

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON TRANSPORTATION

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April 18, 2013  
Start: 1:22 p.m.  
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HELD AT: Council Chambers  
City Hall

B E F O R E:  
JAMES VACCA  
Chairperson

COUNCIL MEMBERS:

Gale A. Brewer  
Daniel R. Garodnick  
David G, Greenfield  
G. Oliver Koppell  
Jessica S. Lappin  
Darlene Mealy  
Ydanis A. Rodriguez  
Deborah L. Rose  
James G. Van Bramer  
Vincent M. Ignizio  
Peter A. Koo  
Eric A. Ulrich  
Letitia James

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

David Yassky  
Chairman  
Taxi and Limousine Commission of New York City

Assemblyman Micah Kellner  
Assemblyman  
New York State Assembly

Susan Shear  
Assistant Director  
Office of Policy and Research

Vanessa Champion  
Special Counsel  
Comptroller's Office

Gabrielle Amary  
Systems advocate  
Brooklyn Center for Independence for the Disabled

Julia Pinover  
Attorney  
Disability Rights Advocates

James Weissman

Edith Prentice  
Chair  
Taxis for All Campaign

Ethan Gerber  
Greater New York Taxi Association

Richard Kay  
Taxi Cabs Services Association

David Pollack  
Committee for Taxi Safety

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

Peter Mazer  
Metropolitan Taxi Cab Board of Trade

Arthur Goldstein  
Counsel  
Taxi Cab Services Association

Chiru Ali Lamto

Gene Ryan  
Disabled in Action

Chuck Ginn  
Disabilities Task Force

Amy Paul  
Citizen advocate for Seniors

Janice Shacter  
Chair  
Hearing Access Program

Ann Davis  
MS Society, Taxis for All

Brian Alecott  
On behalf of Mel Weinmore  
Co-founder of Citizens for Accessible West Side

Deanna Indigo  
Global Disability Movement

Nancy Miller  
CEO, Executive Director  
VISIONS

Latricia James  
Coordinator of Social Programs  
Independence Care System

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

Mark Klein  
Vice President  
Clean Energy Fuels

Susan Doran  
Executive Director  
Center for Independence of the Disabled in New York

Seth Weinberg  
General Counsel  
Vehicle Production Group

Harry Moacly  
Veteran

Paula Wolfe  
Direct Service Supervisor  
Center for Independence for the Disabled

Julie Maury  
ADAPT

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2 CHAIRPERSON VACCA: Good afternoon,  
3 everyone and welcome to today's hearing of the  
4 Transportation Committee of the New York City  
5 Council. I am Council member James Vacca, the  
6 Chair of the Transportation Committee. And I want  
7 to thank all of those who took the time to attend  
8 this hearing and I look forward to a lively  
9 discussion that we will, I'm sure, have today.

10 We are going to hear testimony on  
11 Intro 433-A of 2010, a piece of legislation  
12 sponsored by my colleague Council member Oliver  
13 Koppell aimed at ensuring that all taxi cabs are  
14 accessible for people with disabilities. As many  
15 of you know, I have long been an advocate for the  
16 disability community and we've achieved meaningful  
17 steps advancing disabled rights here in the  
18 Council since I took over the Chair of the  
19 Transportation Committee in 2010.

20 Recently, working with Lighthouse  
21 International we were able to introduce a visually  
22 accessible system in taxis here in New York City  
23 that is being expanded quickly throughout the  
24 nation. I have always believed in the goal of  
25 greater accessibility and I look forward to

1  
2 hearing today's testimony. Again, I thank you for  
3 coming. Because we have such a large audience I  
4 do want to ask that we pay attention to the  
5 speakers and perhaps that we not applaud or boo so  
6 that everyone can be respected. I would be remiss  
7 if I did not mention before I introduce the  
8 sponsor of the bill that we've been joined by a  
9 former Chair of the Transportation Committee of  
10 the New York City Council and I want to thank you  
11 to Comptroller John Liu who is here with us and  
12 welcome him to our proceedings.

