis.
2. Creating a new centralized accessible dispatch program for Boro Taxis.
3. Creating an Accessibility Advisory Committee and monitoring program.

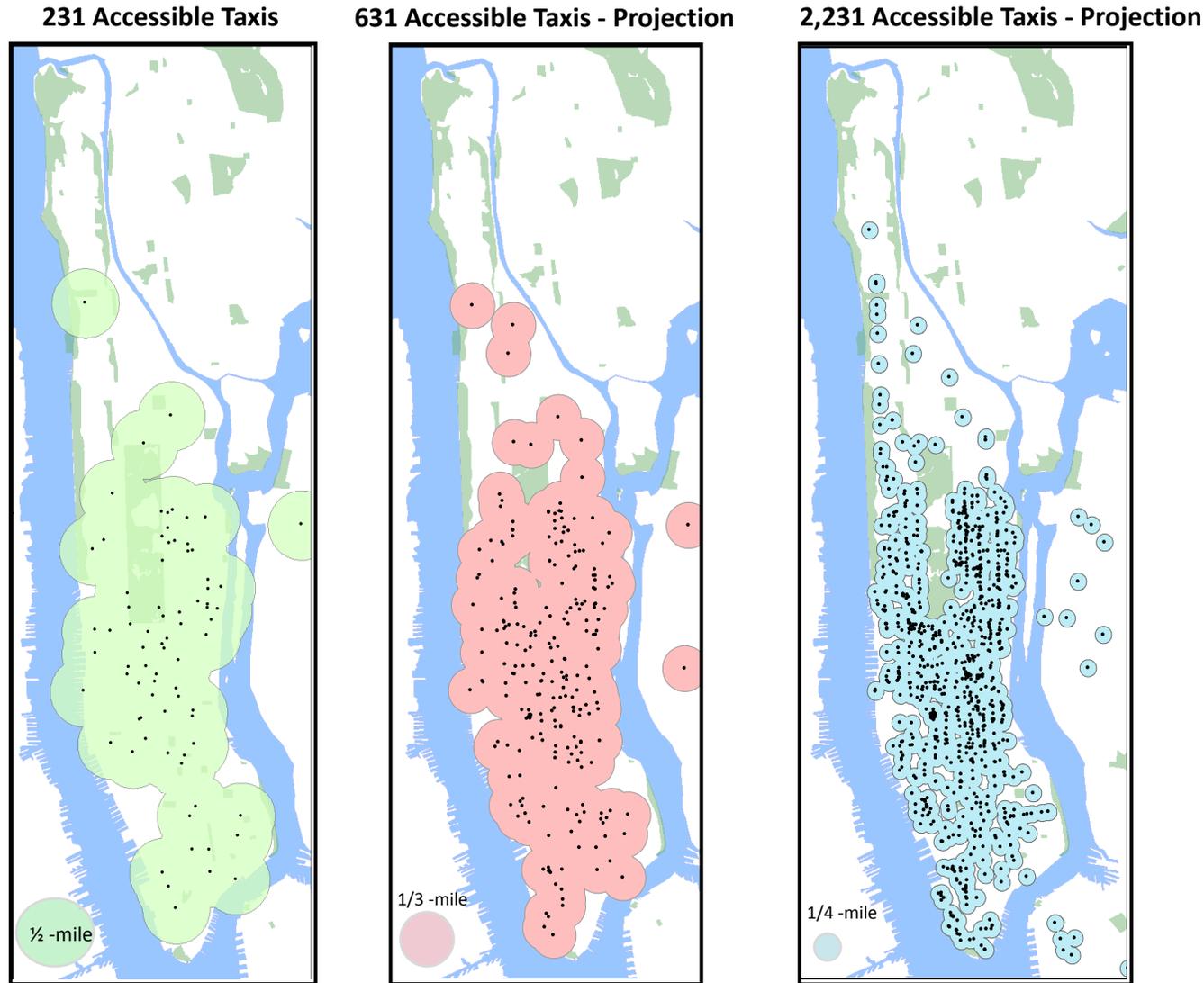
**1. Continuing the accessible dispatch program for yellow taxis.** Creating excellent street hail taxi access for wheelchair users through the sale of new medallions authorized by the HAIL Law and the phased-in conversion of existing taxis pursuant to new TLC rules may take several years. In addition, there may always be areas of the City, such as far into Alphabet City or other areas with less “through traffic,” where taxis simply do not cruise. To provide taxi access more quickly and in neighborhoods that naturally draw fewer cruising taxis, in September 2012 TLC began, through a contract with a private vendor, an accessible dispatch program. The accessible dispatch program follows the same basic framework of the 2008-2010 accessible dispatch demonstration project—allowing wheelchair users to request a pickup by a wheelchair-accessible yellow taxi at any location in Manhattan—but it makes several key operational improvements that have led to improved performance. These include (1) motivating drivers to participate by compensating them for traveling empty to the passenger’s pickup location and for “no-show” passengers, (2) issuing summonses penalizing drivers who are required to participate but do not do so, (3) conducting better outreach/advertising to the wheelchair-using community to inform them of this service, (4) setting and assiduously monitoring service standards, (5) continuously funding the program through a fee paid by all taxi owners.

Over 240 wheelchair-accessible taxis are already part of the dispatch program, and all are operated by drivers who are trained by a certified trainer in securing passengers in wheelchairs. Passengers may request a pickup through advance reservation or on-demand, and may do so by calling 311, calling the dispatch company directly, sending a text message, or using a smartphone app. On-duty drivers who do not already have passengers in their vehicles are required to respond to accessible dispatch requests that appear on the monitors mounted in their taxis. For each trip, the driver receives the normal

metered fare from the passenger and \$6 to \$15 from the accessible dispatch program fund to compensate him or her for the distance travelled to the customer's pickup location. If a passenger does not show up, the driver is compensated \$5 from the accessible dispatch program fund for the time he or she spent traveling to and waiting for the "no-show" passenger.

