

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

JOINT COMMITTEES ON TRANSPORTATION AND MENTAL HEALTH,  
MENTAL RETARDATION, ALCOHOLISM, DRUG ABUSE AND  
DISABILITY SERVICES

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December 13, 2010  
Start: 10:16am  
Recess: 2:00pm

HELD AT: Council Chambers  
City Hall

B E F O R E:

G. OLIVER KOPPELL  
JAMES VACCA  
Chairpersons

COUNCIL MEMBERS:

- Council Member Gale A. Brewer
- Council Member David G. Greenfield
- Council Member Daniel J. Halloran III
- Council Member Daniel R. Garodnick
- Council Member Vincent M. Ignizio
- Council Member Peter A. Koo
- Council Member Jessica S. Lappin
- Council Member Darlene Mealy
- Council Member Ydanis A. Rodriguez
- Council Member Deborah L. Rose
- Council Member Eric A. Ulrich
- Council Member James G. Van Bramer
- Council Member Ruben Wills

## A P P E A R A N C E S (CONTINUED)

David Yassky  
Chairman  
Taxi and Limousine Commission

Micah Kellner  
Assembly Member  
New York State Assembly

Marvin Wasserman  
Executive Director  
Brooklyn Center for Independence of the Disabled

Chris Noel  
President  
504 Northstar Democratic Club/504 Dems

Jim Felakos  
Staff Attorney  
ACLU

Peter Mazer  
General Counsel  
Metropolitan Taxicab Board of Trade

Ethan Gerber  
Executive Director  
Greater New York Taxi Association

Steven Beladowitz  
Representative  
League of Mutual Taxi Owners

David Pollack  
Executive Director  
Committee for Taxi Safety

Edith Prentiss  
Vice President, Legislative Affairs  
Disabled in Action

## A P P E A R A N C E S (CONTINUED)

Terry Moakley  
Associate Executive Director  
United Spinal Association

T.K. Small  
Attorney  
Brooklyn

Bhairavi Desai  
Executive Director  
New York Taxi Workers Alliance

Beresford Simmons  
All-Rounder, "Minister of Propaganda"  
New York Taxi Workers Alliance

Bill Lindauer  
Campaigns Coordinator  
New York Taxi Workers Alliance

Lester Shafron  
Managing Director and Co-Founder  
Center for Advances in Medallion Taxi and For Hire  
Vehicle Operations

Milagros Franco  
Housing Intake Coordinator  
Brooklyn Center for the Independence of the Disabled

2 CHAIRPERSON VACCA: --hearing. I'd  
3 like to welcome everyone here today. And um, I'd  
4 like to thank my Co-Chairman, Oliver Koppell,  
5 Chair of the Council's Committee on Mental Health  
6 and Mental Retardation, Alcoholism, Drug Abuse and  
7 Disability Services. That is the longest title  
8 for a Committee I ever remember in my entire life.  
9 [laughter] But, that belongs to Oliver Koppell.  
10 And I'd like to welcome you all here, it's  
11 December 13th. I'm James Vacca, I'm the Chair of  
12 the City Council Transportation Committee. As  
13 mentioned, Councilman Koppell and I are co-  
14 chairing this meeting, and the topic will be Intro  
15 443, which we will be discussing today. I want to  
16 acknowledge other Council Members who have joined  
17 us. To my right, Council Member David Greenfield,  
18 Council Member Deborah Rose, Council Member Peter  
19 Koo; Oliver Koppell to my left, immediate left,  
20 and Council Member Dan Garodnick to my far left.  
21 I want to thank Assemblyman Micah Kellner, who is  
22 here today, and who has become an important  
23 advocate for disabled, as, the disabled community,  
24 as well. And we will be discussing a topic  
25 important to many people in our City: the

2 accessibility of our taxis, and our other for-hire  
3 vehicles. Accessibility in the taxi industry is  
4 difficult and often a complex topic. What this  
5 City should strive for is to make the maximum  
6 amount of vehicles available for the maximum  
7 number of its citizens. For those in the  
8 disability community, it is an even more important  
9 topic. As the Transportation options that members  
10 of the disability community have are limited,  
11 especially as MTA service cuts have decimated the  
12 City's fully accessible bus network in many parts  
13 of our City. Only recently, I sat as the MTA also  
14 discussed changes to Access-A-Ride, that will  
15 limit the door-to-door options for many people who  
16 qualify for this service. Moreover, despite TLC  
17 regulations that are meant to serve members of the  
18 disability community, it has remained difficult to  
19 secure accessible for-hire vehicles. I'm aware  
20 that in recent months, the Taxi and Limousine  
21 Commission has been seriously discussing how to  
22 make the taxi fleet and for-hire vehicle fleet  
23 more accessible. One of the options that has been  
24 discussed is a centralized dispatch system under  
25 which a fleet composed of yellow taxis and various

2 for-hire vehicles, would be available specifically  
3 for people with disabilities. This dispatch  
4 system would reach into all parts of our City. It  
5 would, to my understanding, guarantee that  
6 vehicles are dispatching to a person needing such  
7 a vehicle within a set amount of time. While the  
8 details have yet to be formally announced, this  
9 concept is intriguing, and it is one that I would  
10 like to find out more about today, during the  
11 testimony of the Taxi and Limousine Commission and  
12 others in the industry. This system has the  
13 potential to provide many more transportation  
14 options for the disabled community. As Chair of  
15 the Transportation Committee, I am committed to  
16 working to provide the maximum amount of  
17 transportation options to the maximum amount of  
18 people. And I look forward to discussing all the  
19 options with the Taxi and Limousine Commission,  
20 the industry, and the advocates for people with  
21 disabilities. I'd like to introduce my staff,  
22 Lyle Frank, Counsel to the Transportation  
23 Committee; Novarto [phonetic] Lopez is here, he is  
24 the Staff Analyst for the Transportation  
25 Committee. And I'd now like to introduce my Co-

2 Chair, Council Member Olive Koppell.

3 CHAIRPERSON KOPPELL: Thank you,  
4 Council Member Vacca, I appreciate the  
5 Transportation Committee and you following up on  
6 putting together this hearing on relatively short  
7 notice. And I'm looking forward to hearing from  
8 the, our former colleague, who I want to welcome  
9 here this morning, David Yassky, who was a very  
10 significant part of this Council until recently.  
11 And I want to acknowledge that. I'm going to read  
12 at least part of my opening statement to just sort  
13 of set the scene a little bit further, although I  
14 think that Chairman Vacca has presented the  
15 primary objectives of the, of the hearing. We  
16 look forward to hearing the Commissioner and other  
17 interested parties, and I want to also acknowledge  
18 Micah Kellner, who's become a very effective  
19 advocate for the disabled community. Here in New  
20 York City, just to set the record, there are over  
21 13,000 yellow cabs, only 231 of these taxis are  
22 wheelchair accessible. Most of the taxis now on  
23 the street were not really designed for being  
24 taxicabs, like for instance the London Cabs, but  
25 rather they're commercial, regular commercial

2 vehicles, like the Crown Victoria, which is the  
3 most common vehicle; however, there are other  
4 models on the street, including hybrids, minivans,  
5 and as pointed out, wheelchair accessible  
6 vehicles. As you know, the Department of Citywide  
7 Administrative Services, acting on behalf of the  
8 Taxi and Limousine Commission, released a request  
9 for proposals entitled, "New York City Taxi of  
10 Tomorrow." The RFP seeks an original equipment  
11 manufacturer or a team to design and manufacture a  
12 new taxicab. The goal is to design a new taxi  
13 which will include the highest safety standards,  
14 superior passenger experience, driver comfort and  
15 appropriate purchase price sustainability, minimal  
16 physical footprint, universal accessibility as one  
17 possible requirement, and an iconic design. And  
18 as a mention, one of the qualities that are looked  
19 for is universal accessibility. Now the  
20 respondent who's awarded a contract for New York  
21 Taxis for ten years will have to be the, or will  
22 be the exclusive provider of such taxicabs. On  
23 November 15th the TLC and the Mayor announced  
24 three finalists for the taxi of tomorrow. The  
25 three designs selected as finalists are



2 submissions from Ford Motor Company, Carsan  
3 [phonetic] USA and Nissan North America. Of these  
4 three, only the Carsan USA design is wheelchair  
5 accessible. As already discussed by Chairman  
6 Vacca, we have regulations in place to provide  
7 accessible vehicles to those who require  
8 wheelchair accessibility and I know that the  
9 Chairman's going to discuss those requirements and  
10 how they may be modified or are being modified at  
11 the present time. However, the reason for trying  
12 to get this hearing today is not only to discuss  
13 the new, and I think important, I would regard  
14 them as interim, I don't know how the Commissioner  
15 will, but I would regard them as interim steps to  
16 provide accessibility, as well as to discuss,  
17 because this taxi of tomorrow is in the process of  
18 being chosen, to discuss ways in which we can make  
19 the taxi of tomorrow fully accessible. As  
20 Chairman Yassky knows, many members of the  
21 Council, including the Speaker, have regarded  
22 wheelchair accessibility as an important goal to  
23 be achieved by this City. And in fact it was in,  
24 it was this Council, I think, that was  
25 instrumental in getting some wheelchair accessible

2 cabs on the street. So, this is a longtime  
3 objective of the Council and I am concerned that  
4 if we're picking the taxi for the next ten years,  
5 that we're picking a taxi that might not be  
6 wheelchair accessible. Again, that's one of the  
7 reasons to try and hold the hearing now, because  
8 we want to hold the hearing before a decision is  
9 made on the taxi of, of tomorrow. I might also  
10 introduce the staff before we hear from the  
11 Commissioner and others. To my left is Jennifer  
12 Wilcox, who's Counsel to the Committee. Michael  
13 Benjamin, who's the Program Associate. In the  
14 back over here, unfortunately Jaymon Sewell  
15 [phonetic], who himself has a disability, I might  
16 say, and unfortunately that disability is  
17 preventing him, it has nothing to do with  
18 taxicabs, but it has to do with his disability  
19 preventing him from being here today, but it  
20 points out that how many in our society do require  
21 special accommodation because of their, their  
22 disability. So, without further ado, perhaps  
23 you'd like to introduce a new member, another  
24 member of your Committee.

25 CHAIRPERSON VACCA: Yes. Thank

2 you, Council Member Koppell. I'd like to indicate  
3 that Council Member Jessica Lappin has joined us.  
4 We welcome Council Member Lappin. And we welcome  
5 as a new member of the Committee, Council Member  
6 Greenfield. And we know you'll do a great job.  
7 Thank you for being on this Committee and helping  
8 us.

9 CHAIRPERSON KOPPELL: Speaking of  
10 new members, I want to particularly welcome a new  
11 member to the Council, and to the Committee, to  
12 my, my Committee, the Committee on Mental Health  
13 and Mental Disabilities, I won't say the full  
14 name, but Ruben Wills from Queens. Welcome, we're  
15 delighted that you're joining the Committee today.  
16 We regret that Council Member Cabrera will no  
17 longer be a member of the Committee, but I'm sure  
18 you'll be a very fine replacement. And I know  
19 you're also going to be the Chair of the  
20 Subcommittee on Drug Abuse, and we're looking  
21 forward to working with you. Welcome. Okay,  
22 having done the preliminaries now, we look  
23 forward--Oh, Dan Halloran wasn't introduced.

24 CHAIRPERSON VACCA: Oh.

25 CHAIRPERSON KOPPELL: That's very

2 important. Mr. Halloran is a very active and  
3 diligent member of the Committee on Mental Health.  
4 Welcome. Okay. It's hard to not say Councilman  
5 Yassky, but Chairman Yassky.

6 DAVID YASSKY: [off mic] - - I'm  
7 late for dinner.

8 CHAIRPERSON KOPPELL: [laughs]

9 DAVID YASSKY: [off mic] Is this--  
10 is this on? Yes. [technical] Thank you for the  
11 assistance, Council Members, and good morning,  
12 Chairman Vacca, Chairman Koppell, members of your  
13 respective Committees. My name is David Yassky  
14 and I Chair the New York City Taxi and Limousine  
15 Commission. Thank you for the opportunity to  
16 speak to you this morning about wheelchair  
17 accessibility in New York City's yellow taxi and  
18 for-hire vehicle industry, including our proposed  
19 dispatch program for accessible vehicle--for  
20 accessible vehicles, and the "Taxi of Tomorrow"  
21 request for proposal process. I--as you say, Mr.  
22 Chairs, this is formalities, but this really is a  
23 particular pleasure to be here, a privilege about  
24 this important issue. And I appreciate your, I  
25 note the attendance of so many of the Committee

2 Members, I'm very pleased by that. This is for us  
3 at the TLC a topline issue. And my, I will  
4 apologize in advance if my testimony goes a little  
5 bit beyond the allotted time, but I want to make  
6 sure I cover, cover this thoroughly.

7 CHAIRPERSON KOPPELL: As you know,  
8 with--

9 DAVID YASSKY: Yes.

10 CHAIRPERSON KOPPELL: --  
11 representative of the Administration, we don't  
12 have any time limits.

13 DAVID YASSKY: You know, it's  
14 funny, I used to not like that rule, but  
15 [laughter] it's--

16 CHAIRPERSON VACCA: Oh, now we  
17 know.

18 DAVID YASSKY: There you have it.  
19 So, the Taxi and For-Hire Vehicle industry is a  
20 key part of the City's transit network. And it  
21 must be accessible to all, just like the buses and  
22 subways. Again, for us at the TLC, accessibility  
23 is a topline priority. We are fully committed to  
24 ensuring that wheelchair users can have access to  
25 taxis and for-hire vehicles. Before we discuss

2 Proposed Local Law, Intro 433, I would like to  
3 briefly go over the City's prior attempts at  
4 addressing accessibility in the taxi and for-hire  
5 vehicle industry, and some of our plans for the  
6 future. Chair Vacca alluded to this, that we have  
7 been, and I will now describe in some, a little  
8 bit of detail. We've been looking at how we can  
9 make permanent the pilot program that operated for  
10 a couple of years for dispatch of cars. The--that  
11 was described in the Daily News last week, despite  
12 it was our kind of preliminary internal  
13 discussions, but nonetheless, now that it's  
14 public, I think we ought to start getting to the  
15 substance of it. As you know, starting in 2004,  
16 and continuing through 2008, the TLC issued 231  
17 taxi medallions that can only be used with  
18 wheelchair accessible vehicles. This idea  
19 originated with the City Council, when this body  
20 enacted legislation in 2002 that required the  
21 first 81 such medallions, credit where credit is  
22 due. And Administration continued by adding  
23 additional medallions in subsequent years. As I  
24 say, there are now 231 such medallions, plus a  
25 handful of, of owners have voluntarily chosen to

2 purchase wheelchair accessible vehicles. So we're  
3 now at about 240 total. Of course, that number of  
4 accessible taxis is too few for wheelchair users  
5 to have a realistic expectation of hailing one.

6 So the next step was a pilot program to enable  
7 wheelchair users to call 311 and have one of the  
8 accessible taxis dispatched to pick them up.

9 Again, the first concrete step here was taken by  
10 the Council, which allocated a million dollars to  
11 fund this program. The program was in operation  
12 from July 2008 through June of this year. And as  
13 to the threshold question, can a dispatch program  
14 work with yellow taxis, 'cause that is a, you  
15 know, change in how the industry operates, but can  
16 it work for this purpose. The pilot demonstrated  
17 that such a program can work. It delivered more  
18 than 5,800 trips to approximately 2,700 unique  
19 customers. Even more important, our two years of  
20 experience with the pilot gave us critical  
21 information about how to design a more effective,  
22 permanent program. And to be clear, even though  
23 this pilot discontinued when the funding ran out,  
24 the TLC remains committed to enabling people who  
25 need wheelchair accessible taxis to get them.

2 It's--it's, makes no sense to me that we have  
3 accessible taxis on the road today, but ever since  
4 the expiration of the pilot program, the  
5 wheelchair using community has no means to access  
6 them. So we do intend to implement a permanent  
7 program, and we want to make sure we learn the  
8 lessons of the pilot, so as to design the most  
9 effective program possible. One of the  
10 deficiencies of the pilot was a lack of outreach  
11 to wheelchair users. This was due in part that  
12 the program was no allotted funds for outreach or  
13 advertising, but also I think at the time there  
14 was belief that word would spread more quickly on  
15 its own within the community. We now know that  
16 more outreach was necessary. We, and we also did  
17 not know what the peak demand for the service  
18 would be. The pilot, the pilot was designed to  
19 provide a minimum of 250 trips a day. However, on  
20 average, the program provided eight trips a day,  
21 there were eight, there were about eight calls per  
22 day. Meaning that the pilot program was way  
23 overfunded. As it turned out, the program cost  
24 about \$172 per trip. Again, I believe the actual  
25 demand is higher, and that the low usage in part



2 reflects the lack of outreach. But as we think  
3 about how to design a program, I would note, even  
4 a mammoth increase in the number of daily users  
5 from the pilot level, even if you had a thousand  
6 percent increase from eight to 88 riders a day,  
7 that would still be significantly less than the  
8 250 daily riders that the TLC had been told to  
9 anticipate and expect in the pilot. A second and  
10 related deficiency was the lack of service  
11 standards. Given that we don't really know how  
12 many rides to anticipate, we at the TLC think the  
13 best way to set up a permanent program is to  
14 establish standards for maximum response time, and  
15 require the operator to figure out how to meet  
16 that. Now in practice, response times of the  
17 pilot were okay. Not great, but okay. Customers  
18 could call on demand with an average wait time of  
19 about 44 minutes, or in advance to receive service  
20 within 23 minutes. Now I think we can do better.  
21 And part of the reason has to do with the third  
22 problem we encountered with the pilot, which was  
23 reluctance among many taxi drivers to respond to  
24 dispatch calls. This reluctance should not be  
25 surprising given the economics of the industry.

2 In many cases, drivers pay a fixed amount per  
3 shift or per week for the taxi and the medallion,  
4 and keep whatever they earn in fares. And with  
5 the medallion and vehicle leases the way they are,  
6 they need to keep the taxi filled with passengers  
7 if they're going to feed their families. So many  
8 drivers were reluctant to respond to a dispatch  
9 call when it meant that they might have to pass by  
10 a street hail passenger on the way. If we want  
11 this program to work, it has to work for drivers.  
12 And that means that they should be compensated for  
13 the time from the dispatch to when they pick up  
14 the passenger. Once we do that, there's no good  
15 reason for a driver to avoid a dispatch call, and  
16 so then we should also be unafraid to strictly  
17 enforce a failure to respond just as we would a  
18 street hail refusal. So, what--what we've  
19 learned, I think, from the pilot, is it was not  
20 set up in a way that made economic sense for  
21 drivers, so it generated a, a reluctance; but  
22 also, then, we needed to do more enforcement. I  
23 think once you have the, the carrot, if you will,  
24 then you can also do the stick of the enforcement,  
25 and with that we should be able to get full

2 participating by the drivers. And that's should  
3 drive response times down significantly, at least  
4 for calls in Manhattan. And this is fourth  
5 important point. The pilot program, though it  
6 purported to offer citywide service, included only  
7 yellow taxis. Now, as we all know, yellow taxis  
8 cruise almost exclusively in Manhattan. Even if  
9 we could force a taxi to respond to a dispatch  
10 call from Eastern Queens or Southern Brooklyn or  
11 the Northern Bronx, let alone Staten Island, won't  
12 even, not even contemplate--there's no, there--

13 MALE VOICE: [off mic] They're not  
14 here to protect themselves. [laughter]

15 DAVID YASSKY: There's real,  
16 realistically--

17 CHAIRPERSON KOPPELL: Yes, they  
18 are.

19 MULTIPLE: Yes, they are.

20 [crosstalk]

21 DAVID YASSKY: They are.  
22 Realistically, even if, even if we thought that we  
23 were going to set up a dispatch program that would  
24 get yellow taxis to respond to calls from those,  
25 in those areas, there is no way they could get

2 there on a timely basis, because again, they are  
3 cruising in mid-Manhattan, almost exclusively.

4 So, I believe we have an obligation to provide  
5 service in all five boroughs, and that means that  
6 the for-hire vehicle sector, the liveries and the  
7 black cars, also has to be part of the solution.

8 Now, as you know, the TLC already has rules that  
9 in theory require livery and black car bases to  
10 provide wheelchair accessible service, either  
11 directly or by contracting with another provider.

12 Our rules, and these rules have been in place for  
13 more than a decade, our rules require "equivalent  
14 service." Meaning equivalent response time and

15 pricing. But the, the truth is, that standard is  
16 not being met. This has become very clear to the  
17 TLC after conducting enforcement operations

18 through a secret shopper program, or "stings," as  
19 some in the industry have been calling it. And,

20 you know, we've, we had a significant sector of  
21 the industry, the livery and black car industry

22 leadership, picketing outside our office,

23 complaining about this enforcement, because indeed

24 we have been trying to enforce this rules, these

25 rules. We, indeed we've issued some 236

2 summonses, each carrying a \$1,000.00 fine, to  
3 2,002, to 202 for-hire vehicle bases since October  
4 of 2009. Now, as I say, we have been for, for at  
5 least the past several months, we have been  
6 enforcing these, the rules that require for-hire  
7 bases, liveries, black cars, to provide equivalent  
8 service to people in wheelchairs. But the truth  
9 is, the reality is that forcing for-hire vehicle  
10 bases to meet the equivalent service standard,  
11 cannot be accomplished without great economic  
12 upheaval in the industry. Even the most ardent  
13 advocates on behalf of people with disabilities,  
14 such as Assembly Micah Kellner, I recognize his  
15 presence, his distinguishes presence here today,  
16 even, even advocates as ardent as Assembly Member  
17 Kellner recognize this. Indeed, the Assembly  
18 Member recently sent me a letter asking that we  
19 suspend enforcement of the 607F, the equivalent  
20 service rule, and that we, you know, figure out  
21 some better way to do it. Now, while I think that  
22 we have to enforce the rules that we have, I, and  
23 we can't retreat from our position that wheelchair  
24 users are entitled to service, I do agree that  
25 there's a better way to do it. and that is that

2 we should have a central dispatch operator with  
3 clear and enforceable service standards for  
4 response time, and allow that operator to provide  
5 service on behalf of the entire industry. So, if  
6 you put these pieces together, the taxi piece, the  
7 livery piece, and incorporate the lessons that  
8 we've learned from the pilot program, I think you  
9 get a pretty clear direction for a how a citywide  
10 dispatch program should operate. It should draw  
11 on both the taxi and for-hire vehicle sectors, to  
12 get wheelchair users the service they need and  
13 deserve. The TLC intends to move forward with  
14 such a program, and we would like to do so in  
15 partnership with advocates and with the industry,  
16 and of course with you in the Council. So the  
17 first step is a request for information seeking  
18 guidance on how a program would be maximally  
19 effective. We should be in a position, and I have  
20 to greatly apologize to you Council Members, that  
21 I did not, at the, at the outset introduce my  
22 colleagues. We have the Taxi and Limousine  
23 Commission General Counsel, Charles Frasier, and  
24 our Deputy Commissioner for Policy and Planning,  
25 Eshwane Chabra [phonetic]. We should be in a

2 position to release that request for information  
3 shortly. Okay? If you want to throw out a day,  
4 you can. But I would say, within weeks rather  
5 than months, we will put out a Request for  
6 Information. That will have a pretty short  
7 timeframe, till we get the feedback back. The  
8 next step will then be to issue a request for  
9 proposal, for the operator, or operators, as the  
10 case may be, if we want to have separate for taxi  
11 and for livery/black car. And the, but the  
12 ultimate goal, then, would be to move on a speedy  
13 timeframe so that we have the service up and  
14 running by this time next year. One part of this  
15 I've not addressed is money. This, this, it costs  
16 money. We know that the provision of wheelchair  
17 accessible service is not, cannot be done with the  
18 market rates for serviced in either industry. So  
19 it requires subsidy. We intend to finance the  
20 program with a per vehicle charge on the entire  
21 industry, including taxis, livery cars, black  
22 cars, limousines. This really is a responsibility  
23 of the entire industry, not just one or another  
24 sector. So, I would like to now address, with  
25 that, so with that context, that is the pilot

2 program, that is the dispatch program, or the  
3 outlines of what we intend to push forward on for  
4 a dispatch program. I would like to address Intro  
5 433, which would require the Taxi and Limousine  
6 Commission to select a taxi cab that is designed  
7 to be wheelchair accessible whenever a new taxicab  
8 is approved for use in New York City. The goal of  
9 this bill is laudable, without question. And it  
10 accords with the Administration's position that we  
11 have a goal of full wheelchair accessibility  
12 throughout the industry. But the, but that is,  
13 and as Chair Koppell said, there are a number of  
14 goals we're seeking to achieve, and it is not our  
15 position that this is a sine qua non, that we have  
16 to do this, with this next vehicle choice, or else  
17 we can't do anything. Indeed, if we were to adopt  
18 that position, I think it would threaten some of  
19 the other goals that we have in this process. So,  
20 this bill would raise serious issues with our Taxi  
21 of Tomorrow RFP process, it would require us to  
22 select a winner based on one criteria, a fully  
23 wheelchair accessible taxicab, rather than a  
24 balance among performance, comfort,  
25 sustainability, accessibility and iconic design.



2 Accordingly, the TLC cannot support this  
3 legislation. The Taxi of Tomorrow RFP provides  
4 for a selection process that can get us  
5 significantly closer to this goal, creating a  
6 fleet that's accessible along with the other goals  
7 we are pursuing. It will be a long term contract,  
8 that's what we envision. We do not envision that  
9 the first vehicle produced under the contract will  
10 be the last one. What we intend to create here is  
11 a long term partnership with a supplier that will  
12 enable the TLC on behalf of the entire industry to  
13 continue to make progress, you know, year by year,  
14 on our goals for the fleet. Additionally, this  
15 process gives the City leverage to negotiate with  
16 the three auto manufacturers. As Chair Koppell  
17 noted, there are now three leading contenders for,  
18 for this award. For features that were not  
19 included in their original proposals, including  
20 feature that can make the vehicles accessible to  
21 passengers with other types of impairments and  
22 disabilities. If Intro 433 were to become law,  
23 the City would lose any leverage it had and be  
24 forced to contract with one manufacturer or none  
25 at all. We are currently in discussions with all

2 three of the leading contenders for their best and  
3 final offers, and we hope that those will address  
4 some of their proposals shortcomings. We believe  
5 the current process offers the best opportunity  
6 for bringing an accessible and clean vehicle to  
7 market. Therefore I repeat we do not support  
8 Intro 433. That concludes my testimony, I thank  
9 you again for the opportunity to testify at some  
10 length here on this proposed bill. And at this  
11 time, I am happy to answer any questions that you  
12 have.

13 CHAIRPERSON VACCA: Thank you.

14 Thank you, Chairman Yassky for your testimony, and  
15 in fact much of your testimony really allows us to  
16 feel good about the future when it comes to  
17 addressing many of the issues which the disabled  
18 community is concerned about. I did notice in  
19 your testimony, you spoke about working in  
20 partnership with advocates and the industry. And  
21 of course, the Council also, I'm interested in  
22 working with you on the new structure you're  
23 talking about. But, I did want to question you  
24 about how would you establish a fair zone system  
25 for the for-hire and for the taxi vehicles? How

2 would that come about under your RFP that we're  
3 talking about?