13           When I said not to applaud, I  
14 didn't mean him. You can applaud to John Liu.  
15 Okay. All right, now no more applause. But we  
16 thank Comptroller Liu and he will have testimony  
17 himself later or through his office, which we  
18 welcome.

19           I do want to introduce the members  
20 of the committee who are here today who have  
21 joined us to my right, Council member Peter Koo  
22 from Queens. Next to him is Council member Jimmy  
23 Van Bramer from Queens. To my left, is Council  
24 member Dan Garodnick from Manhattan and sitting  
25 next to him is Council member Oliver Koppell from

1  
2 the Bronx. And I'd like to introduce the sponsor,  
3 Council member Koppell. [off mic] Oh and Council  
4 member Gale Brewer to my extreme left has just  
5 arrive from Manhattan. I'd like to introduce  
6 Council member Koppell for remarks. Council  
7 member.

8 COUNCIL MEMBER KOPPELL: Thank you  
9 very much, Mr. Chairman. And I want to begin by  
10 thanking all those who turned out today, thank my  
11 colleagues on the committee who are here. As you  
12 know, Mr. Chairman, this bill is before us under  
13 some special rules of the Council because the bill  
14 has not come up for a vote. Although there was a  
15 hearing on the prior version of the bill about two  
16 years ago. Therefore, some time ago I exercised  
17 the sponsor's privilege to place the bill on a  
18 committee agenda and I am pleased, Mr. Chairman,  
19 that you have done so in conformance with the  
20 rules.

21 The rules also provide that at the  
22 conclusion of this hearing if there isn't a vote  
23 today and I don't anticipate a vote, I haven't  
24 hear that there would be, that I, as the sponsor,  
25 can call for a vote within thirty days and I want

1  
2 to give you notice that I am going to do that at  
3 the conclusion of this hearing if there isn't a  
4 vote.

5           The reason that I am doing that and  
6 taking this extraordinary step is that, first of  
7 all, I believe this legislation to be  
8 extraordinarily important. It's a major civil  
9 rights issue affording the disabled equal rights  
10 with other citizens who may not have the  
11 disabilities that they suffer from. And also  
12 because this measure has the support of 37 Council  
13 members who placed their name on the legislation.  
14 That is not only a majority of this Council but  
15 it's such a large number that were the Mayor to  
16 veto the legislation, which he suggested that he  
17 would do, or might do anyway, I don't want to sort  
18 of predict that because hopefully it wouldn't  
19 happen, but if he would do that, if the current  
20 sponsors persist and continue to support the bill  
21 we could override the Mayoral veto.

22           With that number of sponsors, I  
23 believe that it is entitled, I as a sponsor and  
24 the other sponsors are entitled to a vote of this  
25 committee and quite frankly a vote of the Council



1  
2 as a whole. I don't want to try to make an  
3 equivalent with what's happening in Washington but  
4 the fact is that democracy demands that measures  
5 that have broad support at the very least be  
6 brought to a vote, hopefully passed by the elected  
7 representatives of the people.

8 This bill as you well know, Mr.  
9 Chairman, and everyone else who is here requires  
10 that all yellow taxis approved by the commission  
11 after two years of enactment of the bill be  
12 accessible to the disabled. I am delighted that  
13 we have with us a former colleague of ours and  
14 someone who I have great respect for, David  
15 Yassky, the Chairman of the Taxi and Limousine  
16 Commission, and he has testified at I believe it  
17 was budget hearing but a hearing recently and has  
18 indicated that contrary to past experience with  
19 accessible cabs where questions have been raised  
20 about their durability, we now have a model, at  
21 least one model from this on that could be made  
22 accessible and that would be in fact that the Taxi  
23 Commission regards as sufficiently durable to be  
24 acceptable to be to the Commission.