As of early 2014, the dispatch program was typically providing 590 trips per week to wheelchair users. In May 2014, the program reached the milestone of 50,000 accessible dispatch trips. Seventy four percent of requests were for on-demand service, and 26% were advance reservations. The average wait time for a dispatch was 15-20 minutes. All accessible taxis are required to participate in the dispatch program, so as the 400 new accessible medallions that have already been sold go into service, they will be joining the fleet of taxis available through this program. These additional accessible medallions and the 1,600 TLC would sell upon approval of the DAP would create a fleet of 2,231 wheelchair-accessible taxis. This larger fleet of accessible taxis would increase the likelihood that an available accessible taxi is near the requesting passenger, reducing travel time between the taxi and the pickup point and further reducing passenger wait times (see map on next page for an illustration). As the 50% conversion program goes into place and the number of accessible taxis continues to grow, TLC expects that the level of service available through the accessible dispatch program will continue to improve.

### Projected Improvements in Accessible Taxi Proximity as Accessible Taxi Fleet Expands



Source: NYCTLC Taxicab Tripsheet Data for Mon., 5.2.11 8:15 to 8:30 AM. This 15-minute "snapshot" shows how many accessible taxis were active at a given moment and where they were located. The 15-minute window enabled us to capture most active taxis once, while rarely counting the same taxi twice. Taxis in this snapshot period would likely be available to respond to a dispatch call in this period. 36% of accessible taxis were active in this snapshot.

**2. Creating a new centralized accessible dispatch program for Boro Taxis.** The 1,200 accessible Boro Taxi permits that TLC has already issued—especially in combination with the at least 6,900 additional permits that will gradually enter service and become accessible—will provide an unprecedented level of accessible taxi service in neighborhoods outside the Manhattan Core. With 8,100 accessible Boro Taxis on the road, in some neighborhoods—particularly those with transit hubs and commercial districts—wheelchair users would have a good chance of finding accessible Boro Taxis when they would like to hail rides. However, the Boro Taxi program—with its unique “dual use” hail-or-call-ahead vehicles—was designed to meet both hail demand in bustling neighborhoods that lacked yellow service (e.g., Washington Heights, Downtown Brooklyn, the Grand Concourse) while also providing call-ahead service on the many residential streets and quieter neighborhoods that do not have the intensity of traffic circulation needed to support street hail service. Wheelchair users and non-wheelchair users alike in these quieter areas will continue to rely on dispatch service to obtain a ride. Ensuring the availability of accessible service in *all* New York City neighborhoods is a TLC priority and a priority of members of City Council who discussed the DAP with TLC.

Because Boro Taxis are all affiliated with car service companies around the City, a wheelchair user can reserve an accessible Boro Taxi in advance or call to have one sent to his or her location on-demand. There are bases with affiliated accessible Boro Taxis in every borough, and a list of these bases and their contact information is available to passengers on the TLC website.<sup>12</sup> TLC also has an interactive “base finder” map allowing users to click on bases near their locations and find bases with accessible vehicles.<sup>13</sup>

To further improve access to accessible Boro Taxis in light of the importance of dispatch service in quieter residential communities, TLC sees an accessible Boro Taxi dispatch program for Queens, Brooklyn, The Bronx, and Staten Island as central to promoting accessible service. It would be modeled closely on the accessible dispatch program currently in place for yellow taxis. Once this program is in place, residents or visitors in communities outside Manhattan would be able to arrange in advance or call on-demand for the nearest available accessible taxi. This program would be especially valuable to wheelchair users doing business or visiting neighborhoods where they are less familiar with the local car services and would prefer to employ a simple, uniform process for obtaining an accessible ride.

TLC aims to make requesting a dispatched yellow taxi or Boro Taxi as easy for the customer as possible. To that end, regardless of what vendor(s) operate the yellow taxi and Boro Taxi dispatching services, TLC will pursue a program design that enables a passenger to request a ride through the same method (a single phone number, a single app, etc.) regardless of his or her location in the city.

**3. Creating an Accessibility Advisory Committee and monitoring program.** TLC takes program monitoring very seriously and has maintained constant vigilance over passenger wait times, volumes, and satisfaction in the yellow taxi accessible dispatch program. Although some individuals prefer to

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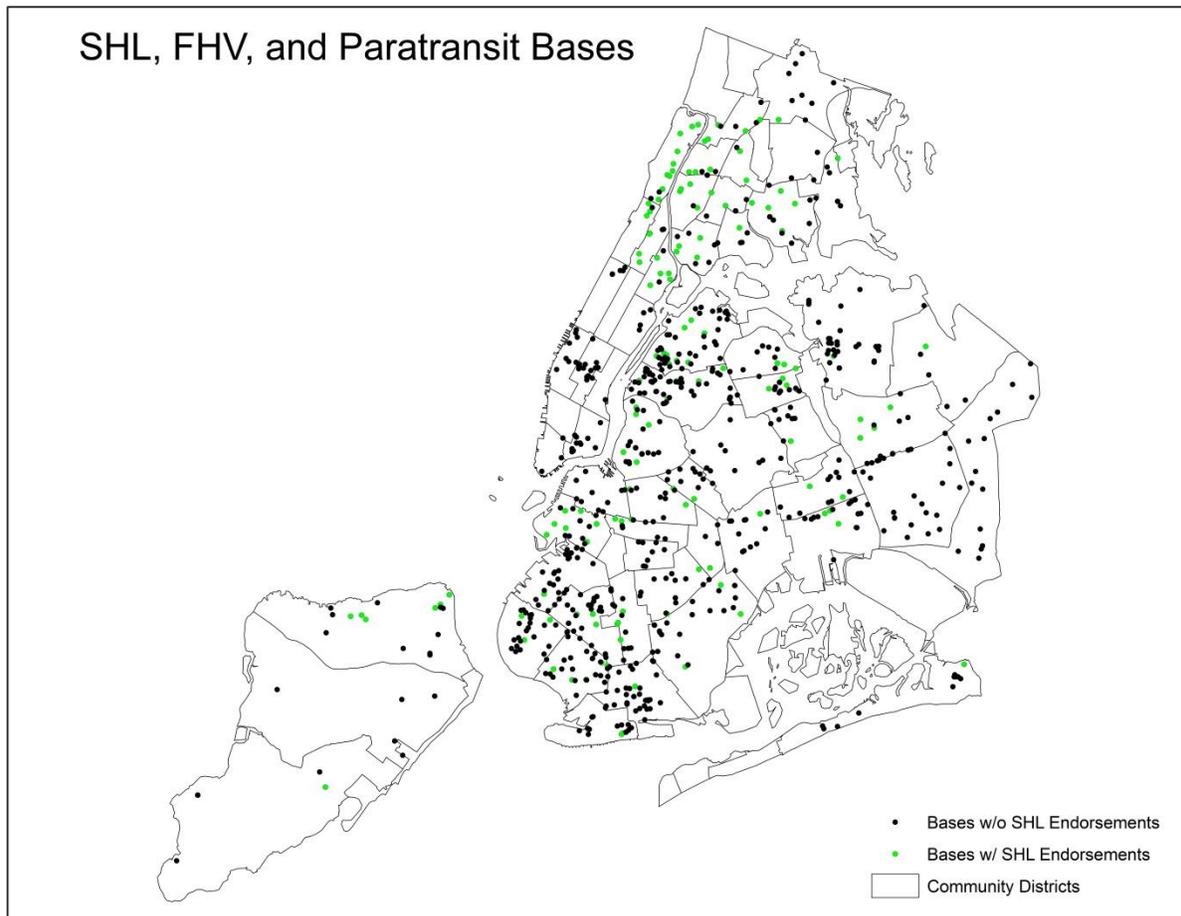
<sup>12</sup> <http://www.nyc.gov/html/tlc/html/passenger/accessible.shtml>