4 DAVID YASSKY: Okay, thank you,  
5 thank you, that's a, you know, there are many  
6 details, but there are probably six or seven  
7 really core issues, that's certainly one of them.  
8 And let me again preface by saying we have a  
9 proposal. We will be putting that forward, we're  
10 talking about it today, we're, on Thursday we have  
11 a meeting of the Commission, the Taxi and  
12 Limousine Commission is of course a Commission of  
13 nine members. And we're going to start our  
14 process with a presentation to the Commissioners  
15 on Thursday of the substance of the proposal. But  
16 the, the real goal of that is to invite feedback,  
17 formal feedback, from the stakeholders, industry  
18 advocates, and of course the elected officials,  
19 who have their interests at heart. And so, I say  
20 all that to say, we, we have a proposal, but  
21 welcome feedback. In thinking about the fare, to  
22 me the core principal's got to be that a  
23 wheelchair user must not be forced to pay more  
24 than any other passenger. So, whatever the going  
25 rate is, I believe that's the rate that the

2 wheelchair user should pay as well. Again, and I  
3 said before that, that requires some subsidy, but  
4 I think that's a core principal of equality. So,  
5 for taxis, that's easy, there's a meter. For--  
6 and, and again, when I say that the driver should  
7 be compensated for the dispatch part of this, that  
8 has to be subsidized. We--we must not, I believe,  
9 require the wheelchair user to pay from the moment  
10 of dispatch, because then effectively they'd be  
11 paying more than, than another passenger. So, in  
12 my view, subsidy provides the first part of that  
13 taxi trip, until the passenger is picked up; then  
14 the meter starts again, and the passenger pays  
15 from that point forward. For trips provided by  
16 livery vehicles, here we have an industry where  
17 the rates are not regulated. And indeed they  
18 vary. One livery base might charge \$15 for a  
19 certain trip, another might charge \$20. Our  
20 proposal for then how to ensure fairness to  
21 wheelchair users is that those trips, too, would  
22 use a taxi meter that would go at the same rate as  
23 the yellow taxi meter. That's the best way we've  
24 figured out to say that you're not going to be  
25 overcharged if you're a wheelchair user. We

2 welcome other suggestions, if there are some, but  
3 any other suggestion, if it requires strict  
4 regulation of the livery rates, would have its own  
5 problems. So, that's a long answer. What we're  
6 looking at doing is using the taxi meter rate.

7 CHAIRPERSON VACCA: I also wanted  
8 to talk to you about the dispatching process. How  
9 would that work, vis-à-vis the yellow versus the  
10 for-hire vehicles?

11 DAVID YASSKY: So, so what we have  
12 in mind here, is that our RFP, or our governmental  
13 standards, would be fairly simple. We would  
14 simply require that the operator in, live by both  
15 the price and the response time standards. So,  
16 what we are proposing is that every wheelchair  
17 user that calls, and it, what we envision is, I  
18 suppose you could call individual bases, and they  
19 could transfer, but really 311, that way everyone  
20 knows is a simple number to call. Call 311, and  
21 then they will transfer to the operator. That the  
22 operator would be required to provide, or be  
23 required to get a car, to every caller, within 60  
24 minutes of the call, and half within 30 minutes.  
25 So, they'd be required to meet half the calls

2 within 30 minutes, and the other half in no more  
3 than 60 minutes. We think that strikes a balance  
4 between achievable and not, I don't want to have a  
5 ten minute requirement that people aren't going to  
6 be able to meet. That's what you have now in the  
7 livery industry with this Rule 607F. In theory,  
8 if, in Sheepshead Bay, the local base, you call  
9 them, they get you a car in ten minutes, and it's  
10 a regular sedan, our rules say, "Well, if you call  
11 for a wheelchair car, they're also supposed to be  
12 able to get your car in ten minutes." I don't  
13 know that that's doable. So, we would like to  
14 have something that is doable, we can tell people,  
15 "This is the real service that you're really going  
16 to get." And then, enforce that. So, what we  
17 have in mind, again, is 30 minutes for half the  
18 calls, 60 minutes for all the calls.

19 CHAIRPERSON VACCA: Also, David,  
20 Commissioner, when you spoke about the, the charge  
21 involved, the, the subsidy for the for-hire  
22 vehicles is going to come from the assessment fee  
23 you spoke about?

24 DAVID YASSKY: Yeah, so what we  
25 picture, so what are you, what are we paying for?

2 Are you paying for the dispatch operator? You're  
3 paying for the extra cost in providing that  
4 wheelchair accessible service. Let's say for a  
5 given trip, you know, the market rate, if you  
6 will, is \$15. That's given, that's using a sedan,  
7 that's using a sedan that's full all the time, or  
8 full a good percentage of the time. For, to be  
9 able to meet that half hour standard, or hour  
10 standard, it means, first of all, that the bases,  
11 or the operator, is going to have, will have to  
12 purchase accessible vehicles that are more  
13 expensive. It means that they're going to have to  
14 keep enough available to respond to the calls.  
15 And if you're talking about, even if it's again,  
16 it was eight calls a day for the pilot, even if  
17 it's 50, 70, it means they're going to be vacant a  
18 fair bit of the time. So, they're not going to be  
19 able to provide that trip at the same \$15 rate  
20 that the regular livery base provides. So, that  
21 requires subsidy. Keep the car around, more  
22 expensive cars. And then the third part is, for  
23 the, on the yellow side, paying for that first  
24 half of the trip. That requires subsidy. The  
25 idea is that you put all those together, the

2 operator is responsible for providing all that,  
3 making all those payments. Where they get the  
4 money from, the two choices are the taxpayers and  
5 the industry. We do believe this is a  
6 responsibility of the industry, that should be  
7 met with a per car charge. We believe it works  
8 out to a pretty modest number, but you don't know  
9 the number until you do the RFP and you see how  
10 cheaply people can provide it. I will say, I  
11 think that it can be done. I don't think it's  
12 going to be \$172 a trip, let's put it that way.  
13 We, the pilot program, and it's not, hindsight's  
14 20/20, right? So you look back, better to over,  
15 you know, provide, maybe, than under provide. But  
16 the pilot program was built for a much larger  
17 demand than materialized. I think that an RFP--  
18 and it was also awarded without competitive  
19 bidding. I think an RFP process will right size  
20 the program, and it should be a modest fee.

21 CHAIRPERSON VACCA: Now, just to  
22 clarify, the fee that you would charge, would you  
23 not anticipate that that fee would be passed on to  
24 customers who use the livery cabs?

25 DAVID YASSKY: I suppose that, I



2 suppose that that's a possibility. Right now,  
3 let's again take the two parts separately. Now  
4 the two sectors. The livery industry, is already  
5 required to provide equivalent service. We are  
6 enforcing that, as, as we discussed, and that's,  
7 those are significant finds, \$1,000 per violation.  
8 I--you know, I hope that, I know that there's some  
9 folks from the livery industry here today. I hope  
10 that they'll be testifying here. We've asked them  
11 to share their views with the TLC on Thursday. My  
12 expectation is that the livery folks will look at  
13 that and will say, "You know what? We'd rather  
14 pay for a system that really works, and pay for  
15 the single provider, than have this obligation on  
16 each and every base, that we know we can't meet,  
17 and we can--we're liable to be hit with thousand  
18 dollar fines, you know, unpredictably.

19 CHAIRPERSON VACCA: I, I agree with  
20 that sentiment. I thought that the fines were not  
21 fair, in a way. So.

22 DAVID YASSKY: I know, I  
23 understand, and you're not the, you know, we've  
24 heard from a number of elected officials, as well  
25 as the industry folks, who feel that the 607 rule

2 should not, the equivalent service rule should not  
3 be enforced.

4 CHAIRPERSON VACCA: Are you talking  
5 about 24 hour availability for a disabled person?

6 DAVID YASSKY: Correct.

7 CHAIRPERSON VACCA: Okay. I also  
8 wanted to ask about your, or the City's long term  
9 commitment to increasing availability of disabled,  
10 accessible taxis.

11 DAVID YASSKY: Yeah.

12 CHAIRPERSON VACCA: A person who is  
13 disabled may say, "I still cannot get a cab in  
14 Manhattan. I still cannot hail a cab, I have to  
15 call. Why do I have to call when someone else can  
16 hail a cab?" And the same thing could be said in  
17 the outer boroughs, that they have to call first,  
18 they cannot go to a cab stand, or a cab base. Is,  
19 is this on your radar screen? And tell me how you  
20 would answer those questions.

21 DAVID YASSKY: Okay, absolutely,  
22 and you know, I know that's kind of the thrust of,  
23 of Intro 433, that is the topic of the hearing, is  
24 the idea that every vehicle in the, at least in  
25 the yellow taxi fleet, should be accessible. Now,

2 for the outer boroughs, let me say, I think that's  
3 not so much, I don't see the concern quite so much  
4 in that people, folks already, Brooklyn, Queens,  
5 Bronx, Staten Island, are calling for a car. So,  
6 there's, we know the taxis, in my testimony,  
7 almost exclusively yellow taxi Manhattan, the  
8 number is about 97-and-a-half percent, of yellow  
9 taxi trips that originate either in Manhattan or  
10 at the airports. So, outside, you really are  
11 talking a dial service, no matter what. In  
12 Manhattan, we, we believe that the, that a  
13 dispatch program, if effect--if well run, should  
14 be able to offer response times that approximate  
15 those for street hails. Now, what's the street  
16 hail number is kind of hard to figure out, if  
17 you're talking about two in the afternoon at Sixth  
18 Avenue, it's probably two minutes. If you're  
19 talking about 5:00 p.m., on East 80th Street, it  
20 might be 20 minutes. And if you're talking about,  
21 of course, any time of the day, either in northern  
22 Manhattan or outside Manhattan, you might be  
23 talking about a wait of days till you see a yellow  
24 taxi. So, the idea is to try and create a service  
25 that gives wheelchair users the same transit

2 opportunities that, that everybody else has. And  
3 I do think the dispatch program can accomplish  
4 that. Here's what I would, I'll say, is that  
5 even--if we were to pick, and, and I appreciate  
6 that what Chair Koppell said about how, the timing  
7 of this hearing being too guide the decision  
8 making on Taxi of Tomorrow, we also are  
9 constrained by our procurement process. That's  
10 not an excuse or anything, just that we sent out  
11 an RFP, if we were to change the criteria we'd  
12 actually have to throw out that RFP and start over  
13 again, maybe that's the right thing to do. But,  
14 but that's what it would require. Now, even if  
15 the Taxi of Tomorrow were to be a fully accessible  
16 wheelchair, fully wheelchair accessible vehicle,  
17 you know, by the time that it gets, starts  
18 production, by the time the fleet turns over, it's  
19 2016, 2017, till you're, till a fully accessible  
20 fleet. And even then, you only are serving  
21 Manhattan central business district and  
22 surrounding areas. So either way, we need a  
23 dispatch service to serve the rest of the City,  
24 and to serve people today, with the vehicles that  
25 are already on the street. So, the, it's not that

2 we don't, shouldn't have the discussion about Taxi  
3 Tomorrow and the full fleet, we should; but either  
4 way, I think we have an urgent need, as far as  
5 fairness goes, to go forward with the dispatch  
6 program that will serve people today and  
7 everywhere. On the fully accessible fleet, as  
8 Chair Koppell noted, there, of the seven responses  
9 to the Taxi of Tomorrow RFP, we have now  
10 identified three leading contenders. So of the  
11 seven responses, there were, two were really not  
12 from credible manufacturers, let's discard them.  
13 Of the others, only one was for a wheelchair  
14 accessible vehicle. The proposal by Carsan USA,  
15 as you say. I think they got points for that,  
16 because that was the way the RFP was structured,  
17 you got points for durability, for design, for  
18 comfort, for sustainability, for accessibility.  
19 Part of the reason that they are in that leading  
20 contender group of three, is that they got great  
21 credit for their accessibility. Now, now we have  
22 asked each of the three for their best and final  
23 offer, and over the next couple months we're going  
24 to have to, as we get those back, we're going to  
25 have to make a decision. I'm not prejudging it

2 be--not, not just for kind of appearance sake, but  
3 we're really not prejudging, we're getting those  
4 three back, then we look at what we're got before  
5 us, and we make a decision. If the kind of  
6 question of, that Chair Koppell's bill in effect  
7 asks is are, are you making it a requirement,  
8 period, that the choice be wheelchair accessible,  
9 the answer is no, that is not the position of the  
10 TLC, that it's an absolute requirement. It is a  
11 position of the TLC that it's a plus, it's a goal,  
12 if it, if we can accomplish that, and with  
13 sacrifice, and not sacrifice elsewhere; or  
14 sacrifice minimally so that we can accomplish that  
15 goal, then without question we will. If  
16 accomplishing that goal requires significant  
17 sacrifice of other goals, then that's a tough  
18 tradeoff that we have to weigh. And what I would  
19 just say, without prejudging is we already know  
20 enough to know that there are real tradeoffs, so  
21 we have a real decision to make. The, the Carsan  
22 manufacturer, that is the one proposer, while it  
23 is a credible manufacturer, it does not have the  
24 track record of producing vehicles that, that Ford  
25 and Nissan do. So, it would introduce delivery

2 and support risks that are greater than the other  
3 two. And we're talking about an industry that  
4 moves 700,000 people a day--New Yorkers, visitors,  
5 core element of the City's transit network, and of  
6 its, of its economy. So, we have to take  
7 seriously delivery and performance and support  
8 risks. As far as Nissan and Ford go, making  
9 either of those vehicles wheelchair accessible  
10 would require aftermarket conversion that would,  
11 in addition to being greatly expensive, would also  
12 degrade the durability and performance and  
13 sustainability of each of those vehicles. Not to  
14 say it's not the, that's not the right choice to  
15 make, but I'm saying it is a trade--there are  
16 tradeoffs. And once we have the best final offers  
17 before us, we're going to have to evaluate that  
18 decision. I hope that's a complete answer to your  
19 question.

20 CHAIRPERSON VACCA: Yes, it does,  
21 and I'm glad to hear that you're committed to  
22 overall, to an overall increase in disabled  
23 accessible vehicles, but I'm more glad to hear  
24 that we're doing something now. I don't think  
25 that we can wait. And you're giving us an option

2 here that is almost immediate. The RFP is in  
3 several weeks, but then what is the time element  
4 we're talking about? And then my last question  
5 is: What assurance do we have that you are going  
6 to have an enforcement mechanism, should the RFP  
7 be successful and we go that route? 'Cause that--

8 DAVID YASSKY: Oh.

9 CHAIRPERSON VACCA: --is what the  
10 disabled community wants to know. How do we know  
11 that your plan, if you implement it, is going to  
12 be enforceable in both industries?

13 DAVID YASSKY: Thank you, okay,  
14 thank you. And on your point of some--you know,  
15 kind of doing something real, is as important as  
16 laying the groundwork for the future, I appreciate  
17 that point. I should also note, and we can, I  
18 won't go on at length, but if you want we can talk  
19 about this at length, that there's a lot we can do  
20 on making vehicles accessible to people with  
21 disabilities, other than wheelchair accessibility.  
22 Not that that's not important, as well, but for  
23 people with visual impairments, people with  
24 hearing impairments, even for people with mobility  
25 impairments that do not require the wheelchair to



2 be, the person seated in the wheelchair and the  
3 wheelchair to be brought whole into, into the  
4 vehicle and locked in. What I'm talking about  
5 there are these turnout seats that will really  
6 help, could, can really help people with mobility  
7 impairments get into a vehicle. So, there's other  
8 things we can do in addition to wheelchair that I  
9 don 't want to get lost in the discussion. On  
10 enforceability, you know, again here, we're, we're  
11 in the fortunate position of having a lot of  
12 experience to draw on. The TPEP contract that  
13 Chair Vacca, you and I have discussed, first  
14 version of it didn't really contain, the only  
15 enforcement mechanism in it was termination of the  
16 contract. That's not a good enough, that's not a  
17 good mechanism. So just as there, what we're  
18 planning to do, and I hope that it's okay with  
19 general counsel, 'cause we, just have our internal  
20 drafts. But we want seriously to engage in  
21 dialogue. But what our, what we would like to do  
22 would be to have a contract that has, so-called  
23 liquidated damages that kind of function as  
24 penalty provisions, that say, you know, if you  
25 fail to meet the service standard, there's a

2 monetary damage that goes along with that. I  
3 won't call it a penalty, it's a monetary damage  
4 that goes along with that. And that is a real  
5 enforcement tool. As far as the yellows go, as I  
6 said, I think that there, what we have to do is  
7 treat a refusal to respond to a dispatch call,  
8 just the way we would if somebody puts up their  
9 hand and the driver, you know, pulls over and say  
10 I'm going to Queens, and they say, "Forget it,"  
11 and they drive away, that is a, you know, that's a  
12 serious violation of our rules, punishable with a  
13 serious fine. And we would treat this just the  
14 same way.

15 CHAIRPERSON VACCA: All right,  
16 thank you, Commissioner. I'd like to mention  
17 we've been joined by Council Member Ulrich,  
18 Council Member Ignizio, Gale Brewer, and Council  
19 Member Van Bramer. I'll now have the, yield the  
20 chair to my Co-Chair, Council Member Koppell.

21 CHAIRPERSON KOPPELL: Thank you,  
22 thank you very much. Unfortunately, you have, in  
23 me, someone who's been around a long time, and I  
24 recall a similar debate that we had in the State  
25 Legislature, I believe it was in the 1980s, with

2 respect to a fully wheelchair accessible bus  
3 fleet, and accessible subway stations. And the  
4 same arguments were made at that time, that we can  
5 provide equivalent service a lot less expensively  
6 by having some sort of dispatch system. We can  
7 provide, you know, Access-A-Ride and so on. But  
8 the decision was made by the Legislature and the  
9 Governor at the time, that I myself wasn't sure  
10 about, but in retrospect think was a terrific  
11 advance, to make the bus fleet fully accessible.  
12 Now that was not done with ignoring other  
13 requirements in the RFP for the buses. We just  
14 told the bus manufacturers, one of the  
15 requirements was that it had to be accessible to  
16 wheelchairs. And that's what we're looking for  
17 here. And the fact is, it was expensive. The  
18 fact is, it's not used enormously. I don't see  
19 wheelchairs on buses all that frequently, although  
20 I do see it, and I have a wheelchair user in my  
21 staff who uses the buses very frequently, and it  
22 works. So, number one, it works; number two, I  
23 don't think it's been a huge burden on the transit  
24 system. And in my opinion, this is a requirement.  
25 We have a unique opportunity here, for the next

2 ten years, you're making decisions for the next  
3 ten years which probably it means the next 20  
4 years. And once you make the decision that you're  
5 not going to require wheelchair accessibility,  
6 it's going to be very hard to reverse that. Very  
7 hard. So, in my opinion, now is, now is a very, a  
8 very critical, critical time. One thing that I  
9 don't understand, because you are not, you haven't  
10 chosen yet, a winner. You say here this process  
11 gives the City leverage, you're talking about the  
12 RFP process for the Taxi of Tomorrow.

13 DAVID YASSKY: Yes.

14 CHAIRPERSON KOPPELL: This process  
15 gives the City leverage to negotiate with the  
16 three auto manufacturers for features that they  
17 did not include in their original proposals,  
18 including features that can make the vehicles  
19 accessible to passengers with other types of  
20 impairments and disabilities, other than ones that  
21 require a wheelchair. Why couldn't you now say to  
22 the, to those bidders, you know, we'd like to see  
23 the two other bidders, Nissan and Ford, let's say,  
24 why couldn't you say to them, "Well, you know,  
25 we've thought it over and we now think that we

2 ought to have wheelchair accessibility as part of  
3 your, of your proposal." Why couldn't you do  
4 that?

5 DAVID YASSKY: Well, we--I mean, in  
6 some sense, we have reiterated our interest in  
7 that by, in our, in our best and final offer  
8 requests, asked them to address all deficiencies  
9 and they know that their, their score suffered due  
10 to lack of accessibility. But why not say that  
11 it's a requirement? Now, then, I just would have  
12 to kind of restate what I said before, is that we  
13 are not convinced that that would not require  
14 compromise of other goals beyond the point that is  
15 acceptable. And I guess to make that concrete,  
16 it--I don't believe and that either Ford or Nissan  
17 is prepared to manufacture a wheelchair accessible  
18 vehicle for use as a taxi. That's, that's what  
19 they have said. Now, maybe if pushed, they, we  
20 all know that, you know, people say it, then you  
21 push, and they say, "Okay. Maybe really, you  
22 know, I was just, it was just a negotiating  
23 position." But I don't think it is. I mean, I  
24 think that they, it really would compromise the  
25 other goals. Now, I think your bus and subway

2 analogy, you know, I think is right, and the time  
3 came when the, both in terms of MTA, you know,  
4 cycle, and in terms of technology, that it was the  
5 right choice to get, to go ahead with all the  
6 buses. It's expensive that, as you say, that gets  
7 absorbed into the, you know, overall MTA subsidy.  
8 This is a different industry, the economic model  
9 is, does, is that it's unsubsidized. It is not,  
10 you know, the only way then to impose costs is  
11 either to introduce subsidy, or to raise the fare.  
12 And that's something that we are reluctant to do.  
13 The, I think the subways are also instructive.  
14 You know, the MTA's position is we have a long  
15 term plan to get a full subway accessibility. I  
16 don't know what it is, somewhere around maybe 15-  
17 20 percent of the stations today, I don't know the  
18 exact number, are accessible, closer to 15, Chair  
19 Vacca's saying. Because to say we're going to do  
20 it in the next three years would just be ruinously  
21 expensive. And it's not that you couldn't do it,  
22 it just, it's not, you can't do it at the, with,  
23 and still accomplish your other goals. So, I  
24 mean, I think that is the analogy here. This is a  
25 long term goal. I don't doubt that it will become

2 easier to achieve as time goes on. But the  
3 question is, can we achieve it, you know, right  
4 now, with this next vehicle. And the last thing,  
5 point I'll make is that the, we do envision that  
6 the, while it's a ten year contract, and maybe it  
7 turns into a 15 or 20 year relationship with the  
8 supplier, as you suggest, that we don't envision  
9 that the first model is the same one that's still  
10 being made ten years into the contract. The  
11 theory behind this, and I think it really is a,  
12 honestly kind of a brilliant insight on the part  
13 of the Mayor, is that when there's a long term  
14 partnership, it does, it will get the City, and,  
15 on behalf of the industry, will get more out of  
16 that partnership, then if we just let the market  
17 do its thing. And that's, so the real advantage  
18 here, is to create that partnership that lets us  
19 push forward year in, year out.

20 CHAIRPERSON KOPPELL: Let me, just  
21 a couple of issues related to this. Number one,  
22 cost. What was the last price that people paid  
23 for a medallion for a new, a newly authorized or--  
24 Maybe I'll change the question. What, what is the  
25 current market price for a medallion? Do you

2 know?

3 DAVID YASSKY: For a, you know, so-  
4 called, called fleet medallion, that the market  
5 price is around \$800,000.

6 CHAIRPERSON KOPPELL: Wow.

7 DAVID YASSKY: For a, for an  
8 owner/operator medallion, it's around \$625 today?  
9 About \$625.

10 CHAIRPERSON KOPPELL: Well, I don't  
11 need you to answer this, but I would observe that  
12 if a med--if someone's willing to pay \$80,000, or  
13 \$600,000 for a medallion, the fact that they might  
14 have to pay \$5,000 more for a car, seems to me to  
15 be not a particularly persuasive argument. So, I  
16 mean, if you require a car that costs \$5,000 more,  
17 and that's just a number I pulled right out of the  
18 air, whatever it is, it's not material when you're  
19 talking about \$600 and \$800,000 of the value of  
20 the vehicle. It's just not material. So, I  
21 discard cost in my own evaluation. If it costs  
22 more, so be it, it costs more. Now, the, the  
23 other, the other question I have is you have 231  
24 of these vehicles, or 242 of the vehicles on the  
25 road today. Have they proven to be sufficiently



2 reliable?

3 DAVID YASSKY: Accept--

4 CHAIRPERSON KOPPELL: The ones that  
5 are out there.

6 DAVID YASSKY: I would say  
7 acceptably so, yes. They do--

8 CHAIRPERSON KOPPELL: So, it's not-  
9 -

10 DAVID YASSKY: They do, they're not  
11 as, they're, they're not as durable as the Crown  
12 Vics, but you know, not much is.

13 CHAIRPERSON KOPPELL: But they have  
14 been acceptable.

15 DAVID YASSKY: Acceptably so.,

16 CHAIRPERSON KOPPELL: 'Cause that  
17 was a concern of your predecessor when we talked  
18 about accessibility. We don't, we don't know  
19 whether they're really durable. So then we  
20 authorized a number, as you know you were here,  
21 part of the reason we authorized the limited  
22 number was to see if they could be made durable.  
23 So they are durable, at least acceptably durable.

24 DAVID YASSKY: Acceptably so.

25 CHAIRPERSON KOPPELL: Okay. I, I

2 just, I'm not going to ask any more questions, but  
3 I'm going to say this: We have 22 sponsors of  
4 this legislation. I'm just going to speak for  
5 myself, not for the other sponsors. I will not  
6 support anything having to do with new taxis  
7 unless there's a requirement that they be  
8 accessible. And I will argue that this Council  
9 should not support anything unless we have a  
10 requirement that over time the fleet will be  
11 accessible. I don't think it's impossible, I  
12 don't think cost is an obstacle. And that's the  
13 position of this member. You, I think you have  
14 names of people who want to ask questions? Okay,  
15 thank you.

16 CHAIRPERSON VACCA: Thank you,  
17 Council Member Koppell. Our first question is  
18 from Council Member Greenfield.

19 COUNCIL MEMBER GREENFIELD: Thank  
20 you to the two chairs, and thank you, Chair  
21 Yassky. You know, I just want to start off by, in  
22 general, you know, commending you for your  
23 leadership. I know that you've taken an out-of-  
24 the-box approach to the Chairmanship of the TLC  
25 and we're all grateful. And so, I think we're all

2 here in the spirit of inquiry, rather the spirit  
3 of inquest. So, I just want to put that out  
4 there.

5 DAVID YASSKY: Thank you, I  
6 appreciate that.

7 COUNCIL MEMBER GREENFIELD: From  
8 the get-go. So, you know, I would just, I was  
9 listening to, to your testimony. And you know, I  
10 was wondering, is it sort of possible, just sort  
11 of starters, to sort of separate the two, right,  
12 'cause to me, it seems like there's really two  
13 separate, and I think you pointed this out as  
14 well, there's really two separate conversations.  
15 Right, there's the yellow cab fleet, right, where  
16 we have to determine, you know, what's going to  
17 happen in terms of wheelchair accessibility, which  
18 I'll get to in a moment. And then there's sort of  
19 the, the livery or out of, out of Manhattan fleet,  
20 and to me the two are, could be mutually  
21 exclusive. Right? I mean, they don't have to be  
22 combined into this concept that says, "Well, you  
23 know, we're going to have a call center that does  
24 both." It's possible to say, "Well, we still need  
25 the call center/subsidies to deal with the fact

2 that people who live in Staten Island, for  
3 example, and you know, I'm always looking for  
4 Staten Island, 'cause my colleague Debbie is on  
5 one side, and we even have a Republican colleague  
6 here, Vinnie, on the other side. But I think  
7 that's a legitimate issue, and then separately to  
8 look at the, the yellow cab situation. Is that  
9 fair to say that perhaps these two might be  
10 separated rather than included under one solution?