25 I might also say that

1  
2 representatives of Nissan met with me only within  
3 the last few days and again indicated that they  
4 could produce accessible cabs that would meet the  
5 requirements of New York City. In addition, the  
6 Taxi Commission or the Commission's  
7 representatives have said if this Council by  
8 enactment of a law that takes effect, that is an  
9 effective law, requires accessibility, accessible  
10 cabs can be provided.

11 I just want to mention a couple of  
12 things very quickly. One of the principle  
13 objections that remains by representatives of the  
14 taxi industry and others is that this would be  
15 costly and would require a major increase in fares  
16 and be a great burden on the taxi industry. I  
17 believe those arguments are entirely specious and  
18 the numbers that I have gotten and I will ask the  
19 Chairman to address this, Chairman of the  
20 Commission, from the Commission indicates that at  
21 worst, at worst, it might mean a 2% increase in  
22 the cost of a ride. At worst, and under certain  
23 circumstances depending on the durability of the  
24 cabs and what the Commission would allow in terms  
25 of the years of operation and on the possible

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2 subsidies because the State has subsidized some of  
3 the accessible cabs, it might even result in a  
4 lower cost.

5           So the cost issue is gone but there  
6 is a very important cost issue that is within the  
7 bill or not obvious and that is the current cost  
8 of the access-a-ride system, which is costing the  
9 City almost half a billion dollars. And if we had  
10 a cully accessible yellow cab fleet many of the  
11 people who are now using access-a-ride would use  
12 the yellow cabs and it would save the City  
13 considerable money in the many millions of  
14 dollars. So this is not only something that  
15 won't cost the taxi industry that much but it's  
16 something that will save the City a great deal of  
17 money.

18           Increasingly across the country  
19 more and more of the taxis available are becoming  
20 accessible. As we know, London has a fully  
21 accessible fleet. It's my understanding that San  
22 Francisco, although it may not be totally required  
23 by law, all the taxis there are now accessible.  
24 Increasingly, cities are requiring, Washington  
25 D.C., Chicago's got an increasing numbers of

1  
2 accessible cabs. Maybe not 100% but I want to  
3 remind everyone that the State legislature and I  
4 was there, has required that all buses be  
5 accessible and that is a much greater cost than  
6 making taxis accessible and it also in some  
7 respects, burdens the populace more because there  
8 are delays that inherent in having all the buses  
9 accessible. But we've accepted that. Why have we  
10 accepted that? Because the State legislature  
11 recognized that mobility by the disabled is an  
12 important civil rights issue and it's important  
13 for taxi cabs just like it's important for buses.  
14 And we over twenty years now, we have had  
15 accessible buses. The time is long overdue to  
16 have all of our yellow cabs accessible to the  
17 disabled and therefore, Mr. Chairman, I hope we  
18 will act favorably on the bill after we have heard  
19 testimony today. I look forward to the testimony.  
20 Thank you.

21 CHAIRPERSON VACCA: Thank you  
22 Council member Koppell. I would now like to  
23 introduce our first panel. We have Chair David  
24 Yassky of the Taxi and Limousine Commission and  
25 perhaps you could introduce those on your staff

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accompanying you and we welcome your testimony.

DAVID YASSKY: I will do that.

Thank you. Good morning, Chairman Vacca and members of the City Council Committee on Transportation. I am David Yassky, Commissioner of the New York City Taxi and Limousine Commission. With me on my left is Cindy Davidson, our Director of Policy, Schwinn Charboro, Our Deputy Commissioner for Policy and Planning and Mayo Zoshi to my far right, our General Counsel.

Thank you for the opportunity to speak with you today regarding Intro 433-A, which mandates that all taxi vehicles be made accessible to wheelchair users over a period of time. The Bloomberg Administration stands opposed to this bill. While we support expanding access to the taxi system for people who use wheelchairs, we believe acting on this bill would be premature. We believe we have a package of initiatives, not just we believe, we do have a package of initiatives in process which would achieve a substantial expansion of disability access without the cost imposed by this legislation and we look forward to working with the Council to advance

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this shared ambition.