<sup>13</sup> <https://data.cityofnewyork.us/dataset/FHV-Bases/v52x-36fy?firstRun=true>

obtain accessible service by hailing or calling a base directly, by monitoring the centralized dispatch program performance carefully we will be able to ensure that an acceptable level of service is available to those who need it through at least one method.

The agency will continue this internal program monitoring and is already taking steps to expand public accountability in this program. TLC is already considering ways to publish certain accessible dispatch performance indicators on public websites.

TLC will employ the same monitoring techniques in the new accessible dispatch program for Boro Taxis. This monitoring protocol will place a particular emphasis on service standards by geographic area. By monitoring wait times in each area of the City, we will be able to detect whether there are shortfalls in meeting passenger demand in certain areas of the City. If we find this to be the case, we will undertake additional outreach to bases in these areas to inform them of this passenger demand and encourage—or, if necessary, incentivize—they to purchase accessible Boro Taxi permits or affiliate drivers who have these permits. Fortunately, there are already for-hire vehicle bases in every borough and most neighborhoods in NYC (see map below). Therefore the infrastructure to make changes that could become necessary to meet demand is already in place.



In addition to records TLC obtains from the accessible dispatch program provider, TLC also has access to electronic trip records showing the pickup and drop-off point of every street hail trip for every yellow taxi and Boro Taxi. TLC will continue to analyze these trip records to determine whether there are areas of the City without accessible service. In combination with dispatch program wait time information, TLC will use this information to determine whether accessible service is insufficient in certain areas of the City and what policy changes need to go into place to ensure that all New Yorkers can access accessible service.

Finally, TLC will continue to remain in close contact with MOPD, disability advocates, industry stakeholders, and the companies that operate the dispatch service to continue helping us understand our programs' strengths and weaknesses and issues that are not revealed in quantitative program data. To formalize these relationships, TLC will establish an Accessibility Advisory Committee that will meet twice each year to review agreed upon accessibility indicators and make recommendations for consideration by TLC. The committee will serve as a valuable resource for ensuring accountability and continued collaboration in NYC's accessibility efforts.

**C. Developing alternate means of increasing marketability and adequacy of incentives to purchase accessible licenses so that accessibility requirements can be achieved.** Several TLC initiatives have been put in place to ensure that the industry is sufficiently incentivized to put accessible yellow taxis and accessible Boro Taxis into service. These include:

1. Implementing an Accessible Boro Taxi grant program and special first-issuance permit pricing.
2. Selling accessible yellow taxi medallions.
3. Creating a Taxicab Improvement Fund to support accessibility.
4. Creating a Street Hail Livery Improvement Fund to support accessibility.
5. Working to incorporate accessible yellow taxi and Boro Taxi fleets into Access-A-Ride program.
6. Exploring additional funding sources and publicizing tax credits to TLC-regulated industries.

**1. Selling accessible yellow taxi medallions.** Section 8 of the HAIL Law authorized TLC to sell up to 2,000 new wheelchair accessible taxi medallions. The Law permitted TLC to sell 400 of these medallions prior to the approval of the DAP. After meeting the legal requirements to sell these medallions (such as environmental review and selling the first Boro Taxi permit), on November 14, 2013, TLC sold 200 of these accessible medallions at public auction. Taxi operators purchased all 200 available medallions, and the average winning bid for a set of two medallions was approximately \$2.2 million (even though TLC sets a lower minimum bid price for accessible medallions than for other medallions). TLC auctioned another 168 medallions on February 26, 2014 and another 32 on March 25, 2014. Of these 400 medallions, 300 had already entered taxicab service as of June 11, 2014. Because TLC successfully auctioned 400 accessible yellow taxi medallions at high bid prices, if the DAP is approved and the agency is permitted to sell another 1,600 accessible medallions, the agency does not believe any incentives would be needed to enable the industry to put them into operation.

**2. Creating a Taxicab Improvement Fund to support accessibility.** Purchasing and operating an accessible vehicle is somewhat less profitable than operating a non-accessible vehicle. This is due to several factors, including higher vehicle purchase prices, additional maintenance costs, and lost revenue driven by additional days off the road for repairs and maintenance. Whereas purchasers of restricted accessible medallions factored these costs into their purchase decisions, unrestricted medallion owners did not.