11 DAVID YASSKY: Sure. It is fair to  
12 say they might be.

13 COUNCIL MEMBER GREENFIELD: So, I  
14 mean, so that leads me sort of to my next, my next  
15 issue. I mean, it seems to me that if we're  
16 dealing with the, right if you're talking about a  
17 million dollars, right, and so let's say, you  
18 know, let's say we would've given a \$50 subsidy,  
19 right, and a million dollars, I'm literally just  
20 focusing on the outside, outside of the yellow  
21 cab, 'cause I'll get back to that in a second,  
22 right? So we would've given a \$50 subsidy, we  
23 would've got, we would've had enough for three  
24 times as many, three times as many pickups as  
25 there were. I imagine that for \$50 bucks extra

2 maybe you would've gotten a lot more people who  
3 might've been interested, perhaps, in going out of  
4 their way to pick up a cab. And I can tell you  
5 for around \$15 bucks, you get people who go out of  
6 their way to deliver a pizza in 30 minutes. So  
7 perhaps we might be able to get better numbers,  
8 right, than a 60 minute standard. Is that fair?

9 DAVID YASSKY: I don't, I don't  
10 know if I want to go to that last part yet. I  
11 mean, you have to really think about what, whether  
12 \$50 is enough to accomplish that in that, you, to  
13 get the response time down is really a function of  
14 how many vehicles there are and how many, and how  
15 many vehicles, not just, you know, how many  
16 vehicles are there so that you can have them  
17 waiting at all times? And you know, these things,  
18 those things are expensive, the operation is  
19 expensive. I'm not certain that \$50 subsidy per  
20 trip would be enough for that, we'd have to really  
21 figure that out, is the honest answer.

22 COUNCIL MEMBER GREENFIELD: But  
23 there might be a number, I'm saying there--

24 DAVID YASSKY: Yes.

25 COUNCIL MEMBER GREENFIELD: --

2 there's a number, a cost benefit analysis, where  
3 at a certain point, someone will say, "I'm going  
4 to drop everything else I'm doing, and I'm going  
5 to rush, I'm going to rush to my, for example, my  
6 neighborhood, I'm going to rush to Midwood  
7 Brooklyn, from Bed-Stuy because, you know, I have  
8 a significant enough subsidy--

9 DAVID YASSKY: But it's not just  
10 there, it's, they have to, prior to that have  
11 said, "I'm going to invest in the vehicle."

12 COUNCIL MEMBER GREENFIELD: yeah.  
13 I mean, you're right, which would mean that it  
14 would be both calculations. If we put it out  
15 there that said that if you have a vehicle that's  
16 wheelchair accessible, you will now have access to  
17 a pool where you can now get a subsidy, right.  
18 And so, so you might be in a situation where  
19 there's perhaps some downtime, or you could be on  
20 the other side of town. But now you're able to  
21 get more significant subsidy. And that subsidy  
22 could be, I don't know, three times what the trip  
23 is worth. We might be able to sort of come to  
24 that equilibrium. Is that, is that a fair  
25 assessment?

2 DAVID YASSKY: Yes.

3 COUNCIL MEMBER GREENFIELD: So, my  
4 next, now I want to move back to the, to the  
5 yellow cabs. So, I'm really not clear about this.  
6 You know, it's, this is one of those issues where,  
7 and I'm still relatively new here, and when I ran  
8 for office, one of them more, I was chatting with  
9 one of the more senior folks who told me, you  
10 know, when it comes to your head or your gut,  
11 always go with your gut. And right, so this is  
12 one of the issues where, you know, my head says,  
13 "Oh, well,, you know, there are problems, but my  
14 gut says, you know, we live in New York City, it's  
15 the greatest city in the world, and we should be  
16 leading the way, for folks who are wheelchair  
17 bound, or who have disabilities." And just like  
18 how in every public building you have wheelchair  
19 accessible, why shouldn't we have it? So, coming  
20 from that perspective, and I think that's really  
21 my perspective, and I actually haven't signed on,  
22 you know, the Chair mentioned there's 22, 22 folks  
23 who have signed on, there's some people like  
24 myself who haven't signed on yet because we wanted  
25 to sort of engage. But my perspective, my default

2 is that we absolutely should have all the yellow  
3 cabs, especially now that we're doing this new  
4 process, be wheelchair accessible. So, what's the  
5 response to that? Why not? I mean, what are the  
6 major, what are the major issues in terms of costs  
7 or otherwise that would really, you know, muck up  
8 the entire RFP? And understanding, by the way,  
9 that perhaps we should have come to you a little  
10 bit earlier. Right? We came a little bit late in  
11 the process in terms of when the RFP has come out.  
12 But if we were to say, "Scratch the RFP, and  
13 start, and start from the beginning," right, would  
14 we end up with a situation? Is there something  
15 wrong with maybe trying that and then saying,  
16 "Hey, you know what, you come back this is saying,  
17 you know what, well, folks on the City Council, we  
18 did everything we could, and here's the situation,  
19 I still only have one car company, we don't really  
20 know who these guys are, they're not that great."  
21 I mean, what's stopping us from having that as our  
22 default rather than right now which seems like the  
23 default is, "Well, maybe that's not really the  
24 direction we're going to go in"?

25 DAVID YASSKY: Well, in some ways I



2 think the, the, I mean, the answer to that really  
3 is in the history of the RFP. But, in some ways  
4 the Administration had the same exact thought  
5 process. Where, you know, which was that the  
6 heart says, this is, how can you not do this in  
7 the City of New York? And so, when, when the TLC  
8 put out this Request for Proposal in December of  
9 2009, I think people, the TLC understood it as  
10 asking the industry to come forward with a car  
11 that was roomy, durable, sustainable and  
12 accessible. Did not put it, because you know, to  
13 make, just to make sure, didn't say, "Don't submit  
14 unless--" but did say, "This is one of our  
15 criteria, just like the others," and we really  
16 want to see, I think they honestly believed that  
17 they would get from the auto industry a proposal  
18 for a car like that. They didn't, at least as far  
19 as the major manufacturers go. They did from, as  
20 I say, from Carsan. And so that's what, you know,  
21 there's a real choice there, but I guess the  
22 answer to your question is, that when the heart  
23 went out into kind of the, realities of the auto  
24 marketplace, the manufacturer said, "It doesn't  
25 work for us to mass produce a vehicle that, that

2 is wheelchair accessible. And then you can use a  
3 taxi." That's what, that's what they said back.

4 COUNCIL MEMBER GREENFIELD: I mean,  
5 of course, Mr. Chair, there's a big difference  
6 between, between may and shall. Right? I mean,  
7 it just seems like the RFP--

8 DAVID YASSKY: Yep.

9 COUNCIL MEMBER GREENFIELD: --was  
10 more of a may. My question is, if it goes, if we  
11 go back and we scratch the RFP and start from the  
12 beginning, you say, "Shall," make it into a  
13 requirement. Is it not possible, at least,  
14 possible, and I think this is worth exploring, and  
15 even setting back the timeframe, quite frankly,  
16 because of the importance of the issue, is it not  
17 possible that they may come back and say, "You  
18 know what? This is the greatest city in the  
19 world, it's terrific for us to have our ads,  
20 floating advertisement every day, that's what you  
21 have when you've got these yellow cabs running  
22 around in terms of the exposure and the  
23 durability. Maybe if we say "shall," maybe they  
24 would come back and say, "Well, you know, we can  
25 do it." I just feel like the TLC would be in a

2 much stronger place to object than the "may" that  
3 they put in the RFP. Is that a, is that a fair  
4 point?

5 DAVID YASSKY: Your point, you  
6 know, your question, is it possible? Of course my  
7 answer's got to be yes, it's possible. I think  
8 it's, I do not think it's likely, and it's not  
9 what I would expect.

10 COUNCIL MEMBER GREENFIELD: Well,  
11 you know, one of the things that we've always, I  
12 think we always find in government is, we, we get  
13 the unexpected,. [laughs] So, my, my, my--

14 DAVID YASSKY: A person's reach  
15 must exceed her grasp, yes.

16 COUNCIL MEMBER GREENFIELD: My  
17 final, my final point, my final point is, and once  
18 again, I, I understand that you came in somewhat  
19 in the middle of the process as well, and I know  
20 you're doing the best that you can under, under  
21 the current circumstances. But, I really would  
22 like to reiterate that I think for all of us,  
23 really we should be separating these into two  
24 mutually exclusive categories, and that is the  
25 category of folks in terms of a call center where

2 folks who may not be living necessarily in New  
3 York City, and then, in Manhattan, per se, I'm  
4 sorry; and then folks in terms of the actual  
5 yellow cab fleet. Because as you point, or I  
6 think as the Chair pointed out, right, 15 percent  
7 of MTA, of MTA stations are wheelchair accessible.  
8 We have less than two percent of yellow cabs. So,  
9 the odds of someone in a wheelchair trying to flag  
10 down a cab, I mean are probably, are pretty much  
11 the same as winning the Powerball. I mean, right,  
12 so, so if we were able somehow to increase the  
13 numbers at the very least, I would just, I would  
14 just once again, from my perspective, and it could  
15 be that I'm, because I'm new I have that  
16 perspective, I think we should look at it from the  
17 perspective of, we need to do this, and why can't  
18 we do it, rather than we can't do it and, and  
19 here's why.

20 DAVID YASSKY: Right. Okay,  
21 Council Member, I just--first here's my on, on  
22 the, your preface to the question about joining in  
23 the middle and doing the best you can, in truth I  
24 just want to be very clear about this, I am  
25 enormously impressed by the commitment that the

2 TLC made on this issue prior to my joining, and I  
3 mean, I embrace it and stand by it and own it. I  
4 think that when you look back over the last  
5 several years, starting with the issuance, let's--  
6 and the Council was the prod in many without  
7 question--let's put out some medallions that are,  
8 that are accessible only. An excellent way to  
9 start down the road. Hey, it's good, let's have  
10 some more of 'em, hey let's try and connect them  
11 to the people that need them. I mean, when you  
12 look back at, over the last several years, I think  
13 you see, you know, just the way you want thing to  
14 work out, which is a determined and kind of  
15 sensible and step-by-step process toward and  
16 ultimate goal. So, I really embrace the, you  
17 know, the TLC's history here. On--you know, let  
18 me just offer an alternative conceptual way of  
19 looking at this. It's taxi livery, that's kind of  
20 how the industry's organized. But from, I try and  
21 think of things from the perspective of a  
22 customer, right, one of our citi--or our  
23 constituents, the citizens. To me, the way to  
24 look at it is dial-a-car versus street hail.  
25 Right? So, in my view, the, the first and kind of

2 critical priority is to get people a, a dial-a-car  
3 opportunity, because that affects the entire city.

4 As opposed to just a sixth of it or a seventh of  
5 it, whatever you want to call it, the range in  
6 which the yellows actually operate. That's, I

7 think, essential. So then the question is, so

8 what's the street hail thing worth to people? And

9 how much of it, and I understand there's a, kind

10 of symbolic, which I mean in the, in an important

11 way, not a, not as a way of dis--there's real

12 value to symbolic equality that, "Why should you

13 be in a separate kind of vehicle?" That's why I'm

14 so determined to make sure that the yellows are

15 part of the dispatch program that we get set up

16 today. I've had people say to me, people in the

17 industry say, you don't need, why do you have to

18 worry about these yellows? Right? So, if we want

19 to just get people a wheelchair accessible through

20 311, you can do it without involving the yellows.

21 I think there is real value to saying, "No, the

22 fact I'm in a wheelchair doesn't mean I can never

23 get into a yellow taxi," shouldn't mean that, and

24 that's right, and that's why I want to insist that

25 the, we, that this dispatch service does connect

2 wheelchair users to those accessible taxis that  
3 are out there on the street. Then you, then once  
4 you've done that, then you have that next ques--is  
5 the street help part of it worth, how of that, is  
6 that worth? I don't think we're near, I mean, I  
7 just, I would say, I don't think we're near being  
8 able to answer that question from the demand side,  
9 and from the supply side we know that there are  
10 real tradeoffs. So, that's why I think this is,  
11 that I'm not ready to say, "shall," instead of  
12 "may."

13 COUNCIL MEMBER GREENFIELD: I just  
14 want to make one final point, just to respond to  
15 that, and that is I do commend the TLC on the work  
16 that you folks have been doing, clearly by the  
17 fact that, the fact that people are complaining  
18 about the enforcement means that you're doing the  
19 enforcement. So you guys are clearly doing your  
20 work on that point. And I think, the reason we're  
21 here, by the way, and just to be clear, it's not  
22 be critical--

23 DAVID YASSKY: Yeah.

24 COUNCIL MEMBER GREENFIELD: --of  
25 what the TLC's been doing, it's just because of

2 your out-of-the-box thinking, we have a very  
3 unique opportunity. Right? And that opportunity  
4 is for the first time now, you're remaking the  
5 cabs, which is a terrific idea in New York City.  
6 We just want to take advantage of that  
7 opportunity. And to that point, from my  
8 perspective, actually, the yellow cab piece is  
9 critical, because if you're in a wheelchair,  
10 really, your opportunities, in a - - and  
11 especially shouldn't really be any different than  
12 anyone else. Right? So, if you're an executive  
13 who happens to be wheelchair bound, right, you  
14 have the same ability to roll out and to flag a  
15 cab down to run to your next meeting, right, then  
16 effectively, effectively you have a significant  
17 advantage? Right? I mean, because I can tell you  
18 as someone who used to practice corporate law in  
19 New York, that having the ability of jumping out  
20 of my building, right, and flagging a cab down and  
21 running to the next meeting, made me much more  
22 competitive. Right? And so, if we have a  
23 situation where we're telling wheelchair folks,  
24 and I don't think you're doing this, I just want  
25 to be clear, if we're telling wheelchair folks,



2 which is that, you know, "Well, you know, we're  
3 not going to be able to do the yellow cab piece,"  
4 effectively what we're saying to them is, "We're  
5 not going to allow you the same opportunities to  
6 succeed in New York." And that's really where it  
7 comes back to my gut, which is that my gut tells  
8 me, our default position should be, let's do  
9 everything we can. And it's not a criticism, it's  
10 merely a suggestion, to build on the terrific work  
11 that you folks have already been doing. Thank  
12 you.

13 DAVID YASSKY: Thank you.

14 CHAIRPERSON VACCA: Thank you. I  
15 do want to mention, we've been joined by Council  
16 Member Darlene Mealy. Quickly, Commissioner, I  
17 wanted to ask two things. You touched on the  
18 blind and hearing impaired, and I'd like to know  
19 what accommodations can they expect as part of the  
20 pilot program RFP that you are issuing? How will  
21 we be addressing those disabled individuals?

22 DAVID YASSKY: Well, we're not at,  
23 we're not at "expect" yet, but we do see  
24 opportunities there. And again, that's why I said  
25 in the testimony, even though the manufactures

2 didn't propose these things, we want to go back to  
3 them and see if we can't get them. For people  
4 with hearing impairments, hearing loops, which  
5 we've piloted in the, in some number of taxis, I  
6 don't, do you know how many? About a dozen, seem  
7 to be effective, in enabling the, the hearing  
8 impaired to hear both the, you know, consoles in  
9 the back, and the driver. For people with visual  
10 impairments, we are looking at the opportunity for  
11 larger type on the screens. That's not for blind,  
12 but for visually impaired. And a door signal to  
13 understand when the, you know, when the, when the  
14 door is still open.

15 CHAIRPERSON VACCA: Can we look  
16 forward to those?

17 DAVID YASSKY: I don't want to say  
18 "expect," 'cause I don't, I'm not certain of it,  
19 but I will tell you that those, that we are, we  
20 intend to push for those, because we think that  
21 they are doable.

22 CHAIRPERSON VACCA: My interest in,  
23 in that, is that with the RFP you're going to  
24 issue on an immediate basis, for the livery  
25 industry and the yellow cab industry. That's

2 talking about wheelchair accessibility, but are  
3 you also talking about looking at those two  
4 populations to see if those same cabs could also  
5 be equipped should there be hearing impaired and  
6 visually impaired?

7 DAVID YASSKY: That's a good  
8 question. Why don't, let me, that's a good  
9 suggestion, let me take that back and respond to  
10 you.

11 CHAIRPERSON VACCA: Okay. And  
12 lastly, Commissioner, who is going to be  
13 responsible from an enforcement perspective? The  
14 central dispatcher or the individual bases, should  
15 there not be compliance based on the RFP you're  
16 proposing to issue?

17 DAVID YASSKY: We want to, we want  
18 a structure that will let us hold the central  
19 operator responsible. So that if the taxi, if the  
20 taxi or livery doesn't get there in the required  
21 time, I don't care who along the way, and who, if  
22 they have two dozen subcontractors or if they're  
23 doing it all themselves, let, you know, that's for  
24 the business to work out, they'll be the best at  
25 figuring out how to do it efficiently, we just

2 want to hold them accountable if it doesn't get  
3 there on time, that's your fault, you're going to,  
4 you have to pay for that.

5 CHAIRPERSON VACCA: Council Member  
6 Rose.

7 COUNCIL MEMBER ROSE: Yes, thank  
8 you, Mr. Chair. And thank you, Commissioner. How  
9 are you? As the Chair of the Civil Rights  
10 Committee, you know, I'm always interested in  
11 inequality for protected classes, and I think  
12 we've seen today, with the testimony, that the  
13 centralized dispatch system is inherently unfair  
14 to a protected class of people. You know, because  
15 they don't have the ability to just step out and  
16 hail a cab. And that it's a far more arduous  
17 task. And as my seatmate, Council Member  
18 Greenfield said, it does not allow them the same  
19 competitive edge as other New Yorkers. With the  
20 use of the centralized dispatch system, how do you  
21 plan to meet the mandate of equivalent service?

22 DAVID YASSKY: Okay. Well, I  
23 appreciate your point. Again, maybe to analogize  
24 the MTA and bus and subways, where Access-a-Ride  
25 is the, you know, ADA, even there where the MTA is

2 subject to the ADA, and the taxis and liveries of  
3 course are not, but even in that world where there  
4 is a ADA application, Access-A-Ride is deemed  
5 under the ADA, to be an equivalent. So, even  
6 though it's in many ways kind of much further from  
7 the serv--the service it is substituting for, than  
8 what we're talking about. So, I guess I would  
9 say, if the ADA accepts that as equivalent  
10 service, well here where you're not bound by the  
11 ADA in the first place, and it's a whole lot  
12 closer, that at least speaks to me of the, of the  
13 acceptability of it, you know, from a civil rights  
14 perspective. How do we intend to ensure  
15 equivalent service? Well, there it's, what you, I  
16 think what you want to do is break down, and I  
17 think again, David, Council Member Greenfield's  
18 points about, you know, head and heart, you got to  
19 both, got to have the heart, and then you got to  
20 use the head to say, "Okay, what are the  
21 components of the service we're talking about  
22 here? If the components are, if this, the most  
23 important one is response time, then I think  
24 what's important is that we have a response time  
25 that is equivalent. So, if what enables you to

2 function as a businessperson in the City is that  
3 you can get a taxi within X minutes in, you know,  
4 during the workday, then that, that's got to be  
5 our goal for the, for the dispatch program just  
6 the same. Now, I will say then, nobody should be  
7 misled into thinking that's simple, because one  
8 thing we know from taxi data, is that response  
9 times vary greatly by both geography and by, and  
10 by time of day. So, I'm not sure that we want to  
11 have a system that says, you know, to this new  
12 dispatch system, "Okay, you know, you have a ten  
13 minute response time, at 2:00 p.m. and a 40 minute  
14 response time at 6:00 p.m. Right, that wouldn't,  
15 that would be very confusing for the customers and  
16 impossible to administer. So, we're going to have  
17 to simplify some, but that's the ba--that to me is  
18 the concept behind it is, whatever you can get in  
19 terms of response time from a yellow taxi, you  
20 ought to be able to get the same thing from the  
21 dispatch program.

22 COUNCIL MEMBER ROSE: Okay. With  
23 that, on, based on, will the, the costs be based  
24 on the destination and the time it takes to get  
25 there, as, as other taxi riders? Or is there

2 going to be like a fixed fee?

3 DAVID YASSKY: No, we, we, again,  
4 our goal here, and we feel strongly about this, is  
5 that the cost has got to be the same. Can't, that  
6 you cannot charge a wheelchair user more.

7 COUNCIL MEMBER ROSE: Okay. And  
8 how do you plan to implement this system on Staten  
9 Island? Since we have no yellow cabs and we're  
10 very dependent on livery service.

11 DAVID YASSKY: Right, and here, and  
12 I know that you have some of the leaders of the  
13 Staten Island livery industry here in the room,  
14 again, start with our concept is, shouldn't have  
15 to pay more if you're a wheelchair user. Okay,  
16 the next step is figuring out what is the going,  
17 what does that mean, what's the going rate for  
18 non-wheelchair users on Staten Island? And since  
19 it's a free market and there's difference among  
20 the bases, we've proposed the idea of a taxi, that  
21 using the taxi meter, that's, we are confident  
22 from our research that that is at least as good  
23 as, and probably less than you're paying for a  
24 livery car. So, we're saying to the wheelchair  
25 user, if you pay the taxi rate, we know you're not

2 getting ripped off. I can't, we have not been  
3 able to think of a better way of making sure that  
4 the wheelchair user is not ripped off. But if the  
5 industry or if you, Council Member, you know, have  
6 a way of doing that, we're all ears, and we would,  
7 we would welcome hearing it.

8 COUNCIL MEMBER ROSE: I would give,  
9 I will get back to you with some sort of proposal  
10 like that.

11 DAVID YASSKY: That would be great.

12 COUNCIL MEMBER ROSE: Because, you  
13 know, I don't want the cost to be prohibitive for-

14 -

15 DAVID YASSKY: I ca--it must not  
16 be.

17 COUNCIL MEMBER ROSE: --our  
18 constituents. And, and then, what my last  
19 question is, I know that you're making a weighted  
20 decision in terms of the Taxi of Tomorrow, but I  
21 think, in terms of, of weight, that this has to be  
22 the highest weighted measure. Because this is an  
23 opportunity to right a situation that is not  
24 equitable at this point in time. Thank you.

25 CHAIRPERSON VACCA: Okay, thank



2 you. Let me ask, why did you decide to have one  
3 central dispatch for the yellow and the liveries?  
4 Why, why wouldn't there be two central  
5 dispatchers? Is that a 311 issue or, but tell me  
6 why--

7 DAVID YASSKY: Well--No--

8 CHAIRPERSON VACCA: Isn't there an  
9 issue that--

10 DAVID YASSKY: Well, we are, we, I  
11 do, I am committed to the principal that the  
12 customer, it should be as easy as possible for the  
13 customer. So we want to have one number for a  
14 customer to call. Doesn't mean you couldn't have  
15 two operators, or five, you know, one for each  
16 borough. Or catchman areas. Our, but our thought  
17 is that the market will figure it out better than  
18 we will, as regulator, and so what we should say  
19 is, we want somebody to come to us with a proposal  
20 for providing service everywhere, and if they want  
21 to do it, if they're going to do it entirely on  
22 their own, okay. If they're going to subcontract  
23 to two people, one for liveries, one for taxis, if  
24 they're going to subcontract to five, one for each  
25 borough, that's their business. All we're going

2 to look at is, you know, is it a real proposal, is  
3 it capable of providing the service. And then,  
4 what's the lowest cost? Because ultimately we  
5 don't, as, now I'm not remembering who asked the  
6 question about passing onto the customer, but we  
7 want to minimize the impact on the, on the other,  
8 on the non-wheelchair customers. So, that's our  
9 thought is our RFP just says, "You do this and  
10 you come to us, and if you are one person, if  
11 you're a coalition of six people," either way.

12 CHAIRPERSON VACCA: Council Member  
13 Halloran.

14 COUNCIL MEMBER HALLORAN:  
15 Commissioner, good to see you.

16 DAVID YASSKY: Yes.

17 COUNCIL MEMBER HALLORAN:  
18 Commissioner, I want to sort of break this down  
19 into three different groups. One is the current  
20 system and the things that the TLC is doing and  
21 not doing with regard to the industry; the second  
22 is the future, which is this RFP; and the third is  
23 government redundancy and overlap. Looking at  
24 your pilot program for a moment, you said that of  
25 the 5,800 trips during the program, servicing

2 2,700 unique customers, it amounted to eight  
3 riders a day and a \$172 per trip. That's in  
4 addition to whatever the costs were to actually  
5 provide the transportation.

6 DAVID YASSKY: Correct.

7 COUNCIL MEMBER HALLORAN: So, you  
8 are looking at potentially over \$200 per trip the  
9 way the government spent its money in this case.  
10 Doesn't sound terribly efficient to me. And  
11 you're utilizing the 311 system to do that,  
12 currently. When we already have an 800 number  
13 set up through the Access-A-Ride program, which is  
14 providing a fairly similar system. You'd agree  
15 with me there?

16 DAVID YASSKY: Yes.

17 COUNCIL MEMBER HALLORAN: Okay.  
18 So, looking quickly at the MTA's website and the  
19 Office of the Mayor's Peoples with Disabilities  
20 website, in the descriptions of the Access-A-Ride  
21 program, I'm kind of confused. What's the  
22 difference?

23 DAVID YASSKY: Fair enough. The,  
24 the, and there are people who have said to us, you  
25 know, if you want a wheelchair accessible cause,

2 or vehicle to transport you, you call Access a-  
3 Ride. And you know, the, the taxi and livery  
4 industries should not have any responsibility.  
5 One of the, you know, as I said, there was a rally  
6 outside our office by the livery industry, and  
7 that's what one of the, you know, kind of leaders  
8 said, in that, in that press conference, was  
9 "Don't make us do this, that's what Access-A-Ride  
10 is for." I guess we believe that, that taxi and  
11 livery industry is part of the transit network,  
12 and therefore, you know, each sector has got to be  
13 accessible to folks with wheelchairs. So, in  
14 terms of why not set it up kind of through Access-  
15 A-Ride, now your point about bureaucratic  
16 duplication, that might be the most efficient way  
17 to do it, we've had some preliminary discussions  
18 with the MTA. It's, it's not clear to me right  
19 off the bat that kind of MTA operation would be in  
20 fact cheaper than a private entity, though it's  
21 duplicating what the MTA does, you know, the magic  
22 of the marketplace is such, one can conceive that  
23 still a private entity would be able to do it--

24 COUNCIL MEMBER HALLORAN: More  
25 efficiently. [laughs]

2 DAVID YASSKY: --more cheaply by  
3 starting on its own than by, in the MTA. However,  
4 we've had this preliminary discussion with the  
5 MTA. They don't, that's not part of the City, as  
6 you, as you know, and so--

7 COUNCIL MEMBER HALLORAN: Yes.

8 DAVID YASSKY: --not as, like "Not  
9 my job," but as in--

10 COUNCIL MEMBER HALLORAN: [laughs]

11 DAVID YASSKY: --we have to, we  
12 have to make sure we have, I'm starting out that  
13 we're going to get to the end no matter what. And  
14 we can't rely on the MTA, if the MTA says, "We're  
15 not interested," that we're not going to say,  
16 "Forget about it." But we will, as this goes  
17 forward, work with the MTA. And if that's a  
18 cheaper way to do it, of course we will.

19 COUNCIL MEMBER HALLORAN: Look,  
20 I'm, I'm just trying to be practical here. And  
21 I'm not saying when we get to part two, which is  
22 the RFP, that we shouldn't be requiring  
23 accessibility, as the Chairman has suggested, as  
24 part of that RFP, going forward. That's  
25 prospective. Right now I'm talking about nuts and

2 bolts. It also seems silly to me, that if we are  
3 subsidizing via the state, and I understand the  
4 MTA is a creature that I have problems with, and I  
5 think it should be localized, but that's another  
6 story. Why would I want to call for a private cab  
7 to charge me five times, ten times as much as an  
8 Access-A-Ride, which is going to cost me the same  
9 fare it costs me to go on the subways and buses,  
10 by law, and they're required to pick me up and  
11 drop me off at my destinations, in the same way as  
12 a cab. And the Access-A-Ride program has,  
13 according to the City, a 45 minute requirement for  
14 dispatch.