Let me dispose of one issue at the outset and that is the issue of the Americans with Disabilities Act. Expanding access is a policy goal. It is not a legal mandate. The courts have determined that existing TLC rules satisfy the Americans with Disabilities Act. But the fact that the courts have made that decision should not end our inquiries, should not end our efforts or our work. We are not here to do the legal minimum. We are here to do right by all New Yorkers including those with disabilities and I believe that requires putting more accessible taxis on the road. I just want to encourage you, urge you really as you, as we discuss this not to conflate the legal issue. We have argued vigorously and were vindicated in the courts that our current, the current state of affairs satisfies the ADA and that's the case. But that doesn't mean we don't want to do more and we don't need to do more. I want to be clear about that.

The issues involved in pursuing this goal, the goal of getting more accessible taxis on the road have been threefold. Number

1  
2 one, finding a suitable vehicle. Number two,  
3 determining how quickly to phase in accessibility  
4 and three, determining how to pay for the  
5 increased costs. Before addressing these issues I  
6 would like to first review our accomplishments to  
7 date. Six months ago, we began our operation of a  
8 dispatch program that enables wheelchair users to  
9 request an accessible taxi either by calling 311,  
10 calling or texting the dispatcher directly, or  
11 using a website or smartphone app for trips  
12 starting in Manhattan. And to be clear, the story  
13 really begins years before that when this Council  
14 led really by the current Comptroller, John Liu,  
15 who I know is here somewhere, insisted that the  
16 City begin to put accessible, wheelchair  
17 accessible vehicles on the road as taxis. We  
18 started with 81, we grew to 231 and that's how  
19 many now are mandated but there may be another  
20 additional voluntary one but there are 231, give  
21 or take on or two, on the road at this time. And  
22 that was thanks to the leadership of many in this  
23 Council. However, that tiny number afforded  
24 wheelchair users practically, as a practical  
25 matter, no access to the system. We need a way to

1  
2 get those vehicles to the people who need them and  
3 that's what we did starting six months ago. Call  
4 311, text, call the dispatcher directly, use an  
5 app, as many of the folks are now doing, and one  
6 will be sent to you.

7           With this initiative, we have  
8 decisively turned the corner from being a city in  
9 which wheelchair users were effectively shut out  
10 of the taxi system to being a city in which  
11 wheelchair users do have access to the network.  
12 So far the dispatch service has provided over  
13 6,000 trips in its first six months of operation.  
14 That's more than a previous demonstration project  
15 provided in two years of operation. To be sure,  
16 we are not yet providing a level of service I am  
17 happy with. And Council members, we will engage  
18 on this and I am sure this is a part of this issue  
19 that you want to discuss in detail. And I want to  
20 say at the outset that the level of service is not  
21 yet where we want to get it and where we will get  
22 it. But I don't want that to take away from the  
23 very real accomplishment today compared to seven  
24 months ago, eight months ago and the years and  
25 decades before that. Night and day.



1  
2 Okay, now let's discuss the quality  
3 of the service both at present and what we can  
4 expect over time. And those are the key  
5 questions. It's twofold. One, where are we  
6 today? And two, where can we expect to be a year  
7 from now and two years from now? Or as they are  
8 written here, are we providing excellent service  
9 today and I can tell you at the outset that we are  
10 not. And next, do we have a plan and are we on  
11 track with that plan to provide excellent service?

12 First, where are we today? Over  
13 the past month about 45% of people who were  
14 requesting accessible service get a cab within 10  
15 minutes they call. So again, of the whole, yes,  
16 as you can see, while you bring up this pie chart,  
17 and here it is. I'm sure you can read it since  
18 you are all younger than I am with the exception  
19 of some distinguished exceptions you can probably  
20 read that in a way that I cannot. But for what it  
21 tells you is that where we are today, 45% of the  
22 people requesting service get a cab within 10  
23 minutes after they call. Another 36% get a cab  
24 between 11 and 20 minutes after they call so  
25 between those two we have got 81% within that 20-

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2 minute benchmark. However, 10%, for 10% it takes  
3 between 20 and 30 minutes. 5% wait more than 30  
4 minutes. Absolutely no good, 30 minutes. And  
5 another 4% get no service at all by which I mean  
6 they give up after 30 minutes or more of waiting.  
7 For the 96%, that's a way of looking at it, how do  
8 people fall into those different brackets.