To support owners and drivers facing accessibility-related costs associated with the plan to bring about a 50% accessible fleet, the rules TLC passed provide for the creation of a new City-managed Taxicab Improvement Fund. Revenue for this fund will come from a new \$0.30 per ride passenger surcharge beginning on January 1, 2015. Five cents of this surcharge will be reserved only for drivers of accessible vehicles to defray the additional costs associated with driving an accessible vehicle, such as off-meter time spent serving wheelchair-using passengers. Twenty-five cents of this surcharge will go to enhance accessibility, including funding payments to taxicab vehicle owners required to put accessible vehicles into service pursuant to the new rules. In addition, beginning in 2016, it is anticipated that monies from this fund will be used to help finance the accessible dispatch program and will replace the per-medallion fee that finances this program currently.

In the summer of 2014, TLC plans to propose rules to further detail the implementation of the commitment the agency made in the rules passed on April 30, 2014 to phase in accessible vehicles to reach to goal of a yellow taxi fleet that is at least 50% accessible. Implementation details to be provided for in these new rules will include methods for disbursing grant funds to vehicle owners converting to accessible vehicles under this program, methods for disbursing funds to accessible taxi and accessible Boro Taxi drivers, criteria for qualifying for grants, and the mechanics of collecting the \$0.30 passenger surcharge. The rules will be designed to ensure that those parties who are incurring the costs associated with operating accessible vehicles are the recipients of grant funds to defray these costs.

The rules passed in April 2014 also provide for transferability of the accessibility requirement. Some parties may find it easier than others to provide accessible service. For example, one fleet may decide to invest in the parts, equipment, and mechanic training that enable it to drive down maintenance and repair costs by performing this work in-house. Another fleet may not have the staff or space to make the investment to do this work in-house, and therefore may face costs for providing accessible service that are high relative to the other fleet. The rules enable the industry to take advantage of varying efficiencies and preferences by allowing owners to transfer a medallion's accessibility requirement and Taxicab Improvement Fund grant to another willing owner whose medallion does not have the accessibility requirement at that time.

The rules also call for a periodic review of the accessibility surcharge and grant program. This review process will ensure that the Taxicab Improvement Fund has sufficient revenue to provide the funding drivers and vehicles owners anticipate to defray their costs associated with providing accessible service. This process will also include review of whether the costs of operating accessible vehicles, such as the costs of purchasing or converting an accessible vehicle, decrease. If costs associated with accessibility

decrease, then TLC could work to reduce the grant amount provided to owners and the surcharge passengers pay.

**3. Implementing an Accessible Boro Taxi grant program and special first-issuance permit pricing.** To expedite bringing accessible service to neighborhoods Boro Taxis serve, TLC has implemented two incentive programs. First, during the first issuance, TLC decided to issue accessible Boro Taxi permits to qualified applicants free of charge (per state legislation, unrestricted permits cost \$1,500 in the first year). A second incentive TLC is implementing, which was required by the HAIL Law, is a one-time grant of up to \$15,000 per permit to defray the higher purchasing and operating costs associated with wheelchair-accessible vehicles as compared to other vehicles. Most accessible Boro Taxi permit holders have applied for or are in the process of applying for grants to cover vehicle costs for accessibility, and as of June 2014 TLC had already approved 294 of these grant applications for a total of \$4.4 million. TLC continues to process grant applications.

**4. Creating a Street Hail Livery Improvement Fund to support accessibility.** Although the accessibility rules passed by the TLC on April 30, 2014 contained provisions primarily pertaining to yellow taxis, they also contained an important provision to support continued improvement of accessible service in the communities served by Boro Taxis. The rules created the Street Hail Livery Improvement fund, to be financed by a passenger surcharge of \$0.30 per ride, which TLC anticipates will be used for purposes similar to those planned for the analogous fund being put into place for yellow taxis. This funding will assist owners and drivers in maintaining accessibility in the neighborhoods served by Boro Taxis, including providing grants to facilitate continued accessibility beyond TLC's existing grant program for accessible Boro Taxis. The details of how this fund will be used will be dictated by a future TLC rulemaking.

**5. Working to incorporate accessible yellow taxi and Boro Taxi fleets into Access-A-Ride program.** In 2014 the MTA anticipates providing over 7.3 million rides at an annual cost of nearly \$500 million through its Access-A-Ride program ("AAR"). TLC would like to explore working with the MTA, disability advocates, and TLC-regulated industries on the longstanding goal of finding ways to leverage taxis to provide service to AAR users. Members of City Council have also expressed interest in pursuing synergies between the AAR program and the growing fleet of accessible TLC-regulated vehicles. While TLC cannot offer an AAR component as a deliverable part of the DAP at this time, the agency is committed to looking at alternatives to both improve service to persons in wheelchairs and to increase income streams for owners of wheelchair-accessible vehicles operating for hire. Some taxi industry stakeholders have expressed interest in the revenue potential associated with providing AAR trips. Disability advocates are also potentially interested in the AAR program's leveraging the fleet of accessible yellow taxis and Boro Taxis to serve its passengers, but advise that this be done in such a way that vehicle availability for non-AAR trips remains plentiful.

If we are able to achieve greater use of yellow taxis and Boro Taxis for AAR trips, it would likely provide several benefits. It could provide more timely and efficient service than is currently available to AAR passengers. It could also offer significant cost savings to taxpayers or provide funding for other initiatives, such as expanding the size of the accessible fleet, because trips provided by yellow taxis and

Boro Taxis would likely cost the MTA less than each AAR trip costs. Finally, leveraging more TLC-regulated vehicles for AAR trips would provide the additional benefit of providing additional revenue to owners and drivers of accessible vehicles, which will support the long-term sustainability and desirability of keeping these vehicles in active service.

**6. Exploring additional funding sources and publicizing tax credits to TLC-regulated industries.** In addition to the funding programs described above, TLC will explore additional funding sources that could contribute to increasing accessibility in the fleets it regulates. For example, in 2013 TLC was successful in obtaining a \$750,000 federal grant from the United States Department of Transportation New Freedom Program. The grant will provide funding to yellow taxi medallion owners with unrestricted medallions volunteering to put accessible vehicles into service. The agency will continue to explore additional sources of revenue to support accessibility initiatives. In addition, through 2017 there is a \$10,000 New York State tax credit available for purchases or costs incurred in making a taxicab accessible. TLC will continue to publicize this tax credit to TLC-regulated industries to maximize incentives available to parties providing accessible service.