15 DAVID YASSKY: Yeah, no, you're,  
16 you're absolutely right, I mean--

17 COUNCIL MEMBER HALLORAN: Am I  
18 confused? Am I--

19 DAVID YASSKY: No.

20 COUNCIL MEMBER HALLORAN: Am I  
21 stupid? Am I not understanding something?

22 DAVID YASSKY: I--No, I don't think  
23 you're confused. And I'll explain why. I think  
24 that you are, I think what you're saying is, part  
25 of the reason that the pilot program only

2 generated eight calls a day, is that the \$2.25  
3 Access-A-Ride fare is a heck of a lot better than  
4 the livery or taxi fare's going to be, and so  
5 given that many people are cost conscious, given  
6 that we know that people with disabilities have,  
7 on average, a lower income than the City average,  
8 we would expect that people will choose the \$2.25  
9 over the \$20 or \$25 fare, in most cases. Bear,  
10 bear with--But, it's not all cases. There is  
11 still demand for non-Access-A-Ride service because  
12 Access-A-Ride has a number of limitations. It  
13 requires a 24 hour in advance call.

14 COUNCIL MEMBER HALLORAN: Yes.

15 DAVID YASSKY: It, we, we have  
16 heard concerns from the, from the customer  
17 community that it's, you know, it's on time  
18 performance they think can be improved upon, and  
19 that perhaps the private world will do better in  
20 terms of on-time performance. We, and Chair Vacca  
21 alluded to this, that the MTA itself is  
22 recognizing that, or is, you know, is providing  
23 Access-A-Ride in not door-to-door in all cases,  
24 but door to subway to stop, or door to bus stop.  
25 And people may prefer the door-to-door service,

2 for all the reasons that everybody else prefers  
3 the door-to-door service. So, so to me, you add  
4 all that up, you're right, you're kind of, initial  
5 observation is right, to say, "Don't," say,  
6 "Yassky, don't expect that there's going to be  
7 hordes and hordes and hordes of users for this  
8 service," I think that's true. But also, and I  
9 don't think you're disagreeing, there is some  
10 demand for it. And so what we have to do is  
11 create a system that can meet the demand that  
12 there is.

13 COUNCIL MEMBER HALLORAN: I--

14 Commissioner, and I heard some murmuring, and I  
15 want to address the second part of this, the  
16 future, the RFP. By no means am I saying that we  
17 should not look to our new fleet to be completely  
18 accessible for handicap use. I am not saying  
19 that, in fact I will join in the cosponsoring of  
20 the legislation in respect to requiring it in the  
21 RFP, because it seems to me, if as Council Member  
22 Greenfield indicated, that we are New York and  
23 therefore supposed to be at the forefront of this,  
24 prospectively, I understand that that is something  
25 that make a lot of sense. But we're dealing with



2 the here and now, and money that we're spending  
3 here and now. And I'm sure you would agree with  
4 me, that while \$1 million in the \$65 billion budget  
5 of the City of New York is not a whole heck of a  
6 lot, it's several programs for Council to fund,  
7 it's, it's many things. And if we're going to  
8 spend it, we should spend it wisely. And I know  
9 you did that when you sat in these chairs. So,  
10 so, let me then ask you, when we talked about on-  
11 time performance, and let's leave the MTA out  
12 because they're not on time performers for us, in  
13 any event, you know, situation, and they keep  
14 cutting services, and giving us less for it, and  
15 charging us more. Don't we have a problem,  
16 especially those of us in the outer boroughs, who  
17 do not have yellow fleets available to us? We are  
18 always waiting for cabs, and I, during the peak  
19 times, that demand and time wait is greater. And  
20 so therefore, the current rules, where you're  
21 attempting to use monitoring techniques to  
22 identify disparity is not adjusted for those  
23 differences in that, because there's no readily  
24 available yellow fleet, we are dependent, some of  
25 our communities are far larger than others. My

2 communities, span seven towns, and geographically  
3 are the largest Council district other than  
4 Council Member Ignizio's in Staten Island,  
5 physically. I mean, we have a tremendously larger  
6 pool. It takes longer to get cab from one of my  
7 district to the other, for real. We have regular  
8 streets with stop lights like they do in Nassau  
9 County, I know it's extraordinary. So--

10 DAVID YASSKY: And yet it's so  
11 close to New York City.

12 COUNCIL MEMBER HALLORAN: And yet,  
13 it's almost like we're part of New York City  
14 sometimes, almost. Although we don't certainly  
15 feel that way when the budgets are cut. But  
16 that's another issue. I would say to you that is,  
17 don't you see an inherent problem in some of the  
18 timing mechanisms you're going to use to judge?  
19 And that's not to say you shouldn't find some way  
20 to do it, but don't you see that there's going to  
21 be a disparate problem for the outer boroughs in  
22 applying a standard that may work very well in  
23 downtown Manhattan, but doesn't in Queens?

24 DAVID YASSKY: Okay, yeah, that's--  
25 that's a real question, and that the, saying that

2 we're going to have a maximum, you know, 60 minute  
3 response time citywide, definitely presents an  
4 operational challenge to the operator, and one,  
5 one could see saying, you know, response time of,  
6 you know, 20 minutes is, and no more, is  
7 acceptable here, and response time of 90 minutes  
8 is acceptable here. We, and I'm very curious, I  
9 mean this sincerely, to see what kind of feedback  
10 we get from the industry, you know, maybe that  
11 people, that the people who do this for a living,  
12 and really know what, what it would look like,  
13 will say, you know, "Impossible, can't do it," or  
14 "It would cost through the roof to do 60 minutes  
15 everywhere." Our, our take on this, and we  
16 recognize that we're regulators and not  
17 businesspeople, is that the 60 minute standard is  
18 achievable throughout the City at acceptable cost  
19 and even though it does, it means you're building  
20 in some costs for, to kind of cross-subsidize if  
21 you will, you know, your places like your  
22 district, that, that that's fair to do so that  
23 everybody in the City is, gets, you know, roughly  
24 the same treatment. I'm not sure actually if  
25 your, the burden of your question was to say,

2 "Wait, be realistic and have a two hour response  
3 time in my area," or if the burden of your  
4 question was to say, "Make sure that we get  
5 treated fairly, you know, when we're often not."  
6 But either way, I guess, what I'm saying is we're,  
7 we want to go on the second way and make sure  
8 you're treated fairly.

9 COUNCIL MEMBER HALLORAN: I

10 appreciate that, Commissioner, and I appreciate  
11 the fact that you're trying to balance so many  
12 issues in this. Obviously, Access-A-Ride is the  
13 public Metropolitan Transportation Authority, a  
14 governmently owned agency. We're talking now  
15 about the regulation of private business which as  
16 you've conceded in your testimony, the medallions  
17 cost upwards of \$800,000 to buy. You know, and I  
18 don't think people realize, these cabs run 24  
19 hours a day, seven days a week. So when you buy  
20 that medallion, you are going to have three-four  
21 drivers, potentially, in the course of a day,  
22 utilizing that medallion, from sunup to sundown,  
23 and then from sundown to sunup again. And so,  
24 when we talk about this RFP, which brings me to  
25 the second phase of my questions, it seems to me

2 that there are only two issues: durability and  
3 accessibility. And that absent those two factors,  
4 there is no need for us to mandate cabs. If  
5 you're not going to make those two things the most  
6 important things, the only criteria, how the cab  
7 looks, I understand the City wants to create an  
8 image. I really don't care. What I do care about  
9 is does it transport our citizens, and does it do  
10 so in a manner in which they don't have to be so  
11 routinely repaired that it makes it ridiculous for  
12 us to have them in the streets anymore? So, so  
13 Commissioner, while I appreciate the fact that  
14 you're mid-RFP now, and while I appreciate the  
15 fact that City's looking to balance interests, can  
16 you explain to the citizens how there's any other  
17 issue than durability and accessibility that  
18 should be even relevant? If the City is going to  
19 mandate at all, if we're going to get in the  
20 business, and I don't advocate this, I am not one  
21 who believes the government should tell private  
22 industry what to do, but if you're going to do  
23 that, shouldn't you be doing it with the only  
24 criteria that matter to the majority of the people  
25 in this City?

2                   DAVID YASSKY: Okay, I'm, I'm very  
3 - - about it. I think that first of all the  
4 threshold question, do you have to mandate it?  
5 You do, that's, that's the, that's what's so, one  
6 of the things that's unique about the yellow taxi  
7 sector, is the customer can't differentiate  
8 between cab you know AH67 and cab B743 because  
9 they just want to know that they stick up their  
10 hand and they, that they, they want to be able to  
11 know what they're going to get when they stick up  
12 their hand. And so, that does require us, I  
13 think, to play a more active role in looking out  
14 for customer service, than the regulator in other  
15 industries where if you have a bad experience at  
16 this particular restaurant, you say, "I'm not  
17 going back." We have to make sure that customers  
18 know what they can expect. And by the way, that  
19 has, that works for the market. That is what has  
20 been made the, the industry so successful, that's  
21 why it's \$800,000 bucks. What that tells you is  
22 the demand for the service--

23                   COUNCIL MEMBER HALLORAN: Is there?

24                   DAVID YASSKY: --is extremely high.  
25 And it's, I think in no small measure, due to the

2 regulatory framework that the TLC has created over  
3 the years, enforced over the years. So, with that  
4 backdrop, I have to disagree with you that the  
5 only things we care about are durability and  
6 accessibility. I would agree, and this maybe is,  
7 you know, a bit of a departure, but I think that  
8 durability has a special status. That, that is,  
9 to me, that's the one thing that really is on the  
10 level of must. Because this is, let's repeat,  
11 700,000 people a day, they don't, they, it starts,  
12 cabs start being off the road in significant  
13 numbers; now we've created a actual huge problem  
14 for the City's data functioning. I, we, as  
15 stewards of that, of the industry, cannot allow  
16 that to happen. So durability is, is kind of  
17 first among, among equals in that regard. But the  
18 other criteria that are in the RFP, I think are  
19 important. You know, comfort, we, it's  
20 interesting, I mean, we now are, we've asked the  
21 public to, to tell us what you're looking for, and  
22 I would urge everyone in the audience, if they  
23 haven't already, I'm sure all the Council Members  
24 have, to go to NYC.gov and fill out our customer  
25 survey, our past, "What do you want?" You know,

2 we've heard a lot about the day-to-day experience,  
3 which of course is what you, as an elected  
4 official know, that's what matters to people. So,  
5 a lot of the newer cabs are higher up off the  
6 ground. Older folks have, I'll say women,  
7 certainly people with mobility impairments, this  
8 is what the, this is what the emails into us are  
9 saying, are, have a harder time getting into those  
10 cabs. So they want it to be lower to the ground.  
11 The sliding, same with the sliding doors on some  
12 of the new ones, they require a level of arm  
13 strength that, you know, that makes it difficult  
14 for some older folks. So, we do, we have to care.  
15 I have to. I think we ought to care about that.  
16 And we ought to care about the backseat being  
17 spacious enough that someone of, you know, Chair  
18 Koppell's size, can sit in it comfortably. I  
19 mean, for me, not, not a problem, but for, for the  
20 taller people here--And that's where, and that's,  
21 that's real, too. You know, we get, you'd be  
22 surprised, or perhaps you wouldn't, at the number  
23 of emails we get about, you know, I can't, I get  
24 in the back and my legs are squished up against my  
25 chin and I--And that's, I think we want to look



2 out for that, too. Is it on the level of  
3 durability and function? Maybe not. And just on  
4 the design part, there, too, I will stand up for  
5 what we've done and say I think that it is, I  
6 think it's a factor. It doesn't outweigh the  
7 other things, but it's there with them. The, you  
8 know, you, you look at a movie or a TV show, you  
9 might've watched, I don't know if you caught Paul  
10 McCartney on Saturday Night Live this weekend,  
11 but, you know, it was a thrill to see it on TV,  
12 and the beginning sequence, Saturday Night Live,  
13 shows 17, count 'em, images of taxi cabs, that's  
14 how they establish that it's New York. It is the,  
15 it's part of the image that we as a City are  
16 putting forward to the world. And I wouldn't say  
17 it as people say, "Well, we want to create a  
18 symbol." We have a symbol, that yellow cab is a  
19 symbol. But we want that to be the, the symbol  
20 that we would want to have representing us. Is  
21 that, you know, I guess, does that outweigh  
22 everything else? Of course not. But I think  
23 there's real value there, and the way I less, the  
24 way I know that, one of the ways, is we've heard  
25 so much back, again our emails about, "Bring back

2 the checker," and part of it is the jump [cheer]  
3 part of it is the jump seat and the spacious  
4 feeling, but I think it's also the look. People,  
5 people were, even people who might take one taxi a  
6 year or two taxis a year, they saw the checkers  
7 every day, if they were in Manhattan, and it was--  
8 and they had an affection for it. And I think  
9 the, the strength of that feeling tells us, kind  
10 of interestingly, that we, that the current taxi  
11 does not generate that same level of affection  
12 from ordinary New Yorkers. And if we can provide  
13 that, that's a good thing.

14 COUNCIL MEMBER HALLORAN: Well,  
15 again--

16 CHAIRPERSON VACCA: Let, excuse me,  
17 let me interrupt. We're going to have to move the  
18 questioning and the answering because we have a  
19 lot of speakers--

20 DAVID YASSKY: Okay, I apologize, I  
21 will keep it short, Mr. Chair.

22 CHAIRPERSON VACCA: No apol--no, no  
23 apology, no, no, no, I appreciate your answers,  
24 but I just wanted to alert everyone that we have a  
25 lot of speakers and a lot of members who have been

2 patiently waiting. So, respectfully, if we can  
3 all cooperate.

4 COUNCIL MEMBER HALLORAN: Yeah, Mr.  
5 Chair, thank you, appreciate it, I have one more  
6 area I just wanted to touch briefly on,  
7 Commissioner. And that is, as you're going  
8 through this RFP process, for example, the United  
9 States government bailed out GM. And basically  
10 was able to tell GM how to do things. We're  
11 engaging in an RFP process. Ford is an American  
12 company, certainly not one that was bailed out,  
13 but nonetheless. GM is a bailed out company. It  
14 would seem to me wise that we would reach out,  
15 especially as this RFP moves forward, and discuss  
16 these accessibility issues and the future of the  
17 fleet, which is something, of course, throughout  
18 the United States, once New York does it, everyone  
19 else will, will look to do it, and I think it,  
20 it's a lucrative potential future for these, for  
21 these RFPs to set a tone for how we do things.  
22 But just, once we get to that stage, that's fine.  
23 Right now, you're talking about a fee which will  
24 be imposed, a surcharge on these cabs. Can you  
25 define modest for me? You were very vague, and

2 I'm sure there's good reason for it, but what are  
3 we talking about? How much are we surcharging all  
4 of these cabs? Because as was pointed by several  
5 other Council Members, this will be passed onto  
6 the consumer. So it would be nice if we had some  
7 idea of what you're talking about. I know the cab  
8 industry has had to fight for fare increases.  
9 They are not receiving, in their view, adequate  
10 compensation, given the fact that fuel costs have  
11 gone up, energy costs have gone up, so all of the  
12 collateral maintenance of the vehicles has gone  
13 up. What are we talking about? How much money  
14 are we looking to add to the number here? And,  
15 and if you can't give me a realistic number 'cause  
16 it's not defined yet, tell me where your  
17 definition of modesty ends.

18 DAVID YASSKY: Oh. It's a well  
19 formulated question, Council Member. And I didn't  
20 want to, I don't want to, didn't want to put out a  
21 number because I, we don't know enough for it to  
22 not be misleading, right, so I'm not trying to  
23 hide the ball, so much as I just don't want to put  
24 a number in there. And well, actual number's, you  
25 know, quite different, and your definition quite

2 different, you know, might be \$5 whereas mine  
3 would be something a lot higher. So, here, what I  
4 can say is, I think that it can be accomplished  
5 considerably more cheaply than the pilot program,  
6 on a per-ride basis. We have every reason to  
7 believe that. Right, competitive bidding drives  
8 it down, the--the experience of knowing what they  
9 actually need to provide and what they don't, and  
10 not to over, you know, plan, tells us it can be  
11 done more cheaply. The RFP will tell us how  
12 cheaply it can be done. And I, that's as, that's  
13 kind of as best I can say. I don't, I think  
14 you're talking about in the, you know, tens of  
15 dollars rather than in the hundreds of dollars. I  
16 feel fairly certain that that's what you're  
17 talking about. But I, but I also don't want to  
18 over promise in terms of what I, things I don't  
19 know. We'll do the RFP, if it turns out, if it's  
20 a immodest fee, you know, then we have to come  
21 back, maybe come back to the Council and say, "We  
22 need a better solution." But I don't think we'll  
23 get there.

24 COUNCIL MEMBER HALLORAN:

25 Commissioner, I appreciate everything that you've

2 done. I'll just remind you of something you said  
3 once upon a time when you were a Council Member,  
4 about the dangers of unfunded mandates. And you  
5 sit here today and basically ask us for an  
6 unfunded mandate, which you are not willing to  
7 give me a number on, and you're not willing to  
8 give the people of the City of New York an idea  
9 about, and you're telling an industry, "You must  
10 reform and do what we tell you, but we're not  
11 going to tell you what we're going to put in the  
12 box to charge you there," I think that that's a  
13 dangerous thing.

14 DAVID YASSKY: Well, let me just,  
15 all--fair enough, all I'll say is before we sign  
16 that contract with the provider, we'll know what  
17 that number is.

18 COUNCIL MEMBER HALLORAN: Okay.  
19 Thank you, Commissioner, thank you, Mr. Chair.

20 CHAIRPERSON VACCA: Thank you.  
21 Thank you. And Council Member Jessica Lappin.

22 COUNCIL MEMBER LAPPIN: Thank you,  
23 Mr. Chair. Good almost afternoon. I wanted to  
24 thank you in your testimony for acknowledging that  
25 one of the major deficiencies with the pilot

2 program was that there was no outreach, and there  
3 was no advertising. So, I think it was designed  
4 to fail, because if people don't know about it,  
5 they're not going to take advantage of it. So, I  
6 wanted to thank you for that, and recognize that  
7 in the future, we're going to have to change that  
8 to make sure that a dispatch service works, if we  
9 go in that direction. And you mentioned Assembly  
10 Member Kellner, who is still here, and you know,  
11 he did a report called "Stranded," that showed  
12 that, that DoITT, which oversees 311, had found  
13 that during the central dispatch pilot program,  
14 there were 2,287 calls that were transferred by  
15 311 to the TLC, but the TLC said it only received  
16 1,275 calls, since the program began, which is  
17 obviously a discrepancy. So, so how do you  
18 explain that discrepancy?

19 DAVID YASSKY: Well, to be honest  
20 with you, I'd have to look--that must've been  
21 midway through the program, since the ultimate was  
22 some 5,800 calls. But--

23 COUNCIL MEMBER LAPPIN: So the TLC  
24 thinks, what's the number you think, total, for  
25 the duration of the program, which would be July

2 2008 through--

3 DAVID YASSKY: June 2010.

4 COUNCIL MEMBER LAPPIN: Right.

5 DAVID YASSKY: 5,800 rides, 5,800  
6 calls, which is--

7 COUNCIL MEMBER LAPPIN: This was, I  
8 believe, through March of '09.

9 DAVID YASSKY: Okay, that makes  
10 some sense. I, I guess the real answer is, I have  
11 not looked at that, at, you know, that period of  
12 time specifically enough to answer your question.

13 COUNCIL MEMBER LAPPIN: Okay. But  
14 I think if this is the model you're looking at  
15 moving forward, we need to understand, if people  
16 are calling 311, what happens to that call? Is it  
17 being transferred to the TLC or not? And if it's  
18 not, what's happening? And if you have different  
19 statistics than they do, we do definitely need to  
20 get to the bottom of that. And I guess, sort of  
21 two other follow ups related to that, which is how  
22 often does a call end up in no ride because a  
23 vehicle isn't available for a passenger? So,  
24 somebody calls, but they don't get a car. [pause]  
25 We don't know. Well, we should know that, too.



2                   DAVID YASSKY: For sure. The--I  
3 know that we have, we, we do have a number for how  
4 many over--during the two year life of it, ended  
5 up with no rides, which I can provide to you. I  
6 don't have it off the top of my head. It was  
7 fairly low, in the end, in other words most calls,  
8 and not just most, like 51 percent, but I should  
9 get you the actual number.

10                   COUNCIL MEMBER LAPPIN: Okay. And  
11 I'm sure counsel's keeping track of these  
12 questions that we're going to want some follow up  
13 information from. So I'd love to know that. And  
14 then, how many drivers were signed on at any given  
15 time to take rides?

16                   DAVID YASSKY: Yes. And by the way  
17 on the, on the dropped calls with the, you know,  
18 no response, I think you're right to say a  
19 shortcoming in kind of program design that there  
20 wasn't a mechanism to hold people accountable for  
21 that. That's, again, part of what we propose to  
22 do in the permanent version, is to have an  
23 operator with clearly defined responsibilities  
24 every call within an hour, half of them within a  
25 half hour, that if they fall short of that, there

2 is a call-by-call penalty. So, they face a, you  
3 know, just as we do today, if a passenger is,  
4 doesn't get the required service, we have a stiff  
5 fine for the taxi driver, for the livery base, so  
6 that they feel an incentive to comply. We would  
7 want to build that into this. Right, so it would  
8 not at all surprise me. Yeah, we have a  
9 completion rate of 91 percent. In other words,  
10 nine percent of calls, there was not an acc--not a  
11 call, not a car available within an acceptable  
12 time period to the customer, nine percent over the  
13 life of the program. By the way, that's pretty  
14 high. Right? So, I agree, if I'm a customer, and  
15 I order from, you know, an online whatever, store,  
16 and nine percent of the time I don't, my thing  
17 doesn't show up, I would not be happy with that.  
18 So, we do have to have an accountability structure  
19 that will result in better service.

20 COUNCIL MEMBER LAPPIN: Which I, I  
21 think, I think that's great, that's the last step-

22 -

23 DAVID YASSKY: For sure.

24 COUNCIL MEMBER LAPPIN: So what I'm  
25 focused on is you make the call, somebody takes

2 it, it gets transferred, what happens there? Then  
3 it goes out to the drivers. Are the drivers  
4 signed on? Are they--

5 DAVID YASSKY: Ah, you - - how many  
6 drivers signed on. That's the other part and, and  
7 by signed on, you're, I know you're kind of, you  
8 know, unusually knowledgeable about the workings  
9 of this program, so it's not just signed on in the  
10 sense of how many drivers were there that, you  
11 know, were driving these vehicles, but we required  
12 that, the pilot program required that drivers who  
13 were driving one of the accessible vehicles would  
14 essentially log into the dispatch service, tell  
15 them that they're there, and be available to  
16 accept calls. Many did not. Many did not. And  
17 that was, and we - - at the beginning of my  
18 testimony--

19 COUNCIL MEMBER LAPPIN: That's come  
20 up at previous hearing.

21 DAVID YASSKY: Yeah but we, that's  
22 a real problem, and I said it, I won't go through  
23 the whole thing again, I think what we have to do  
24 is structure the program so that it works for the  
25 driver, so that they get compensated for the time

2 from when they get the dispatched call to when  
3 they pick up the passenger, because otherwise we  
4 are inviting the same kind of resistance that we  
5 had among the drivers. Regular driver, you've  
6 paid \$115 bucks for this, for this twelve hours of  
7 time in the car. Whoa, you're--

8 COUNCIL MEMBER LAPPIN: Right.

9 DAVID YASSKY: --the clock is  
10 ticking.

11 COUNCIL MEMBER LAPPIN: Right.

12 DAVID YASSKY: If you don't keep  
13 that filled the whole time--

14 COUNCIL MEMBER LAPPIN: Right, no I  
15 get it, and my clock is ticking, too.

16 DAVID YASSKY: Yeah, that's it.

17 COUNCIL MEMBER LAPPIN: So I'm  
18 going to cut you off right there, and just say,  
19 you know, I'm not trying to be overly critical--

20 DAVID YASSKY: Yeah.

21 COUNCIL MEMBER LAPPIN: --but if  
22 this is a model you're looking at, we got to look  
23 at the ways that it didn't work.

24 DAVID YASSKY: Absolutely.

25 COUNCIL MEMBER LAPPIN: And make

2 sure that we're fixing those.

3 DAVID YASSKY: Absolutely.

4 COUNCIL MEMBER LAPPIN: And so that  
5 the questions I wanted to move to now relate to  
6 the Taxi of Tomorrow and the RFP. You mentioned  
7 just with Council Member Halloran the survey, and  
8 encouraged people to go on. I mean, I have been  
9 online and looked at the survey. You mention  
10 accessibility, but you don't ask people to rank  
11 accessibility.

12 DAVID YASSKY: Oh, yeah.

13 COUNCIL MEMBER LAPPIN: The way you  
14 do ask people to rank, and I have it here, I don't  
15 have an iPad, I'm not as fancy, but I [laughter]

16 DAVID YASSKY: Yeah, where's my  
17 iPad, where's my iPad?

18 COUNCIL MEMBER LAPPIN: But you do,  
19 you do, you ask people about safety features and,  
20 and comfort and environmentally friendly, and  
21 iconic design, durability and ease of repair. But  
22 you don't, you don't ask people to rank--

23 DAVID YASSKY: Right, that's--

24 COUNCIL MEMBER LAPPIN: --the  
25 disabilities piece, or the accessibilities piece.

2                   DAVID YASSKY: Yeah, that, that was  
3 a considered decision. I mean, I don't, in that I  
4 don't think you put civil rights for a vote in  
5 that same way. It's not, you know, whether it's  
6 popular or unpopular, we have an obligation to  
7 promote equality of service and, you know, even if  
8 it was ranked, we didn't put it there because  
9 frankly if the public said this was the thing we  
10 care about the least, we would not listen to that  
11 advice. We think that accessibility is a core  
12 concern, regardless of how the public in a survey  
13 like that would rank it.

14                   COUNCIL MEMBER LAPPIN: I get that.  
15 And I'm not saying that we should put civil rights  
16 up for referendum, continually. But, but you're  
17 not requiring that piece. And so, when you're,  
18 you mentioned the point system that you're using,  
19 you are looking at that and comfort and the other  
20 things you are asking people to rank.

21                   DAVID YASSKY: Yes.

22                   COUNCIL MEMBER LAPPIN: So you're  
23 not requiring us to meet the obligation you just  
24 mentioned to provide equal rights for all, but  
25 you're not asking people either. So it sort of

2 gets--

3                   DAVID YASSKY: That's exactly  
4 right, because they're, you know, now, especially  
5 now, once we identify a single partner and begin  
6 working with them in earnest, it will, we're going  
7 to have to make some tradeoff decisions about how  
8 much, you know, fuel efficiency do you sacrifice  
9 for comfort, or whatever it is, and we want to, we  
10 thought that the public should have some say in  
11 those tradeoffs. But no in terms of  
12 accessibility, that's, while yes, it is not an  
13 absolute, like none of them are, we think the  
14 strong value that we place on accessibility is not  
15 subject to a vote.

16                   COUNCIL MEMBER LAPPIN: Well, let  
17 me ask you this, you had mentioned earlier that if  
18 you were to require it, you would have to rescind  
19 and reissue and RFP. And I wanted to follow up on  
20 that and ask why. Because with, why couldn't you  
21 change the TLC's regulations? I think similar to  
22 what you did for hybrids, and just make ADA  
23 compliance part of the vehicle regs.