9 Another way to look at it, for the 96% who are  
10 getting service, the average wait time today is  
11 running between 13 and 14 minutes. So, those wait  
12 times are too long and 4% of callers not getting  
13 service at all are too many. And the reason for  
14 that is quite simple, there are not enough  
15 accessible taxis on the street. 231. And I do  
16 believe and maybe I'm going to say this, I do  
17 believe that can do a little better even with the  
18 number of vehicles we have now. We probably have  
19 a chart that shows our progress. It does, we have  
20 a chart that shows that this is from the beginning  
21 of six months ago to today, the red line is wait  
22 times. And as you can see, wait times have  
23 dropped steadily, you know, down to the current  
24 13.5 minutes. By the way, that's as demand has  
25 been increasing. Demand at the beginnings as you

1  
2 can expect, nobody knew about it, start out quite  
3 low and has climbed also steadily. Even as it's  
4 climbed we've brought the waiting times down  
5 because the dispatch operator has worked out the  
6 kinks in the system and the industry has gotten  
7 used to it. And I should note the wait times have  
8 been consistently dropping since this program  
9 began. For example, during the first month the  
10 average wait time was 21.5 minutes now it's 13.5  
11 during that first month. 15% of the time it was  
12 more than a half hour now that's down to 5%. And  
13 it's noteworthy that we're seeing those  
14 improvements even as demand for the services have  
15 been increasing the graph that we just that graph  
16 as we were looking at. I should also note that  
17 the program is delivering far better results than  
18 the demonstration project of three years ago. And  
19 I want to credit the terrific work of the team at  
20 the TLC that has worked on this, some of whom are  
21 sitting here with me, and the terrific work of the  
22 folks at Metro Taxi who are doing the dispatching.

23 You've heard the reasons we have  
24 been able to improve over the six months and the  
25 reason that we're doing much better in the

1  
2 dispatch program. First, and then the  
3 demonstration project, first of all, the program  
4 is better designed. In particular, we compensate  
5 drivers for the pick up portion of the trip. The  
6 old version did not do that. That has greatly  
7 reduced driver resistance so instead of having to  
8 go through 15 drivers to find one that is willing  
9 to do it, they are now going through many fewer.

10 Second, we and those who, drivers  
11 who decline or refuse are being penalized as  
12 refusals and I think that will continue to improve  
13 performance. Second, we and Metro Taxi have both  
14 put a lot of effort into working with the industry  
15 ahead of the launch to prepare fleet owners and  
16 drivers and I want to credit the industry partners  
17 who have worked really well with us, the owners  
18 and drivers of the accessible taxis who for the  
19 most part have worked hard to make this a success.

20 And third, the program makes much  
21 better use of the technology than the old version  
22 utilizing the car's pick up location and the car's  
23 GPS equipment in the taxis, the dispatch system is  
24 able to identify the closest available accessible  
25 taxi, automatically dispatch the trip request to

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2 that driver and generate an electronic  
3 confirmation for the passenger.

4 I would also note, some 20% of  
5 passengers who use the service are using an e-hail  
6 app on their smartphones to request a taxi, which  
7 automates and expedites the process even further.  
8 Pretty soon, I hope, I am confident that any taxi  
9 passenger will be able to e-hail a taxi. As you  
10 know we are planning a pilot this technology  
11 system wide. For now it is limited to wheelchair  
12 accessible taxis only.