### III. Conclusion

Once the DAP has been implemented, NYC will have more than 16,900 accessible vehicles (approximately 8,800 yellow taxis and 8,100 Boro Taxis) operating for hire—one of the largest fleets of accessible taxis in the world. When fully implemented, 54% of all hail-able vehicles in NYC will be wheelchair accessible. This equates to approximately one accessible yellow taxi or Boro Taxi for every five City residents or visitors who use a wheelchair regularly. The DAP does more than just put vehicles on the road. It lets passengers who use wheelchairs have *true access* to this transportation network with the freedom to get a ride by booking in advance, calling for an on-demand pickup, hailing in the street, or booking through an app. The taxi and for-hire industries will be able to follow through on *their* commitments to provide accessible service because the DAP puts a revenue stream in place to fund ongoing costs associated with providing accessible service. The DAP provides accountability by committing the agency to ongoing program monitoring, continued dialog with advocates and other stakeholders, and a roadmap for securing additional funding to support accessibility. The high level of access to private for-hire accessible vehicles outlined in the DAP will become the “new normal” for wheelchair users, their friends, their families, and those with whom they do business. It will ultimately allow residents and visitors of New York to fully take part in our great city.

## **Appendix A**

### **Background Information and NYC Accessible Taxi and FHV Policy from 2003 to 2011**

Taxicabs are passenger vehicles for hire that are permitted to accept hails from passengers in the street anywhere in NYC. They are permitted to make pickups anywhere in the five boroughs, but in practice 93.8% of pickups have traditionally occurred in Manhattan or at the airports. In order to operate a yellow NYC taxicab, one must obtain a City license known as a "medallion." Owners of one of the 13,637 taxicab medallions must adhere to various City regulations, including only operating a taxi with a vehicle that is on the City's list of approved taxicab vehicles. They also may only keep a vehicle in taxi service until its scheduled retirement date. The number of years TLC permits a taxi to operate before a vehicle must retire ranges from three to seven and depends on the type of vehicle and the manner in which it is operated. Minifleet and independent medallions, which give the owner the right to operate a taxicab in perpetuity, each sell for about \$1.3 million and \$1.05 million, respectively.<sup>14</sup>

Alongside the yellow medallion taxicabs, which primarily serve Manhattan, TLC also licenses approximately 46,000 FHVs. Car service vehicles (aka livery cars), black cars, and limousines are all types of FHVs. Whereas yellow taxicabs respond to street hails, most FHVs may only pick up passengers on a prearranged basis. They operate throughout the city, but are virtually the only form of point-to-point service in the parts of the city that are rarely served by yellow taxicabs (Brooklyn, The Bronx, Queens, Staten Island and Northern Manhattan. Boro Taxis may respond to both prearranged trip requests and street hails. The Boro Taxi service area differs from the yellow taxi service area. Boro Taxis may only pick up passengers in the parts of the city where yellow taxis rarely cruise (i.e., Northern Manhattan, Brooklyn, Staten Island, The Bronx, and Queens).

This section begins with a brief history of yellow taxi accessibility in NYC. It then describes accessibility efforts through 2011 in the for-hire vehicle industry.

#### **Yellow Taxis**

*Accessible Medallion Sale.* Before 2004, with the exception of a short-lived pilot program in 1998-1999, there were no accessible taxis in NYC. In 2004, following a 2003 City Council mandate, the City sold the first 81 "accessible medallions." Unlike other "unrestricted" medallions, which can be used with any vehicle on the approved vehicles list, or "alternative fuel" medallions, which can be used with any approved hybrid vehicle, these medallions could *only* be used on vehicles that are wheelchair-accessible.<sup>15</sup> In 2006 through 2008, the City sold a total of 150 additional accessible medallions, bringing the total to 231 accessible medallions. At any given time, there are a few additional accessible taxis on the road whose owners purchased accessible taxis even though they were not required to do so.

*Accessible Dispatch Demonstration Project.* Although putting 231 accessible taxis on the road was a step in the right direction, with a taxi fleet that was less than 2% accessible the likelihood that a wheelchair user waiting at a given intersection would be able to successfully flag down an available accessible

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<sup>14</sup> These values pertain generally to medallions unrestricted as to type of vehicle or restricted for use with alternative fuel vehicles. To date, there has been almost no transfer activity among medallions restricted for use to vehicles accessible to persons in wheelchairs.

<sup>15</sup> Each medallion also has a designation of "minifleet" or "independent." Minifleet medallions must be owned in groups of at least two, whereas any entity may only own one independent medallion. Some independent medallions also have requirements that the medallion owner personally operate the vehicle.

taxicab within a reasonable period of time was low. In 2008, in an attempt to better match wheelchair users with the limited number of wheelchair-accessible taxicabs, the City launched an accessible dispatch demonstration project. This two-year demonstration project, which operated through funds secured by the NYC Council, enabled a passenger to request (through 311 or by contacting the dispatching service directly) that an accessible taxicab be dispatched to his or her location. The driver would assist the passenger in boarding the taxi and the passenger would pay the driver the normal fare. All vehicles operating with wheelchair-accessible medallions were required to participate in the program.

The pilot program had relatively low utilization (about eight trips per day) and high per-trip costs (\$172 per trip). TLC conducted an extensive review of the demonstration project and identified problems with its design that likely drove low utilization and high costs. This included (1) insufficient economic incentive for drivers to participate (drivers were not compensated for the "deadhead" portion of the trip), (2) lack of meaningful penalties for drivers who failed to comply with program rules, (3) insufficient outreach to inform the wheelchair-using community that the service was available, and (4) lack of service standards to ensure passengers were picked up in a timely fashion. Although the demonstration project did not generate large ridership, it enabled the City to learn a great deal about what elements would be needed to roll out a successful dispatch program in the future. TLC used lessons from the demonstration project to develop a far more successful dispatch program (described in Section II(B)(1) of the DAP).