24                   DAVID YASSKY: Well, just as far as  
25 the procurement part of it goes, if we were to

2 make that, make accessibility or any of the other  
3 ones, if we were to change its status as an, one  
4 of the evaluation criteria, we would then be  
5 subject to a lawsuit that said, "We've changed the  
6 rules of the RFP midstream."

7 COUNCIL MEMBER LAPPIN: Same,  
8 similar to the lawsuit you faced with the hybrid  
9 vehicles.

10 DAVID YASSKY: Which the City, you  
11 know, lost, and--

12 COUNCIL MEMBER LAPPIN: Okay.

13 DAVID YASSKY: As you know.

14 COUNCIL MEMBER LAPPIN: And, and my  
15 last question, what if, is there a possibility you  
16 don't award a winner to the RFP? And--

17 DAVID YASSKY: Absolutely. Yeah.

18 COUNCIL MEMBER LAPPIN: And then,  
19 what happens? 'Cause there were other companies  
20 who didn't participate, right, who have vehicles  
21 that would meet the ADA or the, the accessibility  
22 requirements that we're talking about today. So,  
23 I guess, so what's, so what happens if you don't  
24 award a winner?

25 DAVID YASSKY: That's a good



2 question. Well, if we don't complete the procure,  
3 the Taxi for Tomorrow procurement, we'll be, you  
4 know, in some ways no worse off but no better off  
5 than we are today, and have been, meaning that  
6 we'll have the choices that are out in the  
7 marketplace that, that are open to us. And we'll  
8 have to choose among the existing set of  
9 commercially available vehicles. In terms of what  
10 do we approve as a taxicab and whatnot. The hope,  
11 the hope--

12 COUNCIL MEMBER LAPPIN: But, but  
13 you could procure a vehicle that wasn't one of the  
14 three, that you've narrowed it down to. I mean,  
15 what I'm saying is if there's a company that  
16 didn't respond to the RFP, but produces a vehicle  
17 that, I mean, would that then be considered--

18 DAVID YASSKY: All right, for  
19 example, I mean there's, you know, I keep hearing  
20 about, they came, come see us at TLC, I don't know  
21 what their company is called, but they call it the  
22 standard taxi, or this, you know, standard cab.  
23 You know, and they, that's a perfect example,  
24 'cause I'd been hearing from many in the advocate  
25 community, "Hey, there's this company that makes

2 accessible cabs." They came to see us at TLC. I  
3 said, "So, have you submitted a vehicle for  
4 approval?" "No." "Have you submitted a proposal  
5 on Taxi of Tomorrow?" "No." "So, what, can you  
6 give us something that we can make a decision on?"  
7 "Well, perhaps, maybe, someday." So, I guess what  
8 I'm saying there is, believe me, we stand open at  
9 all times for people who have, want us to approve  
10 a vehicle, to say, "Here's a good vehicle to  
11 approve." And we would then, if we don't complete  
12 this procurement, just as we have in the past,  
13 we'll continue to be open to those proposals.

14 COUNCIL MEMBER LAPPIN: Okay.

15 Thank you very much.

16 CHAIRPERSON VACCA: Council Member  
17 Garodnick.

18 COUNCIL MEMBER GARODNICK: Thank  
19 you, Mr. Chairman, and Chair Yassky. My questions  
20 are specifically about Intro 433 and its  
21 relationship to the Taxi of Tomorrow RFP. I think  
22 like many of us, I was hopeful that in response to  
23 whatever RFP TLC put out, we were going to see  
24 the, the perfect taxi, the one which was both  
25 accessible and energy efficient and the one that

2 will say--

3 DAVID YASSKY: Well--

4 COUNCIL MEMBER GARODNICK: This is  
5 it, we are New York, we're proud of this and we  
6 feel good. And obviously, when you have different  
7 elements in an RFP, that part is somewhat out of  
8 the control of the TLC as to who shows up. And I  
9 think you just made that point a moment ago. But  
10 in terms of the logistics here, we have a piece of  
11 legislation that's pending before this Committee.  
12 Like Council Member Greenfield, I am not yet a  
13 cosponsor, although certainly share the, the goals  
14 here. But if we were to pass this legislation,  
15 today, and make it effective instantly, the impact  
16 on the RF: would be either scrapping it or that  
17 you would be only able to choose one of the three  
18 finalists. Is that a fair assessment? How would  
19 that work for the TLC?

20 DAVID YASSKY: I'm going to be  
21 careful and, please, General Counsel Frasier, you  
22 know, if you think there's something to add,  
23 please do so. You know, I don't want to kind of  
24 say something that if we're in a litigation  
25 position, I would then be worried about. So, I'm

2 not going to say that it would invalidate the RFP,  
3 but I, but I do believe that it would create a,  
4 the grounds for a real, for a legal challenge to  
5 the RFP, to this ultimate selection. And because  
6 it would, it would change the criteria that the  
7 vehicles are being judged on.

8 COUNCIL MEMBER GARODNICK: Now if  
9 we had passed this bill before you had issued an  
10 RFP--

11 DAVID YASSKY: That's right.

12 COUNCIL MEMBER GARODNICK: --then  
13 presumably any finalists that existed would have  
14 had to have been accessible, is that right?

15 DAVID YASSKY: That's correct.

16 COUNCIL MEMBER GARODNICK: And I  
17 think you were asked this earlier, but I wanted to  
18 make sure I followed up on the question. If we  
19 had done that and if you had issued the RFP with  
20 accessible only, and then adding a point structure  
21 for the various other elements, including  
22 durability and comfort and things like that, do  
23 you have any sense as to whether we would have  
24 ended up with more than one respondent? Do you  
25 have any sense of the market out there as to what

2 is available or likely?

3 DAVID YASSKY: I believe pretty  
4 strongly that we would not have ended up with  
5 anything different than what we have before us  
6 today. I do not believe that any, either of the  
7 two name brand manufacturers, Ford, Nissan, that  
8 are in the leading contenders, or GM which also  
9 submitted, I don't believe that any of them would  
10 have submitted a wheelchair accessible vehicle.

11 COUNCIL MEMBER GARODNICK: And why  
12 do you say that?

13 DAVID YASSKY: Because they are,  
14 they're, they have an existing, they have existing  
15 manufacturing infrastructures that are not geared  
16 to producing that. And so, I don't believe that  
17 they would have decided that it was worth it to  
18 them to invest in an entirely new plan, just to  
19 produce this vehicle. For a newcomer, the  
20 calculation's different. They, some, a newcomer  
21 might decide that breaking into the United States  
22 market, when they have no fixed costs to begin  
23 with, is worth it, it's worth it to them to build  
24 a plant that would produce a wheelchair accessible  
25 vehicle. Is that response to your question?

2 COUNCIL MEMBER GARODNICK: I, I  
3 think it, I think it is.

4 DAVID YASSKY: I'm saying I don't  
5 think that, from what I've been able to learn  
6 about the Ford and Nissan, you know, inter-  
7 economics of producing a vehicle, I don't think  
8 that they would have changed their, their existing  
9 infrastructure sufficiently, just to make this  
10 vehicle. I--I think a new company might say,  
11 might do that, but not--

12 COUNCIL MEMBER GARODNICK: So then  
13 as a practical matter, we're looking at this  
14 Carsan, which is the only respondent to the RFP  
15 that is accessible today, or choosing a not  
16 accessible vehicle, which is the Ford or the  
17 Nissan.

18 DAVID YASSKY: That's correct.

19 COUNCIL MEMBER GARODNICK: So,  
20 earlier today, you noted that Carsan had no track  
21 record. I just wanted to ask you what exactly  
22 that, that means, whether they've ever, ever  
23 designed a taxi, whether they have any cars in the  
24 United States. If you could just say a little  
25 more about that.

2                   DAVID YASSKY: Okay. And to be  
3 perhaps overly careful, I, I believe what I said  
4 was that they do not have as long and full a track  
5 record as either Nissan or Ford. Not that they  
6 have no track record as a manufacturer, they do.  
7 They, they are a contract manufacturer and, and I  
8 think that there's some chance that they are, you  
9 might be hearing from them today, so I don't, you  
10 know, they could probably speak to this more  
11 effectively than I could. But they produce  
12 vehicle systems and components for name brand  
13 manufacturers today. They have not, I believe,  
14 produced a vehicle from beginning to end, from  
15 design through sale. They do not have a sales and  
16 service network in the United States, which would  
17 be required to support this industry. They have  
18 not taken a car through the DOT, federal DOT  
19 approval process that's necessary before any  
20 vehicles sold for use in the United States. Those  
21 are not thing, you know, those are not things that  
22 only, you know, kind of a superhero can do, but  
23 they are, and ten years ago, I don't know, nobody,  
24 I don't know where Hyundai or Kia was ten or 15  
25 years ago. But nonetheless, that's what I meant

2 by no, by less of a track record.

3 COUNCIL MEMBER GARODNICK: So then  
4 let's just go to the, the scenario in which you  
5 note--

6 DAVID YASSKY: And in terms of  
7 their producing a taxi, I'm sorry, you asked me  
8 specifically, I do not believe so, no.

9 COUNCIL MEMBER GARODNICK: Okay.  
10 So let's go to the scenario in which either you,  
11 or actually the scenario in which no winner is  
12 chose here. We have the Crown Vic that is  
13 available until sometime mid-2011, is that  
14 correct?

15 DAVID YASSKY: That is correct.

16 COUNCIL MEMBER GARODNICK: So what  
17 does that mean, practically speaking, for, for the  
18 fleet, when the Crown Vic is no longer available?  
19 And if there is no taxi that's selected as part of  
20 this RFP.

21 DAVID YASSKY: It means that we do  
22 have 15 other vehicle models that are currently  
23 approved for use as taxicabs, which we believe in,  
24 and stand behind. On the other hand, since more  
25 than 9,000 of the 13,000 taxis are Crown



2 Victories, that's a lot of taxi owners that will  
3 be looking for a new vehicle, and they are kind of  
4 presumptively owners who are not happy with the  
5 other choices. Maybe just 'cause they have had  
6 Crown Vics for a while and they haven't really  
7 thought about it. Or maybe they actively are  
8 unhappy with the other choices. We've had some,  
9 you know, not just some, we've had plenty of  
10 feedback from the industry that they're not happy  
11 with the other choices. And they would want us to  
12 look at other vehicles that are now on the market,  
13 not wheelchair accessible vehicles, obviously,  
14 'cause that's not what's out there, but other  
15 vehicles that are out there on the market that  
16 they would prefer as taxicab. So, you know, if we  
17 don't complete this procurement, we will have to,  
18 and we've already started to think as contingency,  
19 but will then have to in a kind of rigorous and  
20 focused way, look at the other choices that are  
21 out there on the market, and make the decision is,  
22 are the existing approved vehicles enough for the  
23 industry? And we're going to kind of try and  
24 really strongly encourage that, require it; or are  
25 we going to, are we going to approve another

2 vehicle? Is that, I mean that's, we'd have  
3 another decision process to make, and I don't know  
4 where it would end. But that's--

5 COUNCIL MEMBER GARDODNICK: And the  
6 approval process for that, the already approved  
7 15, that's just in, that's just a regulatory  
8 internal TLC process, is that right?

9 DAVID YASSKY: Correct, it would be  
10 the same going forward, as well.

11 COUNCIL MEMBER GARODNICK: Well,  
12 listen, I'm going to stop there, I know there are  
13 other questions. I want to thank you for your  
14 testimony and for your commitment. And you don't  
15 need to answer this right now, but we will note  
16 that it takes a committed, sort of Taxi and  
17 Limousine Commissioner to be able to count the  
18 number of taxis that appear at the beginning of  
19 Saturday Night Live [laughter] and you can share  
20 with us afterwards how long exactly it took you to  
21 do that. But we thank you, Chairman Yassky, and  
22 we're glad to have you.

23 DAVID YASSKY: Thank you.

24 CHAIRPERSON KOPPELL: Thank you,  
25 since Chair Vacca is out for the moment, Gale

2 Brewer is next.

3 COUNCIL MEMBER BREWER: Thank you.

4 I feel like I've been talking to you, David, for  
5 days and days and days, in the back of the cab.

6 [laughter] I have two questions, three questions.

7 First of all, can a cab be green? I know you

8 talked about balance in your testimony. Can it be

9 green and accessible? The Nissan says it's

10 electric. And when we were in Israel, and

11 obviously the Governor of, future governors were

12 talking a lot about electric cars. So can you be

13 green and accessible?

14 DAVID YASSKY: Well, in, in theory,

15 yes, none of the, none of the proposed vehicles

16 is, first of all none of the proposed vehicles is

17 as fuel efficient as the Ford Escapes that are now

18 in the road in substantial numbers. Now, that's

19 kind of an important fact--

20 COUNCIL MEMBER BREWER: Yes.

21 DAVID YASSKY: --and not something

22 I've really talked about, a lot about before, but  
23 something worth understanding and thinking about.

24 So, the Ford Escapes that are, that are on the

25 road in, I don't know, maybe 2,500 or so of them.

2 COUNCIL MEMBER BREWER: I've been  
3 in all of them.

4 DAVID YASSKY: Are, yeah, and we  
5 know, we, you know, the GPS tracker--

6 COUNCIL MEMBER BREWER: That's,  
7 I've been in all of them.

8 DAVID YASSKY: --the special kind  
9 of Gale--

10 COUNCIL MEMBER BREWER: Every last  
11 one of 'em.

12 DAVID YASSKY: Gale Brewer  
13 attachment that we--

14 COUNCIL MEMBER BREWER: Mm-hmm.

15 DAVID YASSKY: So, you know, those  
16 are highly fuel efficient. When I talked before  
17 about complaints, about cramped and luggage space  
18 and higher off the ground, that's them, too.

19 COUNCIL MEMBER BREWER: And when  
20 you're visually disabled, you can't hear them,  
21 which is another problem.

22 DAVID YASSKY: Yeah, yeah, fair  
23 point.

24 COUNCIL MEMBER BREWER: Another  
25 reason.

2           DAVID YASSKY: So, they're, you  
3 know, I, we do not have before us a choice for the  
4 initial vehicle that is as fuel efficient as the  
5 Crown--as the Ford Escape. So, you know, we're  
6 already talking about, if we complete this  
7 procurement, recognizing that if we want a car  
8 that seats three in the back comfortably, with  
9 legroom, that's not available at the, you know, at  
10 the fuel efficiency of an Escape.

11           COUNCIL MEMBER BREWER: Yes.

12           DAVID YASSKY: That's the reality  
13 of the manufacturing world today.

14           COUNCIL MEMBER BREWER: But--

15           DAVID YASSKY: But you said, but  
16 you referred to the, the, the, possibly of a fully  
17 electric vehicle. And indeed one of the three  
18 proponents has said that they, their not just  
19 goal, but intention would be over the ten year  
20 contract--

21           COUNCIL MEMBER BREWER: - -

22           DAVID YASSKY: --to get to the  
23 point where there's a fully accessible fleet.  
24 Well, full--I'm sorry, fully electric--

25           COUNCIL MEMBER BREWER: Correct.

2 DAVID YASSKY: --vehicle fleet.

3 Well, that is, that would be, you know, kind of a  
4 home run for many people's, many people's view for  
5 sustainability. There are serious logistical  
6 hurdles to that in this industry. It is, it's  
7 not, the taxi, as Council Member Halloran talked  
8 about, Ford does not operate the same way that a  
9 household car does, it's on the road 24/7, it, it  
10 has a huge, you know, daily driving range that's  
11 necessary. And we don't have the infrastructure  
12 to charge or switch batteries on, on a--

13 COUNCIL MEMBER BREWER: Right.

14 DAVID YASSKY: --electric vehicle  
15 today, so we'd have to make a real assessment if  
16 we kind of commit to that goal, what would be the  
17 infrastructure necessary to support it?

18 COUNCIL MEMBER BREWER: I'm aware  
19 of it. The other question I have--

20 CHAIRPERSON VACCA: Excuse me, one  
21 thing, I'm sorry, Council--

22 COUNCIL MEMBER BREWER: Sure.

23 CHAIRPERSON VACCA: I do want to  
24 introduce Council Member Rodriguez, who's been  
25 here for a while, and I want to thank him for his

2 patience.

3 COUNCIL MEMBER BREWER: Thank you.

4 I think you said, or someone said, there's like  
5 240 or something that are accessible now. I've  
6 been in all of those, too. But the issue is that  
7 nobody in a wheelchair's ever in them. I always  
8 say, "Driver, have you had anybody--" I'm just  
9 telling you, 'cause I really have been in all 240  
10 of them. And, and the, I love those cabs, because  
11 you get in, it's like a checker, it's just not,  
12 but it feels like a checker. The only problem is,  
13 Jeanette's [phonetic] potholes hit you every time.  
14 So, my question is, how--I love Jeannette, but  
15 there are potholes. So the question is, how would  
16 you have a taxi like that, something that is as  
17 comfortable as the non-medallion taxis that I hail  
18 illegally, and something that is green. Is none  
19 of the possible? Is any of that possible?

20 DAVID YASSKY: Okay, so--

21 COUNCIL MEMBER BREWER: That's what  
22 we're looking for.

23 DAVID YASSKY: Right.

24 COUNCIL MEMBER BREWER: Accessible,  
25 like that car, but you can ride comfortably, etc.

2 DAVID YASSKY: Right. Okay. So--

3 COUNCIL MEMBER BREWER: Why is that  
4 so hard to come by?

5 DAVID YASSKY: That's what we're  
6 looking for. And, you know, the--just for, I am  
7 as frustrated as you are by the fact that you've  
8 got 240 accessible vehicles, accessible taxis  
9 driving around today, that probably, you know, 220  
10 of 'em driving around right this very second,  
11 that, the odds, I will say, no wheelchair will be  
12 in one today.

13 COUNCIL MEMBER BREWER: Correct.

14 DAVID YASSKY: Because it--nobody's  
15 going to try and go and hail one, you have to wait  
16 for the, that one, you know, one out of the  
17 thousand, the one out of the few hundred. That  
18 doesn't make sense. So that's why we need a  
19 dispatch program to connect the wheelchair users  
20 who need that vehicle to the taxis that are  
21 actually driving around today. Okay, how do we  
22 get there, you know, your question about why can't  
23 you get all this. That really is the, the notion  
24 behind the long term partnership with the  
25 manufacturer. And like everything, it's not



2 costless. You know, people in the industry will  
3 say, you know, it's killing, you're killing me  
4 that you're going to lock us into one supplier,  
5 now we're at the mercy of them and they're, you  
6 know, yeah they're wooing you now and they're  
7 wooing the industry today, but the minute they're  
8 locked in, they're a monopoly and we're going to  
9 be at their mercy. And that's, that's not a  
10 trivial concern. The opportunity on the other  
11 side is that by partnering with somebody, you can  
12 push them toward doing, toward a vehicle that just  
13 is not available today that accomplishes all of  
14 our goals.

15 COUNCIL MEMBER BREWER: Okay.

16 DAVID YASSKY: And I think that's  
17 worth - -

18 COUNCIL MEMBER BREWER: I'm not  
19 going to, I can see that the Chair wants to keep  
20 going. But it does seem to me that those three  
21 that you have looked at, that they don't make,  
22 they're not, they're not going to work. First of  
23 all, are any of them manufactured in the United  
24 States?

25 DAVID YASSKY: None of them is. By

2 the way--

3 COUNCIL MEMBER BREWER: That makes  
4 me nuts.

5 DAVID YASSKY: Well, neither is the  
6 Crown Victoria. It makes me nuts, but you--

7 COUNCIL MEMBER BREWER: Makes me  
8 nuts, right there.

9 DAVID YASSKY: Okay, but neither is  
10 the Crown Victoria, let's just get, you know, what  
11 the baseline is.

12 COUNCIL MEMBER BREWER: Okay, but  
13 then we need to change that, though, we should, we  
14 should make sure that whoever is doing this is  
15 manufacturing in the United States.

16 DAVID YASSKY: With respect,  
17 Council Member, there's--

18 COUNCIL MEMBER BREWER: I don't--

19 DAVID YASSKY: --things that are  
20 within our ability to do and things that are not.

21 COUNCIL MEMBER BREWER: Okay.

22 DAVID YASSKY: And the, the Crown  
23 Victoria is not made in the United States. None  
24 of the man--of the proposals submitted, were for  
25 cars that would be manufactured in the United

2 States. Not the Ford.

3 COUNCIL MEMBER BREWER: Okay.

4 DAVID YASSKY: Not, not the Ford,  
5 not the GM, and not the Nissan or the Carsan. So,  
6 that is the reality.

7 COUNCIL MEMBER BREWER: Okay. I  
8 don't want to keep going, I would like a light in  
9 the car in the back, I'd like to be able to put my  
10 [laughter] like where I put my coffee down, and I  
11 want to turn off the ad box in the back. And  
12 you're doing a great job.

13 DAVID YASSKY: Thank you. And  
14 thank you for the suggestions.

15 CHAIRPERSON KOPPELL: Thank you.

16 CHAIRPERSON VACCA: Chair Koppell--

17 CHAIRPERSON KOPPELL: Yeah, I--You  
18 said before, and I agree with this, that you found  
19 it important to have some yellow cabs that are  
20 accessible, although those would be dispatched not  
21 likely to be hailed, 'cause there are not going to  
22 be enough of them. However, and I'm not going to  
23 ask, I could do this through a question, I'll do  
24 it through a statement. Since cabs have a  
25 relatively short life, if you now don't require

2 accessibility, within a few years you're not going  
3 to be able to. Dispatch an accessible cab, 'cause  
4 there won't be any, 'cause your model cab is going  
5 to be non-accessible. So the objective you just  
6 expressed a few minutes ago, or a while ago, is  
7 going to become impossible, 'cause you're not  
8 going to have any accessible yellow cabs anymore,  
9 'cause your model's not accessible.

10 DAVID YASSKY: Mr. Chair, if I may.

11 CHAIRPERSON KOPPELL: Please.

12 DAVID YASSKY: That--I just want to  
13 put to rest anybody's concern on those, along  
14 those lines. We, 100 percent intend, and will,  
15 period, continue with, at a minimum, the existing  
16 231 medallions that are, can be used only with  
17 accessible vehicles. So, even if every, none of  
18 the others are. We will have, with those  
19 medallions, will remain usable only with  
20 accessible vehicles. So, we will not backslide on  
21 that.

22 CHAIRPERSON KOPPELL: So, your Taxi  
23 of Tomorrow will not include--

24 DAVID YASSKY: Correct.

25 CHAIRPERSON KOPPELL: --accessible

2 vehicles.

3 DAVID YASSKY: It--

4 CHAIRPERSON KOPPELL: [laughs]

5 Well, I mean, I don't know how that--

6 DAVID YASSKY: Correct.

7 CHAIRPERSON KOPPELL: That, that--

8 so that the least, the less efficient or whatever

9 else will be the ones for the [laughs] for the

10 disabled. I mean, it's--It just, it just seems to

11 me that it's a contradictory objective. And, and

12 I still don't really understand the, that you feel

13 you can negotiate with the winner on a whole bunch

14 of features, but not accessibility. You can

15 negotiate with the, you mentioned yourself, there

16 are all kinds of things you can negotiate once

17 you've chosen the winner, or in the process of

18 choosing the winner, perhaps, but not

19 accessibility. I just don't understand that. I

20 mean, do you have anything else to say about that?

21 DAVID YASSKY: Look, it's not, it's

22 not that I don't think that we can negotiate,

23 it's what I think, that I think that if we insist

24 that it be accessible, then that, we won't get the

25 other things that we are looking to get out of the

2 Taxi of Tomorrow. That is, and that's a reality.  
3 We could say, "Okay, no, that's good, it's all,  
4 we're going to make that an absolute requirement,"  
5 it just means that the other objectives will be  
6 either compromised, or you know, not achieved at  
7 all. And that's, that's the tradeoff. So, I, you  
8 know, I'm fully acknowledging that that's a, that  
9 is a substantive decision. I think it's right  
10 decision.

11 CHAIRPERSON KOPPELL: Well, let me  
12 just say, saying that there's a decision in terms  
13 of objective is different than saying it's not  
14 legally possible.

15 DAVID YASSKY: Okay, I--

16 CHAIRPERSON KOPPELL: And I do not--  
17 --you're suggesting that if you require that you'd  
18 have to go back to the drawing board and issue a  
19 whole new RFP, and that I do not understand.

20 DAVID YASSKY: All right, I--

21 CHAIRPERSON KOPPELL: I don't think  
22 it would require a new RFP, because it's no  
23 different than any other requirement that you  
24 negotiate with the winner. Okay.

25 DAVID YASSKY: Okay.

2 CHAIRPERSON KOPPELL: Thank you.

3 CHAIRPERSON VACCA: Thank you,  
4 Chairman Yassky, thank you everyone from the Taxi  
5 and Limousine Commission.

6 DAVID YASSKY: Thank you, Mr.  
7 Chair, Mr. Chair, and Committee Members.

8 CHAIRPERSON VACCA: Thank you for  
9 your patience. All right, we will now have  
10 speakers. First let me introduce Assemblyman  
11 Micah Kellner.

12 CHAIRPERSON KOPPELL: I see, okay.

13 [pause, background noise]

14 MICAH KELLNER: Thank you, Chairman  
15 Vacca, thank you, Chairman Koppell, for having  
16 this great hearing. I disagree with Chairman  
17 Yassky, I think Intro 443 is a terrific bill. I  
18 in fact am such a zealot I don't think it goes far  
19 enough, I think we could go even farther. I  
20 sponsor a similar piece of legislation in the  
21 State Assembly that made it to the floor of the  
22 Assembly this year, but we did not pass, sadly,  
23 that would require not only ADA compliance in  
24 terms of wheelchairs, but also other features,  
25 including induction loops, things for the visually

2 impaired. I've also authored two reports, one  
3 about accessible yellow taxis called "Stranded,"  
4 that Council Member Lappin spoke about before; and  
5 another one about the for-hire industry called  
6 "Not For Hire," wherein we actually called every  
7 single for-hire base in the City twice to see who  
8 was complying with 607(f), and it's, that's where  
9 I came to the opinion that 607(f) is just not  
10 possible. I am a, I'm a, I very much am on the  
11 side with Council Member Greenfield. These are  
12 two industries that shouldn't be comingled. If  
13 Chairman Yassky were to tell me, "Assembly Member,  
14 we are going to have a fully taxi fleet with the  
15 Taxi of Tomorrow, maybe having a central dispatch  
16 system in the interim would be a decent interim  
17 solution. But what we really need is full  
18 accessibility. I think several Council Members  
19 mentioned it before. The for-hire industry, you  
20 call in advance. And so having a central dispatch  
21 for them is a great idea. Because then there's on  
22 central number for you to call, I don't think 311  
23 is the answer, as Council Member Lappin pointed  
24 out. The 311 dropped 44 percent of calls in the  
25 first year, according to the Department of



2 Information Technology, that's not my numbers,  
3 that's the City's 311 numbers. But if you had a  
4 central number, we have Dial 6, we have Dial 7,  
5 why not Dial 8 for a person with a wheelchair to  
6 get them that for-hire vehicle? But when it comes  
7 to a taxi, when you want a taxi, you want it right  
8 away. We all live very busy lives, and sometimes  
9 we need to rush off places, and we need to get a  
10 taxi. And that's no different than for a  
11 wheelchair user. So, picking a fully accessible  
12 vehicle, as the taxi of tomorrow, is imperative.  
13 We should be the world leader on this, there is  
14 nothing stopping us. I know of at least two  
15 manufacturers who are attempting to build purpose  
16 built vehicles. We talked about subsidies  
17 earlier, so let me talk about some of the  
18 subsidies that are out there. There is a program  
19 that was part of the stimulus called "New Freedoms  
20 Money," where the federal government, the  
21 Department of Transportation, was giving out  
22 grants to states specifically for accessible  
23 vehicles, specifically for taxi and livery. New  
24 York State has yet to take advantage of New  
25 Freedom money. The TLC could easily apply for it.