13 And in addition to improvement in  
14 wait times we are also seeing much greater  
15 utilization of the program than we saw in the  
16 pilot. Many advocates argued correctly that the  
17 demonstration project was inadequately publicized  
18 so we allocated substantial advertising budget of  
19 \$515,000 this time around. \$320,000 in the first  
20 year of the program, \$195,000 in the second year.  
21 You've probably seen the ads on bus shelters and  
22 phone kiosks and heard them on radio stations.  
23 We're not here to plug any particular radio  
24 station. If you want that plug you can go to the  
25 written statement. Metro Taxi is also developing

1  
2 an advertising program targeting specifically at  
3 the wheelchair using population. Still, I am sure  
4 that it will take a while for the word to get out  
5 fully and Council members I would ask for your  
6 help with this. You can help by publicizing the  
7 service in your newsletters. It's a perfect way  
8 to make sure that everyone who needs it knows  
9 about it. We can supply draft language for a  
10 newsletter item if you would like.

11                   Now, one word of caution. If  
12 demand continues to rise, which I expect to  
13 happen, it will be difficult to continue to make  
14 progress on wait times. That's what I was  
15 starting to get at earlier. We've gone from that  
16 23.5 to 13.5, I think we can bring that down  
17 further even with the 231 but it will get harder  
18 as demand goes up. And we may even not be able to  
19 sustain that 13.5 as demand goes up. There are  
20 simply too few accessible taxis to get service to  
21 the people who need it within an acceptable time  
22 frame. We need more accessible taxis on the  
23 street, period.

24                   Of course, as you know, the  
25 Bloomberg Administration has been pursuing that

1  
2 goal for some time. We worked with the state  
3 legislature and with Governor Cuomo to secure  
4 legislation that includes approval for 2,000 new  
5 taxi medallions, all of which must be used with  
6 accessible vehicles. Unfortunately as you also  
7 know, some medallion owners have chosen to fight  
8 this legislation in court and we are still  
9 awaiting a final judicial outcome even though the  
10 legislation was signed into law more than a year  
11 ago. We expect a final decision in early June or  
12 by early June and of course we expect that the  
13 legislation will be upheld. At that point, when  
14 we can deploy the 2,000 additional accessible  
15 taxis, there is no doubt that will bring down wait  
16 times for the dispatch program substantially. Your  
17 question will no doubt be, how much? What can we  
18 expect? Modeling is uncertain and I would caution  
19 you to apply a healthy margin of error but I  
20 predict that with 2,231 accessible cabs the wait  
21 time for the dispatch program will be less than 5  
22 minutes for passengers in Midtown or Downtown  
23 Manhattan. 2,000 and those being of course the  
24 yellow taxi service areas. 2,000 new accessible  
25 cabs will also create a meaningful hail

1  
2 opportunity. At that point, 1 in 7 taxis will be  
3 accessible.

4 In short, I expect that once 2,000  
5 new accessible taxicabs have been approved and  
6 deployed, we will be able to provide a  
7 satisfactory level of service to wheelchair using  
8 taxi passengers. The question before this  
9 committee at this moment is whether to go further  
10 and I would say whether to at this moment, decide  
11 to go further by requiring all existing medallion  
12 holders to use accessible vehicles. As I have  
13 said, I believe we are on track to providing a  
14 satisfactory level of service. Now, I also  
15 recognize the dignitary and symbolic value of full  
16 fleet accessibility as well as the practical  
17 effect it would have of improving service even  
18 further. As this committee considers what if any  
19 action to take, I would like to make a few  
20 observations that I hope will guide your  
21 deliberations.

22 First, I want you to know that for  
23 the first time we will soon have a vehicle that  
24 can be used as an accessible taxi without  
25 sacrificing certain service to other passengers



1  
2 while providing reliability for taxi owners and  
3 drivers. This is what as Council member Koppell  
4 alluded to earlier or mentioned earlier, this is a  
5 new factor. In the past, if I was here testifying  
6 on this topic two years ago or even a year ago, I  
7 would have said that making the whole fleet  
8 accessible risked a substantial degradation of  
9 service throughout the fleet and that that would  
10 be jeopardizing a core element of the city's  
11 transit system.