### **For-Hire Vehicles**

TLC Rule 6-07(f) has been in place since 2000 to aid New Yorkers who use wheelchairs in gaining access to accessible FHVs.<sup>16</sup> This rule requires that all FHV companies (also known as "bases") provide a ride in a wheelchair-accessible vehicle to anyone who requests one. The rule requires that the service is equivalent to that provided to non-wheelchair-using passengers in terms of response time, fare, and hours and days of service availability. Although FHV services can comply with 6-07(f) by purchasing their own accessible vehicles, most instead contract with a "6-07(f) provider" to provide this service when it is requested. There is no limit to the number of bases with which each 6-07(f) provider can contract, so in 2012 the entire 44,000-vehicle FHV industry was sharing just 23 wheelchair-accessible vehicles.

Although this system is a step in the right direction in that it begins incorporating accessible service into the FHV industry, accessible service in the FHV industry needed to improve. TLC compliance checks have found that by quoting passengers requesting accessible service higher fares or longer wait times than other passengers, some car services violate the rule's stipulation that they provide "equivalent" accessible service. Considering what we understand to be low program utilization (one 6-07(f) provider said 100 calls "is a very good month"), costs associated with it are high (a base fee of \$300 to \$600 per year per car service plus \$30-\$50 per trip). Low utilization is likely driven by several factors, including the availability of lower-cost Access-A-Ride and the high rates/long wait times sometimes quoted by car services. There also has likely been insufficient outreach about the availability of the service, which has led to a lack of knowledge among potential customers that the accessible service is available. This rule remains in effect today, although the recent introduction of accessible HAIL vehicles has independently increased the level of accessible service available in neighborhoods outside the Manhattan Core and

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<sup>16</sup> Since April 2011 this has been TLC Rule 59-17(c).

presents the most promising opportunity to bring meaningful wheelchair-accessible service to these areas.

**Appendix B. Details of Accessibility Phase In Rules.**

The accessible yellow taxi phase in program approved on April 30, 2014 by the Commission will begin on the earlier of January 1, 2016 or when there is a vehicle available that meets both TLC's standards for accessible taxicabs and the requirements for alternative fuel taxicabs set forth in the City of New York's Administrative Code (the "Accessible Conversion Start Date"). Medallion owners will be required to put accessible yellow taxis into service as follows:

- **Accessible Medallion Owners** (independent and minifleet): All accessible medallions will continue to be required to provide accessible service.
- **Minifleet Unrestricted Medallion Owners:** Minifleet medallions must be owned in groups of at least two and are most often owned in pairs.
  - **Two-Medallion Minifleets:** When an ownership unit consists of two medallions, the medallion in each pair that is set to retire soonest after the Accessible Conversion Start Date must be hacked-up as an accessible vehicle.
  - **Larger Minifleets:** For ownership units consisting of more than two medallions, every medallion scheduled to retire after the Accessible Conversion Start Date must be hacked up with an accessible vehicle until at least one half of the ownership unit's medallions are being used with accessible vehicles.

After this initial set of conversions, owners are free to choose which of their medallions fulfill each ownership unit's 50% accessibility requirement at a given time.

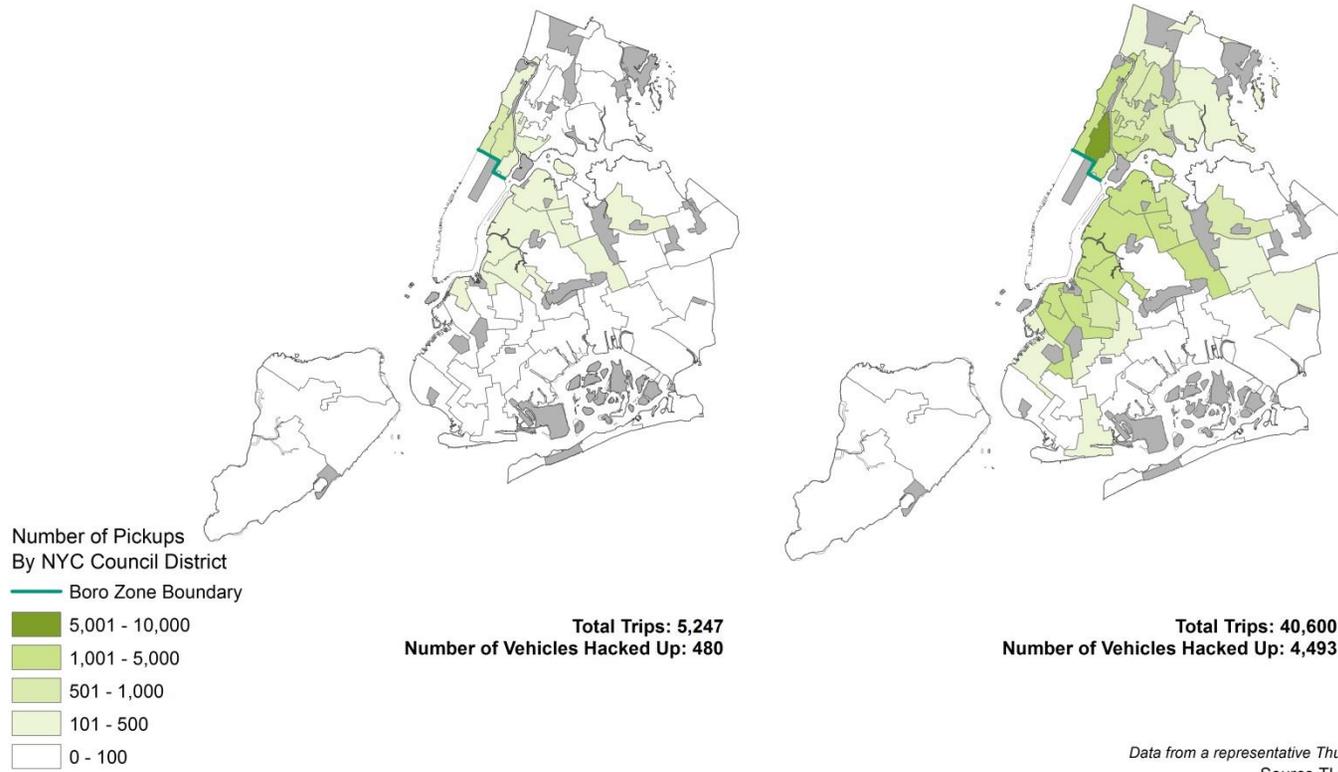
- **Unrestricted Independent Medallion Owners.** In any given year, half of independent unrestricted medallion owners will be required to operate accessible vehicles and the other half will be allowed to operate accessible or non-accessible vehicles. Through this system, independent medallion owners have a responsibility similar to minifleet medallion owners in that 50% of the time (rather than 50% of their medallions, since no entity may own more than one independent medallion) they will be required to provide accessible service.
- **Alternative Fuel Medallion Owners:** Minifleet and independent alternative fuel medallion owners will begin to have accessibility phase in requirements that mirror those of minifleet and independent unrestricted medallion owners, respectively, once an accessible vehicle that complies with hybrid vehicle availability requirements in the Administrative Code becomes available.