2 Secondly, now for a number of years, Congressman  
3 Wiener has gotten over R865,000 reappropriated  
4 every year in the budget, specifically to buy  
5 accessible livery vehicles for New York City. He  
6 has expressed his frustration that this money has  
7 not been spent yet. He wants it spent. If you're  
8 considering that an accessible livery vehicle is  
9 about \$40,000, \$865,000 gets you a pretty decent  
10 number of vehicles. So we actually have federal  
11 subsidies out there. In terms of building a new  
12 vehicle from the beginning, and why, I don't  
13 understand why major manufacturers aren't  
14 interested in, in trying to refit their plants,  
15 'cause the federal government is giving out money  
16 from the Department of Energy on that side. In  
17 fact, they just gave one of the two vehicles, the  
18 VPG Autos that Commissioner Yassky mentioned  
19 before, a \$50 million grant based on their  
20 performance to build the vehicle, the Chevy Volt,  
21 that's a major manufacturer, got \$500 million to  
22 build, to retrofit their plants to build an  
23 electric vehicle. So the money is out there. And  
24 the fact is, an accessible, an accessible taxi  
25 fleet will actually save us money when it comes to

2 Access-A-Ride, Councilman Halloran. If you don't  
3 recognize, it costs about \$60 a ride on Access-A-  
4 Ride, and that doesn't deal with the fact that  
5 they're not coming within 45 minutes, the fact  
6 that as many wheelchair users who use Access-A-  
7 Ride will tell you, they call it the five borough  
8 tour, 'cause you never know where you're going to  
9 end up. Right now, the MTA is spending \$479  
10 million this year on Access-A-Ride. And a third  
11 of that cost is being born by the City of New  
12 York. It's not all State, a third of it is born  
13 by--And it was the Mayor of the City of New York  
14 who said in his reelection campaign, so these are  
15 his numbers again, not mine, that if we took 50  
16 percent of those trips and we moved them to livery  
17 or cabs, we could save \$50 million for the City  
18 and the State on MTA. So those were his numbers  
19 from a couple years ago. And in fact, I know that  
20 the livery industry is quite interested in this  
21 because they see a way to make money for their  
22 drivers, and I know that there are certain  
23 elements of the livery industry that are actively  
24 working with the MTA to create a pilot program.  
25 They're calling this Access-A-Card. They're

2 giving out a debit or credit card that is going to  
3 be linked to people's, either their credit card  
4 account or their bank account, where they get  
5 charged the \$2.25 for the, for the Access-A-Ride  
6 trip, and then there is a negotiated price between  
7 the livery industry and the, and Access-A-Ride, to  
8 pay for the rest. So this is a great option  
9 because ironically, people with disabilities are  
10 also left out on the MTA, they're the only ones  
11 who aren't allowed to use Metro Cards. They're  
12 the only ones who actually have to have \$2.25 up  
13 front, exact change, all the time, on Access-A-  
14 Ride. So, you know, this could be a great option.  
15 And if you had a fully accessible taxi fleet, this  
16 could save us millions upon millions of dollars  
17 for the MTA, it could save us, you know, get  
18 better service for people with disabilities, and  
19 it could actually put money in taxi drivers and  
20 the livery industry's pocket. I don't think a  
21 central dispatch system, again, on its own,  
22 without knowing that eventually--and by eventually  
23 I mean 2014 when the Taxi of Tomorrow is going to  
24 come online, without a fully accessible taxi  
25 fleet, is going to work. We've seen this before,

2 its' Groundhogs Day, you know, there's the old  
3 saying, "Fool me once, shame on you; fool me  
4 twice, shame on me." It's not going to work. If  
5 you need a taxi, you don't need it in, in 60  
6 minutes, you don't need it in two hours, you need  
7 it right away, you need it in three minutes. I  
8 don't know of anyone on this, this dais who would  
9 say waiting 60 minutes to get a taxi would be  
10 convenient for them. They'd try to find another  
11 mode of transportation. So I think Intro 443 must  
12 be passed, because the fact is, this RFP is not  
13 the end all and be all. It's great, it has  
14 brought forth a terrific manufacturer in one  
15 instance, who was prepared to build a vehicle that  
16 is iconic to New York, that is designed to be  
17 accessible. But if we make the mistake with this  
18 RFP, we're going to set back a decade at a  
19 minimum, a decade at a minimum. And that is too  
20 scary for me, and if the, if the Chair would mind,  
21 occasionally, you know, you get the chance to run  
22 into a hero of yours, and yesterday a hero of mine  
23 emailed me, and he asked me if I would read the  
24 following at this hearing. And that is Tony  
25 Coelho, who is a former Congress Member and the

2 original sponsor of the Americans with  
3 Disabilities Act. And he asked me to read the  
4 following: "As the original author of the ADA,  
5 I'm a strong proponent of a taxi cab that is fully  
6 accessible to those of us with disabilities. I'm  
7 excited that New York City is considering making  
8 its first, making itself the first city in the  
9 world that would do so. But one major concern is  
10 that this vehicle, 20 year after the adoption of  
11 the ADA, be a move forward and not a step back in  
12 our progress. New York City has the opportunity  
13 to set the standard for accessibility nationwide.  
14 I'm told that one of the finalists includes a  
15 built-in wheelchair ramp system in every vehicle,  
16 as part of its standard manufacturing design. If  
17 this is true, then this is the standard of  
18 accessibility that the disabilities community  
19 would applaud New York City to pursue." And I was  
20 so pleased because it's taken us 20 years to get  
21 241 accessible taxis on the road, let's not let it  
22 take another 20 years to get a fully accessible  
23 fleet. We are so close to this. And again, I  
24 would implore, I think Commissioner Yassky was  
25 very smart in bringing it up, accessibility

2 doesn't just mean wheelchair access. I'd like to-  
3 -you know, there are things such as induction  
4 loops that could be installed in cabs right away.  
5 I've been very pleased to work with the  
6 Metropolitan Taxi Board of Trade, which is right  
7 now currently investigating how they can get  
8 hearing induction loops installed in a significant  
9 number of their taxis that are on the road. But  
10 again, wheelchair accessibility, it could change  
11 the way we do business here in New York. It could  
12 be something that we all could look back on 20  
13 years from now and go, "I can't believe it was  
14 ever any other way." So, I say, pass this bill,  
15 this RFP is not the end all and be all. If they  
16 don't choose the right winner, what we can always  
17 do is scrap the RFP, and they can do this through  
18 TLC regulations. That's what they did with the  
19 hybrids, was just through TLC regulations, they  
20 opened up the market to 16 different vehicles. If  
21 you mandate, someone will build it, and they will  
22 build it well. Thank you very much for the time  
23 today.

24 CHAIRPERSON VACCA: Assemblyman, I  
25 thank you, and I thank you for your leadership on

2 this issue, and the role you've played. So, thank  
3 you, and thank you for your, your efforts. Okay,  
4 I'd like to intro--we'll now call our first panel.

5 [background noise] Marvin Wassman [phonetic],  
6 James Femicos [phonetic], Jean Ryan, Chris Noel.

7 [background noise] Each speaker--oh boy--Each  
8 speaker will be limited to two minutes. I will  
9 use a little discretion, but I'd like to have that  
10 rule as a guide. Thank you.

11 MARVIN WASSERMAN: Good morning,  
12 Council Members, I'm Marvin Wasserman, Executive  
13 Director of the Brooklyn Center for Independence  
14 of the Disabled. Thank you for considering  
15 Council Member Koppell's bill to create 100  
16 percent accessible taxi fleet. This issue is of  
17 special importance to me. I met late wife, Sandra  
18 Schneller [phonetic] in 1980, when there was no  
19 accessible public transportation for people who  
20 were quadriplegics like here. At the time, people  
21 with disabilities were hidden away in their homes  
22 and institutions. The only other wheelchair users  
23 we'd see on the street were other disability  
24 rights activists. At the time, she told me that  
25 her dream was for the to be an accessible taxis,



2 so that she and others like her can go anywhere  
3 she wanted at any time of the day and night, just  
4 like any other citizen. Some twelve years after  
5 her passing, I had the opportunity to join with  
6 others to form the "Taxis for All" campaign. When  
7 we started, there were no accessible taxis or  
8 community car service vehicles. Now 16 years  
9 later, less than one percent of the taxi fleet is  
10 accessible, and accessible community car service  
11 is less available. Mayor Bloomberg has stated  
12 that taxis are part of our public transportation  
13 system; if so, it's the only part which is large  
14 out of reach to those who might need it the most,  
15 and have fewer alternatives. Many elected  
16 officials and bureaucrats have told us over the  
17 years that their goal is 100 percent accessible  
18 taxi fleet; however, up until now, good will on  
19 the issue was plentiful, the will to make this  
20 happen was in short supply. Others continued to  
21 cite the numbers of wheelchair users as a reason  
22 to thwart a public policy of inclusion, and to  
23 continue to deny them the opportunity to be fully  
24 independent in the community. The civil rights of  
25 a whole class should not be negotiated away. We

2 have an opportunity with the car service, the Taxi  
3 of Tomorrow, we should not let this pass. I urge  
4 the Council to pass Council Member Koppell's bill  
5 for 100 percent accessible taxi fleet, and to  
6 bring my late wife's dream to a reality. Thank  
7 you.

8 CHAIRPERSON KOPPELL: Thank you.

9 CHRIS NOEL: Good afternoon, my  
10 name is Chris Noel, I'm here with the 504  
11 Northstar Democratic Club and the 504 Dems. I  
12 also agree with Marvin Wasserman in terms of  
13 passing Council Member Koppell's bill, Intro bill,  
14 to have a fully accessible fleet. The reason is  
15 one main thing that we're forgetting here, we're  
16 talking about an iconic taxi, a Taxi of Tomorrow,  
17 and to not have it fully accessible is, it's total  
18 ignorance. Because the simple fact that we're now  
19 in 2010, the world looks at New York City as a  
20 beacon, as the ones who kind of change the game.  
21 We're the players in the game, we're the ones who,  
22 who spur other countries and other counties and  
23 other states to do things. What happens here in  
24 New York, the whole world looks at us. I think it  
25 would be great to have a fully accessible fleet,

2 hands down. And the rest of the world would look  
3 at it say, "Wow, why were we taking such matters  
4 of that so lightly, even in our own towns?" So I  
5 do have a couple of points, in terms of for  
6 accessibility for all. And I did make notes,  
7 because we've given written submissions for so  
8 many times, and we're back in the same place. So  
9 I definitely commend the Council and I definitely  
10 agree that you pass this bill. But when you think  
11 about it, most major sporting arenas, most major  
12 restaurants, subways that are accessible, they  
13 have those in combinations for the ADA rule,  
14 meaning that you have accessible bathroom stalls  
15 if you need it. You have an accessible elevator  
16 if you need it. Nine times out of ten, if you use  
17 any one of those, you'll find able bodies using  
18 those accessible units. Now that's not to say  
19 anything's wrong with it, sure, you have a lot  
20 more space in a stall that's made for a wheelchair  
21 versus the standard stalls. Sure, a lot of times  
22 it is easier taking an elevator up to the main  
23 floor from the platform versus taking the steps.  
24 When you make something accessible, it's not only  
25 for people in wheelchairs and with physical

2 disabilities, it's accessibility for all, we all  
3 partake in it. Meaning if we have a fully  
4 accessible fleet, no one's limited, everyone has  
5 the option or the availability to say, "Hey, let  
6 me, after this hearing right now, let me go  
7 outside and catch a cab [time bell] with the  
8 Democratic Club meeting after this. I cannot do  
9 that. So right now after this meeting, I have to  
10 go to East 23<sup>rd</sup> Street between First and Second  
11 Avenues. If I don't catch my Access-A-Ride 'cause  
12 I stayed here for this hearing, that means I take  
13 the train. The 4 train will take me up to Grand  
14 Central. I have to go to East 29<sup>th</sup>. So something  
15 as simple as me hailing a taxi outside, I can't do  
16 that. And there's something wrong with that. I'm  
17 also a working professional, meaning that when I  
18 do have a meeting to go to, I want to be able to  
19 get there instantly, not to have to wait 60  
20 minutes to get a taxi, and hope that he shows up.  
21 And if he doesn't show up, he gets fined. I think  
22 there's something very wrong with that. In my  
23 closing, I also agree with what Councilman, with  
24 Assemblyman Micah Kellner had mentioned, using  
25 that smartcard. We would eliminate a lot of the

2 costs with Access-A-Ride if we would have a fully  
3 accessible fleet, as well as a fully accessible  
4 livery unit. Now meaning this: you have a fully  
5 accessible yellow cab unit, meaning you can go  
6 outside and hail a taxi. If you want to make a  
7 arrangements through Access-A-Ride, to say, "Use  
8 that versus an Access-A-Ride, then you would be  
9 given a smartcard. And it could be authorized to  
10 use that in the car, such as you use a credit  
11 card. If you didn't preauthorize through Access-  
12 A-Ride or through whichever program has a  
13 partnership with TLC, it wouldn't work. But this  
14 would be a way to eliminate a lot of those costs  
15 at \$70 a trip for Access-A-Ride, even if you're  
16 going a matter of blocks. It would be a lot  
17 cheaper if were to use this fully accessible  
18 fleet. Now, in terms of for livery cabs, I agree  
19 that maybe we find the livery cabs in each  
20 borough, who have the most livery cabs that they  
21 use, and say, "Here, we're eliminating this fleet  
22 of accessible taxis, yellow taxis that we have,  
23 why don't we give these accessible yellow taxis to  
24 you at a discount to use for the public?

25 COUNCIL MEMBER HALLORAN: Point of

2 order, Mr. Chairman, are we going to scrap the  
3 time limits, because if we are--

4 CHRIS NOEL: I'm sorry.

5 COUNCIL MEMBER HALLORAN: --I  
6 expect we're going to do it for every witness who  
7 testified.

8 CHRIS NOEL: Sorry.

9 CHAIRPERSON VACCA: [off mic] It's  
10 going to be a little--

11 CHRIS NOEL: I'm sorry, I'm sorry  
12 for my time.

13 CHAIRPERSON VACCA: Please  
14 conclude.

15 CHRIS NOEL: I'll just conclude  
16 right now. What I'm saying is, there's a lot of  
17 opportunities here to make it accessible for all.  
18 If we make it accessible for all, no one loses, we  
19 all win.

20 CHAIRPERSON VACCA: Thank you, sir,  
21 and I apologize, sir.

22 CHRIS NOEL: I'm okay.

23 JIM FELAKOS: My name's Jim  
24 Felakos, I'm a staff attorney at the ACLU, and  
25 I'll be submitting written comments for the Bar

2 Association. I was told that we had a bit of time  
3 to do that. So my comments today are really  
4 primarily more personal. First, the observations  
5 about the transportation accessibility in the  
6 City. Wheelchair accessibility is second, third,  
7 fourth class at the moment. The subway systems  
8 are not accessible, are not expected to be  
9 accessible any time, but for one-tenth of, of  
10 those stations, etc. The point about Access-A-  
11 Ride, I think is, is particularly important. The  
12 City is spending, I believe it was \$380 million  
13 this year, expected to go up to something like  
14 \$600 million in the next several years, with 17  
15 percent increase. A back of the envelope  
16 calculation says that you could spend \$3,000 on  
17 every single cab of these 12,000 to make  
18 accessible, for \$20 million, or \$30 million. It's  
19 totally ballpark, to make every single cab  
20 accessible. There is no reason not to, and there  
21 is no reason not to enshrine, there is no reason  
22 to enshrine continued second class citizenship in  
23 the use of taxis throughout. I do commend all the  
24 efforts on, on the dispatch system. I tried to  
25 use the dispatch system several times. I kind of

2 stopped using it because I didn't feel like  
3 waiting an hour, or I was going to the airport and  
4 was told, you know, I had an 8:00 o'clock flight,  
5 I had to leave at 6:00 in the morning, and I was  
6 told they couldn't guarantee me a cab. So, I  
7 stopped calling. And, so, to the extent that's  
8 not easily represented in the statistics, that's  
9 just, you know, a quick observation as to maybe  
10 why [time bell] that system had problems, and  
11 continues to.

12 CHAIRPERSON VACCA: Thank you.

13 Thank you very much, everyone. Our next panel--

14 CHAIRPERSON KOPPELL: I have  
15 question to ask--

16 CHAIRPERSON VACCA: You have a  
17 question.

18 CHAIRPERSON KOPPELL: --the  
19 gentlemen we just--how did you get to the airport?

20 JIM FELAKOS: I have a car. I, you  
21 know, we, we have a--there will be a period of  
22 transition, you know, where people are finding  
23 ways to get around or not get around now, and, you  
24 know, an instant transition to accessible taxis  
25 and a dispatch system is going to take time.



2 We're, you know, so I have a car, and I have the  
3 financial and physical means to accomplish that,  
4 whereas many people don't. So, I'm lucky.

5 CHAIRPERSON KOPPELL: Thank you.

6 CHAIRPERSON VACCA: Thank you. Our  
7 next panel: Peter Mazer, Metropolitan Taxicab  
8 Board of Trade; David Pollack, the Committee for  
9 Taxi Safety; Ethan Gerber, Greater New York Taxi  
10 Association; and Steven Bramawitz [phonetic],  
11 League of Mutual Taxi Owners. [pause, background  
12 noise] Who would like to start?

13 PETER MAZER: I'll start.

14 CHAIRPERSON VACCA: Introduce  
15 yourself, please.

16 PETER MAZER: Sure. Good  
17 afternoon, Chairman Vacca, Chairman Koppell and  
18 Committee Members. My name is Peter Mazer, and I  
19 am General Counsel to the Metropolitan Taxicab  
20 Board of Trade, a 58 year old trade association  
21 comprised of 31 fleet taxis. We lease  
22 approximately 3,500 yellow medallion taxicabs to  
23 approximately 14,000 drivers, primarily on a  
24 double shifted basis. Our taxis serve the riding  
25 public 24 hours a day, seven days a week, 365 days

2 a year. MTBOT opposes Intro 433 which would add a  
3 new subdivision to the Administrative Code and  
4 require all new taxicab designs approved in New  
5 York City be wheelchair accessible. Accessible  
6 taxicab service can be most efficiently and  
7 effectively provided through prearrangement, which  
8 in New York City is handled in two ways. A, by  
9 the subsidized Access-A-Ride system, that is  
10 specifically designed to transport passengers with  
11 disabilities; and B, by the livery and black car  
12 industries which have long been required to  
13 provide or secure accessible service for its  
14 passengers who prearrange door-to-door service.  
15 Neighborhood car services are still the most  
16 reliable means of ground transportation in most  
17 New York City neighborhoods, and along with  
18 Access-A-Ride, can benefit the most people. For  
19 the past year, 240 wheelchair accessible yellow  
20 medallion taxis, which provide demand responsive  
21 transportation on a hail basis, participated in a  
22 311 enabled, centralized dispatch program; that  
23 program was recently terminated. While we are  
24 cognizant that the disability advocates have  
25 pointed out flaws in all three of these accessible

2 services, instead they seek a mandate requiring  
3 that all 13,237 yellow taxi cabs be wheelchair  
4 accessible, which also is not the answer.

5 Currently, retrofitted, wheelchair accessible  
6 taxicabs cost nearly twice as much as the Ford  
7 Crown Victorias which comprise the vast majority  
8 of the overall taxi fleet. These vehicles also  
9 cost more to operate. These additional costs  
10 cannot be recouped by owners since both fares and  
11 maximum lease rates owner can charge taxicab  
12 drivers are fixed by the Taxi and Limousine  
13 Commission. Few owners can take advantage [time  
14 bell] Oh, can I continue, - - , okay. Few owners  
15 can take advantage of the limited tax credits that  
16 may be available in certain circumstances for the  
17 purchase of accessible vehicles. And unlike the  
18 Crown Victoria, retrofitted, wheelchair accessible  
19 minivans are not designed for commercial fleet  
20 use. This is critically important as our vehicles  
21 are on the road 24/7, and must meet the highest  
22 durability and performance standards. Some  
23 accessible minivans were so problematic that the  
24 TLC was forced in the past to take them off the  
25 approved vehicle list. That is the current

2 situation. As we look toward the future, there  
3 are a few purpose built, wheelchair accessible  
4 taxi designs that have been marketed to our  
5 industry. One of these designs is a finalist in  
6 the Taxi of Tomorrow contest. However, these  
7 vehicles have either not been built yet, or are  
8 they have, or do they have significant experience  
9 on the New York City Streets. Either way, we are  
10 a long way from determining whether any accessible  
11 taxicab can handle the tough streets in New York  
12 City as a 24/7, double shifted taxicab. The TLC  
13 wants to exp--

14 CHAIRPERSON VACCA: Please  
15 conclude.

16 PETER MAZER: Oh, I'm sorry. If I  
17 could just address the TLC--[background voice]

18 COUNCIL MEMBER HALLORNA: Yes, the  
19 other gentleman was given an extra three minutes,  
20 15 seconds, so I believe being 30 seconds over is  
21 sufficient, right?

22 FEMALE VOICE: [off mic] He won't  
23 get it.

24 PETER MAZER: Okay, thank you.  
25 That said, the MTBOT has always demonstrated a

2 strong willingness to do our fair part to keep  
3 this unsubsidized industry healthy, while  
4 effectively servicing the riding public, whether  
5 it is to our support of medallion sales that have  
6 yielded hundreds of millions of dollars to the  
7 City, or funding or managing outer borough yellow  
8 taxi stands and welfare-to-work programs. Before  
9 final paragraph that I'll say is that before we  
10 can make a reasonable assessment about whether  
11 such a proposal, we would need many more details;  
12 however, any new tax on the yellow taxicab  
13 industry would be hard to swallow, considering it  
14 has been six-and-a-half years since the last lease  
15 cap adjustment and fare increase, which is the  
16 primary way fleets are able to offset their  
17 considerable operating costs. This industry is  
18 highly regulated and pays significant tax revenues  
19 to the City. In addition, traditional sales tax--

20 CHAIRPERSON VACCA: Okay, I have  
21 to--

22 PETER MAZER: Oh.

23 CHAIRPERSON VACCA: Thank you.

24 Next.

25 PETER MAZER: Okay.

2                   ETHAN GERBER: Good afternoon,  
3 Chairman Vacca and Chairman Koppell, my name is  
4 Ethan Gerber, I am the Executive Director of the  
5 Greater New York Taxi Association. The vast  
6 majority of corporately owned taxicabs that are  
7 wheelchair accessible are owned by our members. I  
8 would like to share my experience, or our  
9 experience with, or--which much of it was bad with  
10 the prior and failed dispatch system. First, I do  
11 want to acknowledge that we have been lately  
12 working with Chairman Yassky and his staff,  
13 particularly Ashwini Chhabra and Tweeps Phillips,  
14 found them, this regime much more cooperative and  
15 receptive than the last staff, so some of the  
16 experiences may be, may be cured. However, we  
17 purchased these vehicles at public auction before  
18 the imposition of a dispatch program. The  
19 dispatch program was, was awarded, was awarded  
20 without significant input from the Taxi--from the  
21 owners associations, without significant input  
22 from the drivers, and without significant input  
23 from the wheelchair community. The problem with  
24 the dispatch system, was threefold. It failed for  
25 these three reasons. First of all, it was

2 economically disastrous for the drivers. It was  
3 also because they had to drive empty to and from  
4 the location, because there was no built-in time  
5 period for no-shows, because there was no waiting  
6 time. I'm not reading from my prepared statement,  
7 I thought it'd go faster this way. And because,  
8 because there was no fee for failed expectations.  
9 What I mean by that is, we've talked about the  
10 fare coming out of midtown in the middle of the  
11 day, to go to an outer borough, to go to Staten  
12 Island or whatnot. Whether that happened or  
13 didn't happen was really irrelevant to the driver.  
14 They knew that it could happen. Because it could  
15 happen, they didn't want to take these cars out.  
16 And the cars would sit idle. And then it brings  
17 to the next point, which was economically  
18 disastrous for the [time bell] for the owner. Can  
19 I continue?

20 CHAIRPERSON VACCA: Briefly, 30  
21 seconds.

22 ETHAN GERBER: All right. It was  
23 economically disastrous for the owners because  
24 they had the cars. It was also a, because they  
25 had the cars without the drivers. The TLC has now

2 vowed to increa--one of the things that was not  
3 really mentioned here, the TLC has vowed to  
4 increase the amount of drivers by opening up a  
5 driver's school, and the pool of drivers, to make  
6 drivers, to make it mandatory for all drivers.  
7 There were 5,000 tickets issued in this program,  
8 actually more tickets were issued in this program  
9 if you count the owner and driver programs than  
10 the actual rides that were dispatched. That was  
11 part of the reason this program was economically  
12 not feasible. Besides the other problem, they  
13 were issuing a dispatch program designed for black  
14 cars and not integrated into the yellow system.  
15 While we share the, we share the concerns of the  
16 owner, other owners associations, we believe that  
17 a, the whole nature of a, of a planned, centrally  
18 committed, central committee taxicab is flawed at  
19 its outset, I agree with Councilman Halloran on  
20 that. You know, I read, I read recently a Steve  
21 Jobs quote that he said that if, if Henry Ford had  
22 asked for a poll on how to build his device, they  
23 would've come up with a faster horse. And that's,  
24 and that's, the problem is technology proceeds  
25 faster than government, and we fear, we fear



2 locking in on the whole system of this program, of  
3 locking in a vehicle, is a dangerous thing. Thank  
4 you.

5 CHAIRPERSON VACCA: Thank you.

6 Next.

7 STEVEN BELADOWITZ: Good morning,  
8 Chairman Vacca, Chairman Koppell, my name is  
9 Steven Beladowitz [phonetic] from the League of  
10 Mutual Taxi Owners, and I'm here today to  
11 represent Vincent Supone [phonetic], who sends his  
12 apologies, he was taken ill over the weekend and  
13 could not attend this very important hearing.  
14 However, he did send a few comments that he would  
15 like to share with the Committee. The concept of  
16 dispatching accessible taxis has merit and LOMTO  
17 is interested in exploring ways to create a viable  
18 system that will provide on-demand transportation  
19 for those requiring that type of service. We  
20 believe that dispatching these vehicles would be  
21 more appropriate than making the entire fleet of  
22 more than 13,000 licensed taxis accessible. No  
23 manufacturer produces a vehicle at this time that  
24 can accommodate a wheelchair without extensive  
25 alterations. These modified vehicles have not

2 proven themselves to be reliable as the vehicles  
3 that are now in use. We also believe it would be  
4 very difficult and dangerous for a person in a  
5 wheelchair to hail a taxi in an environment like  
6 midtown Manhattan. Prearranging a ride is much  
7 safer and more practical. [audience: Boo!] The  
8 original dispatch program--thank you--was well  
9 intentioned but has been deemed ineffective. With  
10 the involvement of leaders in the taxi industry, I  
11 am sure that we can create a system that will work  
12 for all people involved. LOMTO members are not  
13 prepared to write a blank check to make a system  
14 work, but we are prepared to be part of the  
15 solution, not part of the problem. The TLC must  
16 look not only to the industry to make this plan a  
17 success, but must look anywhere it can find money  
18 that may be available, such as federal, state,  
19 city or private sources. It's been six-and-a-half  
20 years since medallion taxis had a fare increase.  
21 Before we can spend or invest any money, we must  
22 be assured that the fare increase request that has  
23 already been put before the TLC has been approved.  
24 Thank you for your time.

25 DAVID POLLACK: Good morning,

2 Chairman Vacca, Chairman Koppell. I'm the  
3 Executive Director of the Committee for Taxi  
4 Safety, and we thank you the Commission for  
5 inviting us to speak on this important and  
6 difficult issue. I'm sorry?

7 CHAIRPERSON VACCA: [off mic] State  
8 your name.

9 DAVID POLLACK: David Pollack,  
10 Executive Director. Although universal access to  
11 transportation for the disabled is a laudable goal  
12 that we all share, the practical methodology of  
13 achieving that goal needs to be both developed and  
14 accomplished in a manner that involves all parts  
15 of the transportation industry, and to ensure that  
16 achieving such accessibility is accomplished  
17 without mandating and unachievable, short term fix  
18 at the expense of a long term goal. In the words  
19 of former TLC Chairman Matthew Dawes, this problem  
20 cannot be solved by one segment or another of the  
21 transportation industry alone. We must allow for  
22 automakers, public policy makers, and those most  
23 in need of these services, to come together and  
24 chart a practical way forward to provide  
25 universally acceptable transportation modes

2 throughout the transportation network.

3 Accordingly, although we support the general  
4 proposition that all disabled people deserve the  
5 right to have accessible transportation available,  
6 we remain opposed to a mandate at this time, and  
7 our objection is based upon several reasons. I'm  
8 sure you're fully aware of the various reports  
9 during the Taxi Commission's recently concluded  
10 two year pilot program for accessible dispatch,  
11 for only 5,800 trips by wheelchair users. That  
12 amounts to eight trips per day for 13,287 taxis,  
13 and that bears repeating. Eight trips per day for  
14 13,287 available taxis, were all that took place.  
15 Before the Commission mandates that all 13,287  
16 yellow taxi vehicles in the City be wheelchair  
17 accessible, we believe that there needs to be  
18 shown that the demand for this increased  
19 availability is present and that the increased  
20 availability will be utilized. Based on the two  
21 year pilot project, it appears that there is  
22 neither demand nor need. We all know of Access-A-  
23 Ride, and with Access-A-Ride, the passengers [time  
24 bell] are reimbursed for virtually the entire cost  
25 of their transportation. A passenger utilizing

2 Access-A-Ride pays only \$2.25 a trip, and in  
3 contrast a ride in a yellow taxi costs a passenger  
4 the fare on the meter. This disparity in pricing  
5 is what causes the disabled community to utilize  
6 Access-A-Ride and not utilize yellow taxi cabs for  
7 their transportation needs. So, 13,287 accessible  
8 vehicles on the road does not mean they'll be  
9 utilized. In contrast to the eight rides a day,  
10 2,900 rides per year, Access-A-Ride handles 3.7  
11 million rides per year, or averaging 20,000 rides  
12 per day. Additionally, there are a 116 designated  
13 pickup locations throughout the five boroughs.  
14 Access-A-Ride, as Access-A-Ride works, we ask why  
15 duplicate a system that clearly is serving the  
16 needs of the disabled community. Look, I'm trying  
17 to summarize.

18 CHAIRPERSON VACCA: - -

19 DAVID POLLACK: Additionally, we're  
20 all aware that the City of the, and the Commission  
21 are close to making a decision about a taxi  
22 vehicle pursuant to its RFP known as "The Taxi of  
23 Tomorrow." Well, we have been told that an award  
24 of a contract should be made within the next few  
25 months. If the City and the Commission truly want

2 an accessible vehicle, and both the need and uses  
3 are established, it would seem logical that this  
4 new vehicle be accessible, and that there be an  
5 orderly process by which these new vehicles are  
6 placed on the road. It is our understanding that  
7 the TLC plans to have these vehicles on the road  
8 starting 2014. We urge the Commission and the  
9 City to wait for the production of the Taxi of  
10 Tomorrow. And--

11 CHAIRPERSON VACCA: Thank you.

12 DAVID POLLACK: --by the way, we're  
13 the only transportation form of, that is not  
14 subsidized. The transportation service, not  
15 subsidized, although we pay 50 cents per fare to  
16 the MTA and a tax, so we're subsidizing our  
17 competition. Okay?

18 CHAIRPERSON VACCA: Okay. Thank  
19 you.

20 DAVID POLLACK: Please note my  
21 comments in, my written comments--

22 CHAIRPERSON VACCA: That's what I  
23 was going to say. I want everyone to know that  
24 their written comments are part of the record, and  
25 that we go through these as we analyze and we have

2 consultations with everyone.

3 DAVID POLLACK: And, and I might  
4 add, and in a positive way not a negative way,  
5 when we have two committees, as opposed to  
6 reducing the talking time from three minutes to  
7 two minutes, maybe we should double the talking  
8 time to six minutes.

9 CHAIRPERSON VACCA: Well, I'll  
10 consider that. [laughter] Okay, why don't we  
11 have questions. I think Councilman Halloran had a  
12 question.

13 COUNCIL MEMBER HALLORAN: First of  
14 all, let me say that I'm an equal opportunity pain  
15 in the neck, so I will ask you questions that are,  
16 you know, geared towards trying to understand your  
17 position. Is it your position, collectively, that  
18 the RFP that the City is involved with should not  
19 include a mandate for an accessible ride vehicle?  
20 And by that I simply mean, if people are spending  
21 \$800,000 to buy a taxi medallion, you're certainly  
22 not going to balk at an additional \$10,000 in a  
23 car to purchase is, so are the four gentlemen  
24 sitting in front of me telling me, and telling  
25 this City, that it's your position that the City

2 of New York should not mandate in a phasing  
3 program in future productions of taxi fleets that  
4 one of the criteria the TLC should consider for  
5 its taxi fleet, not necessarily its livery fleet,  
6 but its taxi fleet, its yellow fleet, vehicles  
7 which are in fact completely accessible?

8 PETER MAZER: Want me to start? I  
9 think when it comes to the RFP process and the  
10 Taxi of Tomorrow, it's probably too late to have  
11 that discussion, because at this point you have an  
12 RFP, it's being evaluated, you ha--the TLC had  
13 seven proposers and only one of them was for an  
14 accessible vehicle. Now, had they, we had this  
15 discussion a year ago, before the RFP went out,  
16 and you had as a criteria in the Taxi of Tomorrow,  
17 accessibility component, then you'd have a level  
18 playing field with respect to each one of the  
19 various proposers. Now you have six proposers who  
20 are out there, some of which have been already  
21 eliminated that when they evaluated their  
22 proposal, did not see an accessibility component  
23 as a mandate, and therefore, did not provide  
24 perhaps an accessibility factor because it was not  
25 a mandate, so it's just, they made a decision to



2 perhaps decide to go with the other criteria that  
3 were being evaluated. If you had an accessibility  
4 mandate, in the Taxi of Tomorrow proposal, then  
5 each one of the proposers could've been on a level  
6 playing field. Now, I heard the Chairman spoke  
7 earlier and he said that if, if they did that,  
8 then it probably wouldn't have been any different.  
9 But, you have manufacturers such as Ford, General  
10 Motors, Nissan, other major manufacturers that are  
11 out there. If they knew that their proposal would  
12 not be considered unless they met the  
13 accessibility requirement, would they not have  
14 designed a proposal differently? But it's too  
15 late now, they've submitted their proposals, some  
16 of them are out of, are no longer under  
17 consideration, others have invested a lot of time  
18 and money into proposals that they made the  
19 decision not to include an accessibility  
20 component. So, if you're going to now say that  
21 the component has to include accessibility, I  
22 think you have to scrap the whole proposal, start  
23 all over again with a new RFP, mandating the  
24 accessibility component.

25 COUNCIL MEMBER HALLORAN: I've been

2 a trial attorney for ten years, and now that  
3 you've answered the question you hope that I asked  
4 you, I'd ask you to answer the question I did ask  
5 you. [laughter] Respectfully.

6 PETER MAZER: Okay.

7 COUNCIL MEMBER HALLORAN: My  
8 question was very simple, and it requires a yes or  
9 no answer. So, again, are you saying to the City  
10 of New York and its citizens that there should not  
11 have been an RFP developed that included  
12 accessibility as a mandate in a phasing program so  
13 that in the future, vehicles purchased for use  
14 with a yellow medallion, purchased from the City  
15 of New York Taxi and Limousine Commission, should  
16 or should not have that component? Is your  
17 position that you don't believe the City should  
18 include such a proposal in its RFP? Because of  
19 the City Council passes a law that says the RFP is  
20 invalid because it does not meet this component  
21 that is the law. The last time I checked, we're  
22 still not quite at a complete dictatorial process.  
23 The Council still has some legislative power left.  
24 So, unless I'm wrong, it would de facto kill the  
25 RFP. So we'd be back to square one, and my

2 question is very simply: Are you saying to us  
3 that the industry does not want this RFP to ever  
4 include a mandated component, even if it's in a  
5 phase in program, over the next 15 years? Is that  
6 what you're saying?

7 PETER MAZER: No, the industry, I,  
8 we are not saying that.

9 COUNCIL MEMBER HALLORAN: Okay,  
10 that's, that's, that was my yes or no question.  
11 Thank you. Does, do you incur?

12 ETHAN GERBER: We are in a slightly  
13 different position in that our organization  
14 actually is the one that put all the accessible  
15 corporately owned taxis on the road. We also put,  
16 long before, long before it was mandated, we put  
17 all the hybrids, limited hybrid vehicles on the  
18 road. So, we've been at the forefront putting  
19 accessible cars on the road. The problem that I  
20 have, and I want to be as straightforward to you  
21 Councilmen as I can, but I've been a trial lawyer  
22 for 22 years, so [laughter] so--

23 COUNCIL MEMBER HALLORAN: You're  
24 going to be as evasive as you possibly can, right?

25 ETHAN GERBER: So it's very

2 difficult. As far as, as far as an RFP, as I said  
3 before, I have a problem, we have a problem as an  
4 industry, with an RFP making specific demands on  
5 vehicles in general. And I would not like to give  
6 some type of blanket endorsement to what those,  
7 what those requirements can. The idea that some  
8 central planning committee is going to come up  
9 with a better model than 19 manufacturers all  
10 bidding for our work, for our dollars, I think is  
11 absurd, frankly. There are ways that this  
12 Council, and there are ways that the TLC could get  
13 cars in a direction without making one  
14 manufacturer and having an RFP for that  
15 manufacturer.

16 COUNCIL MEMBER HALLORAN: And  
17 that's a perfectly fair analogy, and I appreciate  
18 your allusions to the central planning committee  
19 and communism, and the socialist overtones of it  
20 [laughter] having just returned from Bulgaria,  
21 where I spent a week trying to lecture them about  
22 democracy and the rule of law. But I would say,  
23 though, that similarly, it was not all that long  
24 ago, 20 years ago, when seatbelts were not  
25 mandatory, helmets on motorcycles weren't

2 mandatory, smoking was allowed inside of an  
3 aircraft. We've made some progress, things have  
4 changed, we've come a long way.

5 ETHAN GERBER: That's true.

6 COUNCIL MEMBER HALLORAN: So, while  
7 I appreciate the criticism, I do feel there's  
8 probably more than one side to that issue.

9 PETER MAZER: I'm not a trial  
10 attorney.

11 COUNCIL MEMBER HALLORAN: Lucky  
12 you. [laughter]

13 PETER MAZER: But I am an elected  
14 official in my village, I just thought I'd mention  
15 that. I was on orig--I was one of the original  
16 stakeholders in the Taxi of Tomorrow projects from  
17 six years ago, where the Taxi and Limousine  
18 Commission brought members of the industry,  
19 including drivers, owners, leasing agents, members  
20 of the disabled community, environmentalists,  
21 artists, designers together to come up with the  
22 utopian Taxi of Tomorrow. And that's what we're  
23 hoping it is. So, in answer to your question, one  
24 of the answers to your question is, we're in a  
25 different position, also, because I represent

2 eight licensed leasing agents. We're the  
3 middlemen between medallion owners and the  
4 drivers, so we represent about 2,500 medallion  
5 owners, and about 7,000 drivers. And our drivers  
6 originally were afraid of the hybrid, because  
7 there was nothing, they weren't, there was no  
8 track record. Time went on, the Ford Escape  
9 seemed to be durable, and they were saving money  
10 on gasoline, so the Ford Escape became the hybrid,  
11 you know, right, the cream of the crop. That's  
12 what the drivers wanted. And to that light, if  
13 the Taxi of Tomorrow has a vehicle that has been  
14 proven durable, and in addition if there's a need-  
15 -'cause without a need what are we talking about?-  
16 -you know, I could see our part of the industry,  
17 and our drivers supporting it. But I wanted to  
18 comment on your question that the price of the  
19 medallion doesn't really justify, you know, what's  
20 the difference, because if you own a home that may  
21 be worth half a million dollars, and it's really  
22 the cash flow from that home that puts food on  
23 your table, it's not the value of the asset. So,  
24 I just wanted to make that point.

25 COUNCIL MEMBER HALLORAN:

2 Understood. But you would agree with me, too,  
3 that an investment is an investment, yes?

4 PETER MAZER: An investment is an  
5 investment, yes. Okay. [laughter]

6 COUNCIL MEMBER HALLORAN: And so,  
7 and so when, when we talk about spending \$810,000,  
8 for example, instead of \$800,000, relativistically  
9 that's not a huge difference. And my point simply  
10 was that if the cost of the vehicle is marginally  
11 increased, and fleets have to be replaced, we know  
12 that, I mean, over time, that's going to happen.  
13 I don't think that the substantive increase,  
14 marginal increase in price of the vehicle is  
15 something that's going to adversely affect the  
16 fleet. That was my point.

17 PETER MAZER: One of the things  
18 that I mentioned in our initial shareholders  
19 committee meetings, stakeholders committee  
20 meetings for the Taxi of Tomorrow, was the price.  
21 It has to be--

22 COUNCIL MEMBER HALLORAN:  
23 Reasonable.

24 PETER MAZER: --yes.

25 COUNCIL MEMBER HALLORAN: Yes.

2 PETER MAZER: Absolutely,  
3 reasonable.

4 COUNCIL MEMBER HALLORAN: But I  
5 think you pointed out what I pointed out, which is  
6 durability, was the first order of business.

7 PETER MAZER: Absolutely, in New  
8 York City. I mean, there are cases, not to take  
9 anything away from the Taxi and Limousine  
10 Commission, they were doing, in their eyes, the  
11 right thing, all hybrids were approved. And you  
12 may remember, Ethan, there was a certain vehicle,  
13 I think the Hybrid Highlander, where literally  
14 doors were falling off the cars, and in a couple  
15 of cases engines fell out of the cars. So.

16 COUNCIL MEMBER HALLORAN: Yeah, I  
17 appreciate that there's, there's an intricate  
18 facets of this different components that need to  
19 be there, but I just, again, revert to what I said  
20 earlier, which is accessibility and durability are  
21 the issues of this Tomorrow plan, and therefore if  
22 they don't substantially increase costs, there  
23 seems to be no reason not to do it. And I  
24 appreciate your testimony. Thank you, gentlemen.

25 CHAIRPERSON VACCA: Thank you. Our



2 next--

3 CHAIRPERSON KOPPELL: I have, I  
4 have, wait, wait, don't go.

5 CHAIRPERSON VACCA: Council Member  
6 Koppell.

7 CHAIRPERSON KOPPELL: No. Let, I  
8 have, I've got a couple questions. First of all,  
9 reverting for a moment to the dispatch system, I  
10 take it, am I correct, and each of you can answer  
11 yes or no, just yes or no, I take it that the  
12 thrust of your testimony is you're very unhappy  
13 about the idea that you would be charged a fee, as  
14 the Commissioner suggested, for the dispatch  
15 system. Are you unhappy about that or not unhappy  
16 about that?

17 PANEL: Yes. Yes. Yes. Unhappy.

18 DAVID POLLACK: I'm particularly  
19 unhappy that we don't know what the fee is.

20 ETHAN GERBER: Right, it's very,  
21 it's very hard to [laughs]

22 CHAIRPERSON KOPPELL: But, but the  
23 idea that, the idea, what the Commissioner said  
24 today, and to some extent I must say I've had  
25 conversations with him beside today, he said,

2 "Well," he thinks that the industry is not so  
3 unhappy with the fee system because it, that way  
4 they don't have to individually, you know comply  
5 with the rules.

6 DAVID POLLACK: Well, our group was  
7 the one that bore the brunt of the past program.  
8 We had the cars on the road and we had the  
9 problems getting those cars out. We are happy,  
10 and I, and I salute the TLC for a program that  
11 they're designing, with would share the burden not  
12 just over the 13,000 cabs but over the 50,000 or  
13 so black care and FHV's. To that extent, it's a  
14 better system than was in place.

15 CHAIRPERSON KOPPELL: Let me ask  
16 you, Mr., it's Mr. Gerber?

17 ETHAN GERBER: Yes.

18 CHAIRPERSON KOPPELL: That, I think  
19 you indicated you have the bulk of the 230  
20 vehicles that are out there?

21 ETHAN GERBER: Correct, we have  
22 virtually all the corporate owned. There are  
23 individually owned medallions, and there are  
24 corporately owned medallions.

25 CHAIRPERSON KOPPELL: About how

2 many do you have?

3 ETHAN GERBER: 160, I believe, of  
4 the 240.

5 CHAIRPERSON KOPPELL: I see, and  
6 what has your been--what has your experience been  
7 with respect to durability?

8 ETHAN GERBER: We've had, we've had  
9 many, many problems at the, at the first blush. I  
10 mean, the, the first cars that we had, in fact I  
11 think there was a special on "Shame, Shame,  
12 Shame," where a representative from our industry  
13 and Michael over here was instrumental in getting  
14 those cars banished, because the TLC had approved  
15 a vehicle that was just horrible. We worked very  
16 hard to get other vehicles on the road. We had to  
17 sue certain manufacturers because, because the  
18 cars were not delivering as performed. Again,  
19 going back to our whole, my communist analogy, I  
20 guess, but you know, I've traveled in Europe, as  
21 well, and I've driven Mercedes and I've drive  
22 Cadillacs, and I've drive Lexus's, but I also  
23 drove a Yugo, and I don't like driving a car  
24 that's done by committee, and we're a little,  
25 we're a little concerned about that. We, we had a

2 lot of experience with the various types of  
3 accessible cars. The industry, the car industry  
4 rises to the challenge put upon it by the people  
5 who use it, and if we're given a little freedom in  
6 choosing those vehicles, it goes a long way.

7 CHAIRPERSON KOPPELL: So, do you  
8 now have a vehicle, at least one of the vehicles  
9 that you would regard as--

10 ETHAN GERBER: Well, for one, one  
11 of the cars that we use is the Toyota Sienna,  
12 which we've been doing fairly well with.

13 CHAIRPERSON KOPPELL: I see. Let  
14 me ask you another question that I would ask you  
15 to answer yes or no, or not yes or no, I'll give  
16 you a choice, if it was up to you. On the one  
17 hand, Taxi of Tomorrow; on the other hand, the 15  
18 choices you now have of acceptable vehicles.  
19 Which do you choose?

20 DAVID POLLACK: We always believe  
21 in choice of vehicle.

22 CHAIRPERSON KOPPELL: Mr. Gerber?

23 ETHAN GERBER: Absolutely, choice.

24 STEVEN BELADOWITZ: Choice of  
25 vehicle.

2 DAVID POLLACK: Choice of vehicle.

3 And in answer to your last question, the  
4 dispatching fees, I just have to say that we feel  
5 generating a new revenue stream, that cannot be  
6 taken back, or usually, politically, is not taken  
7 back, is bad public policy. We once had a road  
8 use tax that was \$100 a year for all yellow cabs,  
9 and it's now \$1,000 a year.

10 CHAIRPERSON KOPPELL: Mm-hmm.

11 Well, I appreciate those answers, I think it gives  
12 them guidance. And Mr. Chairman, I would observe  
13 to you, and also to everybody else here, that  
14 maybe scrapping the RFP's not such a bad idea,  
15 given the fact that the industry doesn't seem to  
16 be all that enthusiastic about creating this  
17 iconic vehicle. Thank you.

18 ETHAN GERBER: Thank you, Mr.

19 Chairman.

20 CHAIRPERSON VACCA: Thank you. Our  
21 next panel. Edith Prentiss, Gabriel Amen.

22 FEMALE VOICE: Gabriel is not here.

23 CHAIRPERSON VACCA: No.

24 FEMALE VOICE: I have her  
25 testimony.

2 CHAIRPERSON VACCA: Okay. Terry  
3 Moakley, Terry Moakley. [background noise]  
4 Thomas Small. Would you want to come up?

5 CHAIRPERSON KOPPELL: I just might  
6 observe as they're coming up that Terry Moakley  
7 was part of the fight over the buses and the  
8 subways so many years ago when I was in Albany.  
9 Terry's still at it. [technical, seating  
10 speakers]

11 EDITH PRENTISS: Okay, hi, my name  
12 is Edith Prentiss, and you have my testimony. I  
13 would like to answer, just speak very quickly,  
14 since we have so little time. The first thing to  
15 remember is, I've always said, "The industry is  
16 henny-penny. No matter how bad what they have,  
17 it's always better than what's coming down the  
18 pike." I love the suggestion that we all should  
19 use Access-A-Ride. Number one, not everyone has  
20 Access-A-Ride. Number two, not everyone has 24  
21 hours to make the call. Number three, I hate  
22 Access-A-Ride. [laughter] I don't want a shared  
23 ride, I don't want to sit in their smelly,  
24 disgusting, filthy trucks. I don't want to sit in  
25 front of my building or wherever, for an

2 inordinate amount of time. This past spring, I  
3 was left sitting in front of the City Hall, and to  
4 the point where the Mayor noticed I was out there,  
5 the Speaker noticed I was out there, and the  
6 security was outraged. The guy got lost, he was  
7 on the wrong side, and he never came back. And  
8 they said I wasn't there. You know, I was there.  
9 I think it's really important to know that central  
10 dispatch is not going to build on Access-A-Ride,  
11 because first of all, we're not going to use it.  
12 The bottom line is, you stopped calling Access-A-  
13 Ride after they blew you off how many times. I  
14 said that the David outside, "Come on, I'm not  
15 stupid. I spend three hours trying to get a taxi,  
16 I'm ever going to call them again?" In three  
17 hours, I could probably get just about anywhere I  
18 want through the 74 accessible subway stations in  
19 New York City. Someone else was talking about the  
20 airport. It's always an adventure. It's always  
21 fun. But you can't depend on Access-A-Ride, Super  
22 Shuttle, or a yellow taxi. You're not going to  
23 get there. I think it's really important to  
24 question [time bell] the actual number of calls  
25 that came in and that were never processed. So

2 many of us made repeated calls, I actually was on  
3 the IKEA ferry one day with Ted Finklestein from  
4 Human Rights--

5 MALE VOICE: I was there.

6 EDITH PRENTISS: Okay, TK, you were  
7 down on the list, don't worry. TK was with us,  
8 and John Gresham from No P [phonetic] was with us.  
9 I spent the entire trip trying to arrange a taxi.  
10 They told me, "No, we don't do taxis." It's  
11 equivalent to trying to make a complaint to the  
12 TLC for for-hire vehicles. When I called for a  
13 for-hire vehicle complaint, I was told by the  
14 person at the TLC, "We do not regulate how much  
15 car service or liveries charge." I said, "This is  
16 a for-hire vehicle complaint," she goes, "It  
17 doesn't matter, we don't do it." So if their own  
18 agency doesn't know how to deal with it, who, why  
19 would anyone else? I think the, it's a little  
20 Machiavellian going on, that we haven't seen the  
21 report. When we see the report, I'm sure we're  
22 going to have lots of fun. That's it, thank you.

23 CHAIRPERSON KOPPELL: Thank you.

24 CHAIRPERSON VACCA: Thank you.

25 Can, can we, okay, are you okay? [technical]



2 TERRY MOAKLEY: Good morning. I'm  
3 Terry Moakley. Good afternoon, I'm sorry.

4 [laughter] I'm with United Spinal Association,  
5 formerly Easter Paralyzed Veterans Association.  
6 I'm going to just summarize a few points from my  
7 testimony. We were one of the two agencies that--

8 CHAIRPERSON VACCA: Speak into the  
9 microphone.

10 TERRY MOAKLEY: Sorry, okay. We  
11 were one of the two agencies that trained taxi  
12 drivers, and it's amazing that this past June, two  
13 years after the program had started, we were still  
14 training drivers at United Spinal Association.  
15 So, the fact that they kept track of use from day  
16 one, and we were training taxi drivers in, you  
17 know, March, April, May and June of this year, I  
18 mean, how could we expect a higher use of this  
19 program, when things like that--And the drivers  
20 complained of many things. Vehicles which didn't  
21 have the securement devices, which were missing  
22 seatbelts, you know, the lack of marketing of the  
23 system, I want to reemphasize that. Not just in  
24 the City but, you know, this is a world city. You  
25 know, the TLC had a guide on their website. I

2 mean, accessible taxis should be marketed, not  
3 just here, throughout the United States,  
4 throughout the world, 'cause people come from all  
5 over the world to visit New York. I want to say  
6 that we unequivocally support Intro 0433, any taxi  
7 that is going to be sole in this City with a  
8 guarantee of a ten year market, should be  
9 accessible to everybody who lives and works here.  
10 Case closed. It shouldn't be that much of an  
11 issue. The other thing I want to mention, and I  
12 really don't know why this happened, but I think  
13 all of us saw, or have seen at one point, a  
14 prototype of the standard taxi, which is now  
15 called the MV1. Why they did not submit for the  
16 Taxi of Tomorrow project, I think all of us in the  
17 disabled community don't know. But they are going  
18 to be producing that vehicle soon. And, you know,  
19 to me to go from 15 models of taxis that are now,  
20 can be purchased by the industry, to one, and not  
21 to consider a vehicle that's been designed and  
22 built [time bell] and worked with the New York  
23 City taxi industry, for their input, to be, which  
24 is going to be coming available soon, for that  
25 vehicle not to be available in this City is just

2 insane. You know? So, I know the Taxi and  
3 Limousine Commission is the body that approves  
4 accessible, approves taxi vehicles, but they  
5 really ought to consider that I, the last thing I  
6 want to mention is, you know, I don't, I just  
7 don't get why we're doing, why they want to do a  
8 dispatch system for bases that already have  
9 dispatches. Every base, every, you know, taxi of  
10 the outer boroughs company has its own dispatch,  
11 their own people are going to learn that number.  
12 We do not need another central dispatch system for  
13 the livery industry, because each base has a  
14 telephone number that you can call. That doesn't  
15 make sense to me, you know? And again, we think  
16 that we need to keep moving forward with probably  
17 a percentage of accessible livery vehicles, and  
18 continuing towards full access in the accessible  
19 yellow taxi. Thank you.

20 CHAIRPERSON VACCA: Thank you, Mr.  
21 Moakley. And I certainly want to join in  
22 recognizing your work, over many years. Can you  
23 remain for one minute, because I think Councilman  
24 Halloran has a question?