**Appendix C. Existing Supply of Street Hail Service.**

**BORO TAXIS**

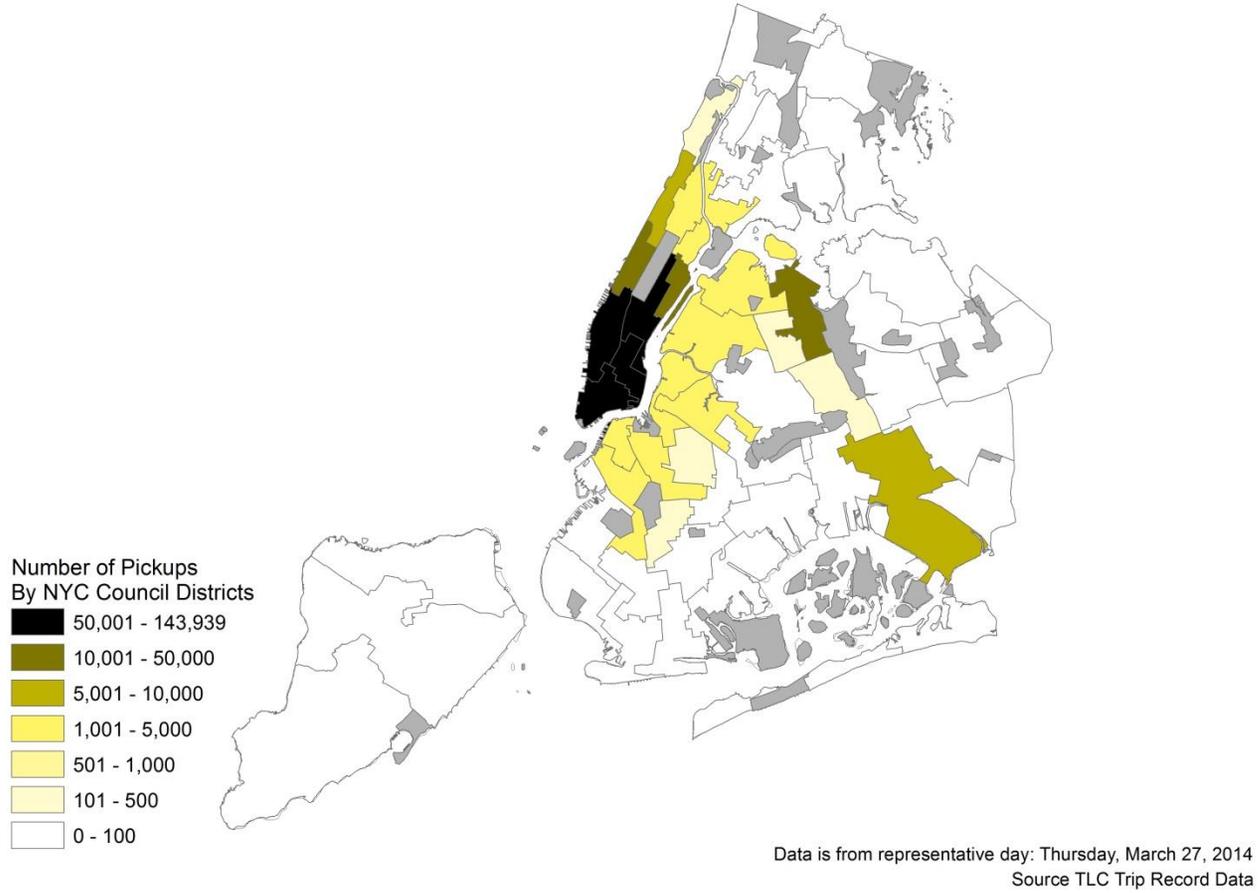
**2 Months After**  
October 2013

**7 Months After**  
March 2014



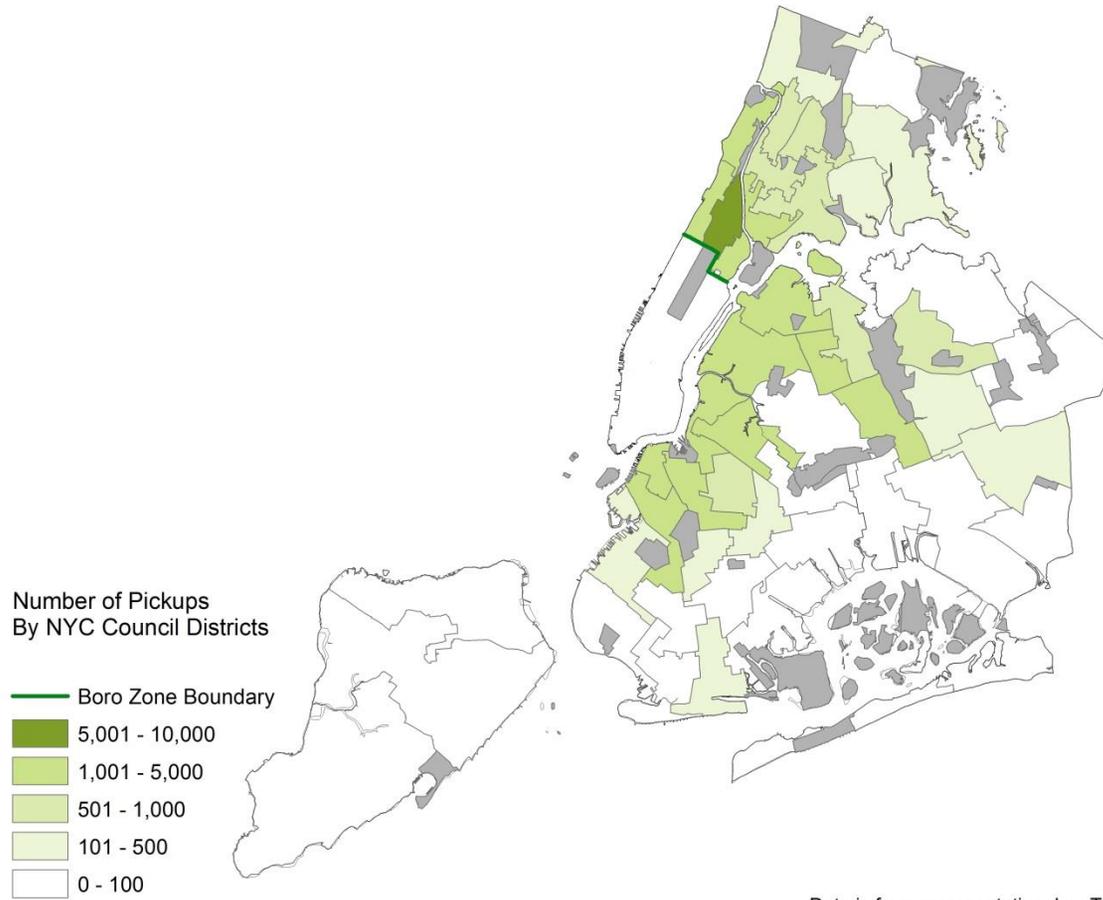
### Supply of Yellow Taxis

# YELLOW TAXIS



### Supply of Boro Taxis

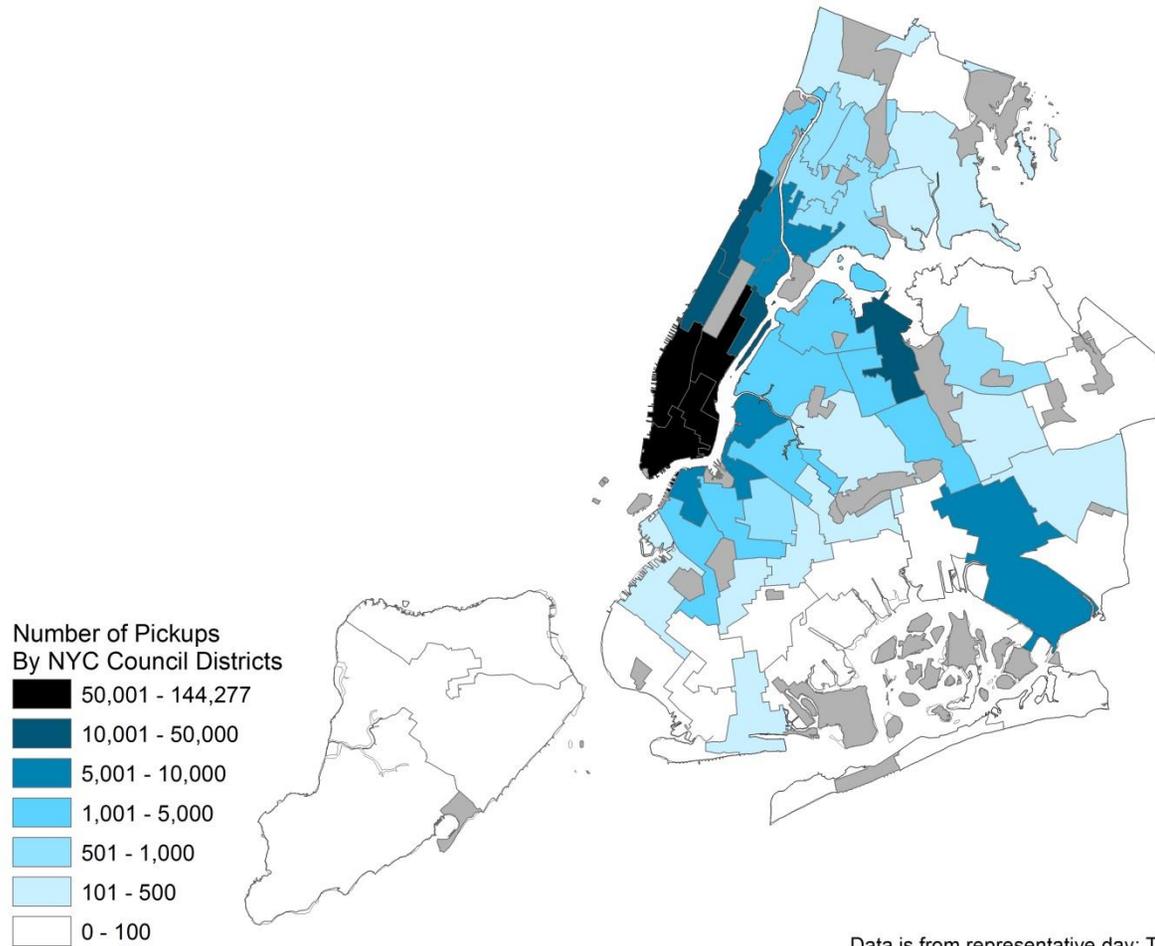
# BORO TAXIS



Data is from representative day: Thursday, March 27, 2014  
Source TLC Trip Record Data

# YELLOW TAXIS + BORO TAXIS

## Combined Supply of Yellow Taxis and Boro Taxis



Data is from representative day: Thursday, March 27, 2014  
Source TLC Trip Record Data