25 COUNCIL MEMBER HALLORAN: [off mic]

2 Yes, thank you.

3 CHAIRPERSON VACCA: Councilman  
4 Halloran has a question.

5 COUNCIL MEMBER HALLORAN: Thank  
6 you, Mr. Chairman. The last comment that you just  
7 made is very, very useful. The fact is that all  
8 of the outer boroughs do in fact have dispatch  
9 taxi systems. And it seems to me in the interim  
10 it would be very easy to have the TLC require them  
11 because we licensed the communication as well. We  
12 don't just license the taxicab. To have a radio  
13 dispatch system, that radio itself is licensed.  
14 And the communications system has to conform to  
15 certain regulations. In the interim, looking  
16 forward, it might be useful for the TLC to require  
17 those dispatchers to have information on  
18 handicapped available vehicles in that fleet and  
19 the surrounding fleets, and to relay that  
20 information to a dispatcher who can dispatch a  
21 vehicle more quickly, perhaps, even if it's from  
22 another company, as long as there's some form of  
23 sharing of those dispatchers in the outer  
24 boroughs, because that is something that we could  
25 do right here, right now, to improve the response

2 time and to ensure that, hey, look, even if this,  
3 this fleet, for whatever reason has its  
4 handicapped available vehicle down, or servicing  
5 someone else, they can reach out to another  
6 provider to dispatch the vehicle, which will  
7 decrease time and make it more available.

8 TERRY MOAKLEY: Okay, but that  
9 would be another local provider, or rather than a  
10 central dispatch?

11 COUNCIL MEMBER HALLORAN: Another  
12 local provider.

13 TERRY MOAKLEY: That makes sense to  
14 me, too.

15 COUNCIL MEMBER HALLORAN: And it  
16 seems like it would cut off a lot of the  
17 bureaucracy.

18 TERRY MOAKLEY: I think the other  
19 thing that was in my written testimony, don't, as  
20 far as I know, and in the outer boroughs, the  
21 livery companies, and I have to be honest with  
22 you, we're, I'm not that interested in, excuse me,  
23 black cars and limousines, I'm losing my voice  
24 here. Because most people with disabilities can't  
25 afford to pay for them. We're talking about the

2 taxis of the outer boroughs, they're used  
3 vehicles, very often, they start out as used  
4 vehicles. And there are sources in my written  
5 testimony where cab companies, where livery  
6 companies can get used accessible vehicles  
7 anywhere in this country.

8 COUNCIL MEMBER HALLORAN: I  
9 appreciate it, and I know Tom Cook who's a--

10 TERRY MOAKLEY: Friend of mine.

11 COUNCIL MEMBER HALLORAN: --  
12 childhood friend of mine, who was disabled when he  
13 was in service to our country, was also your  
14 president at one time.

15 TERRY MOAKLEY: He was, yeah.

16 COUNCIL MEMBER HALLORAN: And, and  
17 I know he's spoken to me extensively. I actually  
18 ran, he ran against me in this election last, last  
19 year, he was one of the Democrats. And he's a  
20 very good friend and a tremendous advocate for  
21 you. And I would suggest that we think out of the  
22 box for now, until we can get this fuller, but I  
23 believe that my Chairs are right on when they say  
24 that this RFP might need to go back to the drawing  
25 board and be looked at. But I appreciate it,

2 thank you.

3 TERRY MOAKLEY: I agree with that,  
4 thank you.

5 CHAIRPERSON KOPPELL: I just would  
6 observe, Council Member Halloran, that what you're  
7 suggesting about the individual companies  
8 providing the service is really what they have  
9 now. And that that hasn't been, but it isn't  
10 working. That's why the Chairman Yassky's  
11 proposing this new system, 'cause the existing  
12 system, which is supposed to make each company  
13 responsible, although what they do is they  
14 contract with somebody else, it just isn't  
15 working. So, [laughs] I don't know what the  
16 answer is, but the current system, theoretically  
17 should work, but isn't working.

18 TERRY MOAKLEY: I would argue it's  
19 not being enforced by the TLC.

20 EDITH PRENTISS: Right.

21 CHAIRPERSON KOPPELL: Now starting  
22 to enforce it, as you heard, and getting people  
23 all excited because they are.

24 TERRY MOAKLEY: Right. But you  
25 don't want to get us too excited, though, 'cause

2 [laughter] we've heard that one before,  
3 Councilman. Thank you.

4 CHAIRPERSON VACCA: Thank you so  
5 much, Terry.

6 TERRY MOAKLEY: [off mic] Thank  
7 you.

8 CHAIRPERSON VACCA: Now, okay,  
9 let's see if we can bring the microphone nearer  
10 for you. That's, that's a good idea. It's much  
11 better. [technical]

12 T.K. SMALL: I would like to wait  
13 for Councilman Koppell and Halloran to come back,  
14 is that okay?

15 CHAIRPERSON VACCA: Well, I don't  
16 know, I don't think that Councilman Halloran will  
17 be coming back, and I think Councilman Koppell  
18 will be.

19 T.K. SMALL: Okay, in that--

20 CHAIRPERSON VACCA: Do you want us  
21 to--

22 T.K. SMALL: --Wesley--

23 CHAIRPERSON VACCA: Whatever you  
24 want.

25 T.K. SMALL: I'll start. My name



2 is T.K. Small, Thomas Small, I'm an attorney in  
3 Brooklyn. I really was not intending to lend  
4 testimony today, but I wanted to just sort of  
5 comment on the sort of process of how this whole  
6 thing has been unfolding over the entire year, the  
7 entire length of my career as an attorney. I'm a  
8 proud graduate of Brooklyn Law School in 1993, and  
9 since I've been practicing, shortly before I  
10 graduated, the ADA was passed and implemented.  
11 So, essentially, my entire time as an attorney, it  
12 has been in the area of disability rights and  
13 disability law, trying to implement laws that  
14 advance the basic civil rights of people with  
15 disabilities. What I think is really important  
16 for the Council Members to really appreciate and  
17 understand, is that we are still in, 20 years  
18 after the ADA, a level of second class  
19 citizenship. This afternoon, I was really struck  
20 by the frequent references to communism, talking  
21 about you know, creating a vehicle by committee,  
22 and driving Yugos and talking about the importance  
23 of democracy and so forth. There's a great novel  
24 that kind of indicts communism written by George  
25 Orwell called "Animal Farm," and at the beginning

2 of the book, the animals that take over, one of  
3 the laws that they pass are all animals are  
4 created equal. And then gradually, as the pigs  
5 come to the forefront, and take over the whole  
6 farm, they modify each of the rules. And one of  
7 the rules that they modify is, but all, but some  
8 animals are more equal than others. You know, all  
9 passengers are created equal, but some are more  
10 equal than others when it comes to [time bell]  
11 taxis here in New York City. So, I think it's,  
12 you know, pretty easy to say that we can't do it,  
13 it's too hard, it's too difficult, it's too  
14 expensive, you know, but when you're paying  
15 \$400,000 or more for the medallion, to add \$20,000  
16 to the price of the vehicle, it doesn't really  
17 strike me as that much, and what really bugs me is  
18 the failure of government to really enforce the  
19 laws which are on the books. I was kind of  
20 excited to testify before Chairman, Council Member  
21 Halloran, because he talked about, he talked about  
22 the local dispatch service, which has been on the  
23 books for four or five years. Why has that not  
24 been enforced? You know, what do we have to do?  
25 Pass a law to make the laws more enforceable?

2 This is ridiculous. You know, it will be  
3 difficult, I don't deny that, but it is a real  
4 sign of the commitment to civil rights and human  
5 rights in New York City to make this thing a  
6 reality. And I would strongly urge you to finally  
7 hold the TLC accountable to make the system work  
8 for all New Yorkers. Thank you.

9 CHAIRPERSON VACCA: Thank you, sir,  
10 and I echo much of your remarks. I do believe  
11 where there's a will there's a way. And if there  
12 is the will, they will find a way. So, I think  
13 that's, that's part of the reason we're having  
14 this hearing today, is because we want them to  
15 know that we have oversight authority and that we  
16 are watching as they proceed.

17 T.K. SMALL: I was going to say  
18 that I'm testifying in solidarity, but if I say  
19 solidarity, I'll be accused of being a communist,  
20 so I'm here in support.

21 CHAIRPERSON VACCA: Not by the  
22 Chair. I think you are articulate, and not  
23 contrary or anything like that. So, thank you,  
24 though.

25 T.K. SMALL: Thank you.

2 CHAIRPERSON VACCA: All right,  
3 who's next? Let me see, oh, next panel, okay.  
4 Ms. Desai, New York Taxi Workers Alliance;  
5 Beresford Simmons, Manhattan; William Lindauer  
6 [phonetic], New York Taxi Workers Alliance.  
7 [pause, background noise]

8 BHAIRAVI DESAI: Hi, good  
9 afternoon, I'm Bhairavi Desai, Executive Director  
10 of the New York Taxi Workers Alliance. First, let  
11 me say that we're really glad that you're having  
12 this joint hearing. We think this is a really  
13 critical issue. We do support the central  
14 dispatch program that's being proposed by the TLC,  
15 with the new changes to it. We also, we won't go  
16 into all the reasons that were already talked  
17 about as to why it's failed, but it concerns us  
18 that it did fail and, you know, we as the people  
19 that actually represent the drivers that operate  
20 the vehicles that we were talking about, we want  
21 to really say both to the community and to the  
22 Council, that we are without a doubt committed to  
23 making that program successful. And I think it's  
24 important because whether or not the entire fleet  
25 is converted into accessible vehicles, the

2 dispatch program is what we have in the interim.

3 Secondly, in terms of really the long term issue,

4 which is what we were talking about here today,

5 let me say that on one hand, we do believe that

6 this is a civil rights issue. And we do stand

7 with the community. We take pride in the fact

8 that, you know, throughout this hearing you've

9 had, you know, you've had people over and over

10 again say, "But we want a taxi," whether it's been

11 members of the Council or various speakers,

12 particularly from the disabled community. We take

13 pride in that, and because we take pride in it, it

14 is a service that we are committed to providing.

15 And we understand we could only provide that

16 service if there are accessible vehicles that we

17 can drive. And so, toward that end, we do believe

18 that there needs to be a long term solution that

19 allows for every New Yorker, without

20 differentiating, whether they are in a wheelchair

21 or not, that everybody should have that equal

22 access to a taxicab. And I say that genuinely and

23 without compromise. [time bell] May I have an

24 extra 30 seconds even, okay.

25 CHAIRPERSON VACCA: 30 seconds.

2                   BHAIRAVI DESAI: Having said that,  
3 I also want to say that cost really is a real  
4 issue, and while the medallions may be  
5 predominately owned by, by corporate owners  
6 because they're the ones that can afford \$800,000,  
7 vehicles are actually owned by the drivers,  
8 whether they're owned by owner operators, or by  
9 driver owned vehicle operators, those are the men  
10 and women, like Beresford, you know, who have the  
11 medallion lease, but they own the car. And so  
12 whether it be the purchasing of the vehicle, the  
13 predatory interest rates on the financing on the  
14 vehicle, or the maintenance and the repairs of the  
15 vehicles, those are borne by the drivers.  
16 However, and I want to make this as a final point,  
17 while cost is absolutely an issue, we understand  
18 firsthand how frustrating it is to hear that is  
19 being an impediment when there's a larger social  
20 goal at stake. For us, it's, it's when we talk  
21 about healthcare and other benefits for drivers,  
22 because we don't have those benefits in this  
23 industry. We're consistently told that cost is  
24 one of the reasons that those social needs cannot  
25 be met. We believe that there is enough money,

2 it's just a question of redirecting what the money  
3 gets used for at the moment. We think that if  
4 there's a genuine effort of a panel put together  
5 that perhaps this Council can oversee, where, and  
6 their members, you know, advocates from the  
7 community, as well as, for you know,  
8 representatives from the industry, and certainly  
9 us as representing the drivers, where we can sit  
10 at one table and look at all of the costs that do  
11 exist. And talk about the ones that are pure  
12 nonsense, like the TV screens in the backseat, all  
13 that nonsense costing us over \$5,000 because that  
14 cost does get passed down to the driver, and we  
15 don't get a penny from the advertising revenue.  
16 If you take these nonsense costs and you  
17 redistribute them, to real, social value, it makes  
18 sense, it's the right thing to do, and then it  
19 allows the right things to get done without it  
20 having to become so controversial. And so, we  
21 think that should be the next step.

22 CHAIRPERSON VACCA: I have to--

23 Okay. Okay. Thank you.

24 BHAIRAVI DESAI: Thank you, I will  
25 end it there.

2 CHAIRPERSON VACCA: Thank you.

3 BHAIRAVI DESAI: Beresford.

4 BERESFORD SIMMONS: Hi, good

5 afternoon, Chairman Vacca and to the Members of  
6 the City Council. My name is Beresford Simmons  
7 and I'm a member of the Taxi Workers Alliance.

8 And it's quite ironic to see that I'm the only  
9 driver that has participated in the wheelchair

10 accessible program from the beginning, up until

11 now. And it's interesting that I've seen a

12 gentleman over there that I've worked with, on my

13 own, and whenever he calls, which is illegal for

14 me to do, but I know it's necessary when they call

15 if it's raining, if it's cold, I will leave from

16 wherever I am to pick them up. But the program

17 that the Taxi and Limousine Commission has put

18 together in the beginning, was marked for failure

19 with the original Chairman, because the people who

20 put the program together do not know anything

21 about what the cab drivers go through in the

22 streets out here. And Chairman Vacca, you came up

23 with an idea in the beginning, about having

24 somebody who has knowledge about the industry, and

25 the Commission, and it seems to be, have been



2 knocked down by some of the rich guys that were  
3 here. I don't know if that's true, but this is  
4 what I'm saying. And if a driver of experience is  
5 not in the, the Commission, to give advice to the  
6 Commissioners, I don't know if any of these  
7 programs will work. It has cost me over the  
8 period of five years in the program, \$70,000 or  
9 more because I'm on my second vehicle right now.  
10 And I'm the one who pay for it, I'm what you call  
11 a dove driver. I buy the ve--I lease the  
12 medallion, and I buy the vehicle. And within five  
13 years nobody's going to compensate me for that,  
14 I've lost a lot of money. I haven't made any  
15 money in five years. Okay? And like I said,  
16 nobody will compensate me for that. But the  
17 program would have worked [time bell] just a  
18 couple of seconds more. The program would have  
19 worked, the dispatch program would have worked, if  
20 the people who knew, or who are running the  
21 program knew about the yellow cab industry. And  
22 I'm just going to cut it from there, and if any  
23 advice that you need, or you want to see what a  
24 wheelchair accessible car is about, I'm willing to  
25 open my car to any member of the Council. Thank

2 you very much.

3 CHAIRPERSON VACCA: I thank you  
4 very much for your offer and for your service.  
5 Sir.

6 BILL LINDAUER: Well, you heard  
7 from the taxi tycoons, they are the dream killers.  
8 They have the money up the wazoo. Yet any expense  
9 they pass onto the poor backs of hardworking  
10 drivers. This has to stop.

11 CHAIRPERSON KOPPELL: Give us, put  
12 your name on the record, please.

13 BILL LINDAUER: Oh, Bill Lindauer,  
14 with the Taxi Workers Alliance. Once thing,  
15 wheelchair medallions cost less than regular  
16 medallions, a lot less. And yet, drivers pay the  
17 same lease money for them. Second of all, we want  
18 details on the outreach program, how much money,  
19 how much time, the TLC plans to spend on this  
20 program. So, so to make it work, and there should  
21 be competitive bidding for this, that system, so  
22 taxpayers don't spend a million dollars for  
23 someone sitting waiting for a phone to ring eight  
24 times a day. Okay? And the payment for this  
25 dispatch system should not be borne by the taxi

2 owners, because they will pass it on to the  
3 drivers. There should be money available, maybe  
4 through the Americans With Disabilities Act, or  
5 some other form, I would say consult with Assembly  
6 Kellner, he seems to be up on this matter. Okay?  
7 Thank you.

8 CHAIRPERSON VACCA: You raised a  
9 very good point. I'm writing this down, I write  
10 a lot of things down as I listen. They, the Taxi  
11 and Limousine Commission said that their dispatch,  
12 their previous dispatch system failed because of a  
13 lack of community input. So, your question, about  
14 what will be different this time, is very  
15 relevant. I'm writing it down, and I'm going to  
16 ask the Committee to contact TLC to get specifics  
17 from them. Because they learned a lesson, but  
18 what are we doing differently this time to make  
19 sure that this succeeds. I appreciate that.  
20 Thank you.

21 CHAIRPERSON KOPPELL: I have, I  
22 have a question, is it Mr. Beresford?

23 BERESFORD SIMMONS: Yes, sir.

24 CHAIRPERSON KOPPELL: Is that your  
25 first name or your last name?

2 BERESFORD SIMMONS: Beresford

3 Simmons, sir. Beresford is the first name.

4 CHAIRPERSON KOPPELL: Mr. Simmons,

5 I got it, Mr. Simmons. You have an accessible  
6 taxi?

7 BERESFORD SIMMONS: Yes, sir.

8 CHAIRPERSON KOPPELL: What, what is  
9 the brand?

10 BERESFORD SIMMONS: It's a Dodge

11 Caravan, which is compatible for mothers with  
12 children and carriages, with elderly people who  
13 can't step up, it's very low to the ground, and  
14 I've found it a little bit much better than the  
15 Ford Freestar that I've bought and had to get rid  
16 of within about a year-and-a-half since I had it,  
17 because I've changed the transmission three times  
18 and the electrical system in the car wasn't  
19 working, it was costing me a lot.

20 CHAIRPERSON KOPPELL: So this one  
21 is, is what kind again?

22 BERESFORD SIMMONS: It's a Dodge  
23 Caravan.

24 CHAIRPERSON KOPPELL: Dodge.

25 BERESFORD SIMMONS: Yeah.

2 CHAIRPERSON KOPPELL: And does it,  
3 would it take a wheelchair like the ones we see  
4 here?

5 BERESFORD SIMMONS: Yes. Yes.

6 CHAIRPERSON KOPPELL: It would.  
7 And how would they get, do they get in from the  
8 back or from the side?

9 BERESFORD SIMMONS: No, from the  
10 side and I, like I said, I had the Ford Freestar  
11 before, we loaded from the back, which whenever  
12 you hit a bump in the street, the, the wheelchair  
13 accessible person would go flying at the top.  
14 [laughter] So when you're loaded from the side,  
15 the only problem I have is the seat in the back is  
16 a little bit too short. So, I have to keep  
17 telling my passenger, "Please put your seatbelt  
18 on," because many a times I step on the brakes and  
19 they go flying forward, if they don't have their  
20 wheel--seatbelts on, but--

21 CHAIRPERSON KOPPELL: This is the  
22 person not in the wheelchair.

23 BERESFORD SIMMONS: Right, right.

24 CHAIRPERSON KOPPELL: Now, how long  
25 have you had this, this Caravan?

2                   BERESFORD SIMMONS: So far, I'm  
3 going about two years and a couple of months, and  
4 I'm finally finished paying for it, but the car is  
5 basically very expensive to maintain, and the TLC  
6 is very rigid on their inspections on these cars.  
7 So every time I go for inspection, I have to spend  
8 up to about \$1,500 to \$2,000 and still most of  
9 the time I fail my inspection.

10                   CHAIRPERSON KOPPELL: Now have you  
11 had a more conventional cab in the past?

12                   BERESFORD SIMMONS: I used to drive  
13 the Crown Victoria.

14                   CHAIRPERSON KOPPELL: And was that  
15 less expensive to maintain?

16                   BERESFORD SIMMONS: Well, it wasn't  
17 a wheelchair accessible car.

18                   CHAIRPERSON KOPPELL: Yeah, no, I  
19 understand, but was it less expensive - -

20                   BERESFORD SIMMONS: [interposing]  
21 Very less expensive to maintain.

22                   CHAIRPERSON KOPPELL: I see, okay.  
23 Thank you, thank you very much.

24                   BERESFORD SIMMONS: You're welcome,  
25 sir.

2 CHAIRPERSON VACCA: Our next panel,  
3 Lester Shafron, Center for Advances in Medallion  
4 Taxi and Hire Vehicle Operations; Richard Thaler,  
5 Media Network, Omni Media Network; Guy Palumbo,  
6 Livery Roundtable. They're not here. Millagros,  
7 Milagros? And Ronnie Raymond. Ronnie left?

8 CHAIRPERSON KOPPELL: Well, why  
9 don't we led Wade in.

10 [technical]

11 CHAIRPERSON VACCA: Okay, Mr. Thal-

12 -

13 RICHARD THALER: - - Lester can  
14 start.

15 LESTER SHAFRON: Okay, I'll start.

16 CHAIRPERSON VACCA: Lester.

17 LESTER SHAFRON: Chairman Vacca,  
18 Chairman Koppell, Committee Members, my name is  
19 Lester Shafron, I am the Managing Director and Co-  
20 Founder of the new Center for Advances in  
21 Medallion Taxi and For Hire Vehicle Operations.  
22 Our mission will be to provide taxi and livery  
23 industry members with the latest advances in  
24 operating technologies and support to achieve the  
25 highest service standards, including

2 accessibility, passenger, driver and vehicle  
3 safety; passenger conveniences and necessities;  
4 reduction in exhaust emissions and increased fuel  
5 economy. Among the Center's initial priority  
6 objectives is how to provide cost effective  
7 citywide ADA compliant taxi and livery wheelchair  
8 accessibility equivalent to standard taxi and  
9 livery service. Now, I'd like to add my remaining  
10 time to Dr. Thaler, Thaler's time, a cofounding  
11 member of the Center, who will present the  
12 Center's comprehensive plan for taxi and livery  
13 wheelchair accessibility.

14 RICHARD THALER: Chairs Vacca and  
15 Koppell, thank you for this opportunity to present  
16 the comprehensive plan for wheelchair accessible,  
17 on-demand, prearranged service. There's no need  
18 for me to burn the Committee's time, you have my  
19 comments in writing. It presents the plan, which  
20 enables the use of a existing industry resources,  
21 pooled using technology, to save all kinds of  
22 incremental fees. There is no need to set up an  
23 additional or a new dispatch operation center.  
24 All of this through technology; that is the  
25 passenger calls the universal number, using a



2 location based dispatch system. The universal  
3 number through the IVR system determines the  
4 passenger's location. The system then very  
5 quickly, in a matter of seconds, determines  
6 through the pooling which vehicle is closest to  
7 the passenger, and transfers that call to the base  
8 affiliated with that vehicle. What I'd like to do  
9 now is, if you'll allow me, I would like to read,  
10 though, where do these accessible vehicles come  
11 from, and how can you in a very, very short term  
12 increase the number of accessible vehicles to  
13 adequately supply probably what is latent demand.  
14 So, I'm jumping to the end of this thing, and I  
15 say as pointed in the plan's description, the - -  
16 taxi operators are subjected to enormous street  
17 hail workloads. Therefore, the addition of  
18 medallion taxis to the dispatch pool should be  
19 temporarily limited to the time the livery  
20 industry needs to increase its wheelchair  
21 accessible pool size, to meet our demand  
22 prearranged wheelchair accessible services. So  
23 the idea of the plan is all the accessible  
24 medallion cabs would be randomly assigned to a  
25 livery base, purely for dispatch purposes. And I

2 think that the worst thing that you can do is put  
3 taxi meters in wheelchair accessible liveries and  
4 also in the taxis; you should go in the other  
5 direction because [time bell] I'm almost finished  
6 with this, if you'll allow me. To facilitate the  
7 rapid growth of wheelchair accessible medallion  
8 taxis and liveries is a simple modification to the  
9 Ford Panther platform, town car and Crown Victoria  
10 has been developed, enabling wheelchair entry from  
11 either side of the vehicle. The modification does  
12 not require chassis alteration, and meets all the  
13 ADA transportation accessible, wheelchair  
14 restraint and safety requirements, the National  
15 Highway Traffic Safety Administration and Federal  
16 Motor Vehicle Safety Standard rules. In  
17 compliance with the Taxi Commissioner's rules,  
18 each livery base initially, we need only to modify  
19 one affiliated vehicle, creating initial pool size  
20 of 700 vehicles, including the wheelchair  
21 medallion, which would be 700, when you add in the  
22 240 wheelchair accessible medallion taxis. The  
23 ADA wheelchair accessible modification of  
24 additional medallion taxis would overcome the  
25 delayed timing of the Taxi of Tomorrow, which is

2 not planned to be available until 2013/2014m,  
3 leading, leaving the latter half of 2011 to  
4 2013/14, or a delay to a future date without a  
5 suitable replacement taxi, if the TOT candidate  
6 group is a likely nonstarter. If the Council and  
7 Commission embrace the opportunity to support the  
8 ADA Crown Victorian town car under current  
9 Commissioner retirement rule extensions for ADA  
10 compliant taxis, this would be filled with a  
11 clean, safe, durable, reliable and proven 50  
12 state, U.S. EPA emission compliant, wheelchair  
13 accessible taxi, until 2018. But then the  
14 unexplained denial of the wheelchair retirement  
15 extension recently passed by the Taxi Commission  
16 would need to be reconsidered. I'd like to  
17 mention, something, though, about the RFP. I hope  
18 that this, these committees, take the opportunity  
19 to look at the City Charter, chapter 65, Section  
20 2,300, which authorizes the creation of the TLC,  
21 and also the policy procurement board rules, it  
22 goes, my reading of it, and I'm not an attorney, I  
23 don't believe an agency of the City of New York  
24 has the right to procure, not using City money to  
25 procure, for a third party it regulates, instead

2 of publishing standards of operation for open  
3 market competition. And I think that Charter  
4 issue should be investigated. Thank you.

5 CHAIRPERSON KOPPELL: Well, thank  
6 you for your suggestions. It's certainly  
7 interesting and we'll, we'll put that, we'll  
8 present it to the Commissioner and ask for their  
9 comments.

10 RICHARD THALER: The complete plan  
11 is described as you have it.

12 CHAIRPERSON KOPPELL: Yes, thank  
13 you.

14 CHAIRPERSON VACCA: Milagros?

15 [pause, background noise]

16 CHAIRPERSON VACCA: Please, let's  
17 give our speaker your attention, and would you  
18 identify yourself for the record, please?

19 MILAGROS FRANCO: I'm Milagros  
20 Franco, from the Brooklyn Center for the  
21 Independence of the Disabled. Thank you for  
22 allowing me to speak. And I've been listening to  
23 all the comments, while I was here, and the RFP is  
24 a piece of paper, it's not set in stone. So we  
25 might as well scrap it if it's not going to

2 include accessible taxicabs. If--here we go  
3 again. If you include accessible taxicabs, one  
4 it'll reduce the cost of Access-A-Ride, and not  
5 everyone in this room likes Access-A-Ride. And I  
6 would definitely use it more if I had the  
7 opportunity. People with disabilities deserve  
8 equal, equal rights to transportation just like  
9 everyone else. I can't believe that these people  
10 came up here and said they had 15 cars to choose  
11 from, but they couldn't decide, they couldn't find  
12 one that was appropriate for accessible taxis.  
13 Thank you for your time.

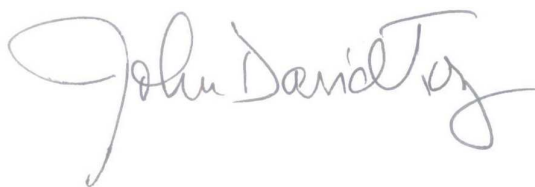
14 CHAIRPERSON VACCA: Well, thank you  
15 for taking the time to come today, because we, we  
16 are interested in doing exactly what you propose.

17 CHAIRPERSON VACCA: I, with no  
18 further speakers, I would like to thank my Co-  
19 Chair, Council Member Koppell, and everyone for  
20 their patience and your testimony today, on this  
21 very important topic. There being no further  
22 speakers, this meeting is adjourned. [gavel] It  
23 is now 2:00 o'clock.

24 [background noise until end]

C E R T I F I C A T E

I, JOHN DAVID TONG certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

A handwritten signature in cursive script that reads "John David Tong". The signature is written in a dark ink and is positioned above the printed word "Signature".

Signature

Date January 3, 2010