12 Now thanks to our partnership with  
13 Nissan and Braun, one of the leaders in accessible  
14 vehicles, the Taxi of Tomorrow design is designed  
15 so it can be made as an accessible vehicle without  
16 compromising the vehicle's frame so that it meets  
17 or exceeds all ADA requirements and that can be  
18 done without voiding the manufacturer's warranty.  
19 So that will allow wheelchair passengers to  
20 benefit from all the passenger amenities that all  
21 other passengers will enjoy in the Taxi of  
22 Tomorrow. The panoramic roof, the intercom  
23 system, the odor reducing fabric, the chargers and  
24 I will note including and something that we're  
25 very proud of that every Taxi of Tomorrow vehicle

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2 will have in it a hearing loop to enable  
3 passengers who use hearing aids to communicate  
4 with the driver. Today very difficult for a  
5 passenger using a hearing aid and many passengers  
6 using hearing aids to hear and understand the  
7 driver. You know they are facing forward, they  
8 are talking through that partition. The hearing  
9 loop I think will be a material kinds of  
10 understates it. A very significant improvement in  
11 service for passengers with hearing loss.

12 Most important the Taxi of Tomorrow  
13 will be crash tested in its taxi configuration and  
14 I underscore no existing taxicab model accessible  
15 or otherwise meets the standard. The accessible  
16 Taxi of Tomorrow vehicle will therefore be the  
17 safest accessible taxi ever put on the road in New  
18 York City. So, in sum, the availability of a  
19 first rate accessible vehicle does remove one  
20 significant downside to greater accessibility. We  
21 have some images, indeed, what the accessible Taxi  
22 of Tomorrow vehicle looks like and you can see it  
23 there. The remaining downsides though are real.  
24 They are cost. They are fuel efficiency. And  
25 they are candidly industry resistance, which I

1  
2 want to discuss. I think it is important. I  
3 think it's always best to move forward in a way  
4 that stakeholders can buy into, not just for  
5 because it sounds good but because you get a  
6 better result that way.

7 So let's do those. Cost.

8 Accessibility adds about \$14,000 to the purchase  
9 price of a vehicle and likely adds some repair  
10 cost as well. To help offset this cost, the New  
11 York city Taxi Credit of \$10,000 may be available  
12 to taxi owners who purchase accessible vehicles  
13 but here again, a word of caution, I do not, we do  
14 not, the TLC, have very good visibility as to how  
15 effect the credit is to taxi owners. AS you  
16 consider this issue, people have come often refer  
17 to and throw around the tax credit. I think you  
18 really need a clear answer to whether that credit  
19 is a value to taxi owners as you consider the cost  
20 angle. But whatever the precise amount of the  
21 additional expense, it's greater than zero. There  
22 is cost. And therefore, and this I think is  
23 critical, any proposal to impose accessibility  
24 requirements on existing medallions has to include  
25 a decision as to who bears this expense.

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2           The possibilities are medallion  
3 owners, and that would occur. You might, some  
4 times people act as if things have no cost but to  
5 be clear if you impose an accessibility  
6 requirement without otherwise dealing with cost,  
7 the cost will fall on medallion owners. It is a  
8 cost. The cost could be born by taxi drivers. If  
9 you raise the lease cap, taxi drivers work pretty  
10 hard to earn a pretty small amount of money today.  
11 The cost could be born by taxi passengers that  
12 would be accomplished by raising the fare and then  
13 using that fare increase to increase the lease cap  
14 and thereby pay back the medallion owners.

15           And finally, the cost could be born  
16 by the public, that is taxpayers through  
17 government subsidy. That's what we do really with  
18 the new medallions. If you think it through, the  
19 2,000 new medallions, which require accessibility,  
20 the public in essence subsidizes the cost there  
21 because they sell at a discount to what a regular  
22 medallion would sell for. In other words, when  
23 the city auctions them off, less revenue will be  
24 received by the city, meaning by the public than  
25 if there was no requirement of accessibility.

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It's a subsidy.

So those are your four choices and I am, all I am saying is I think if you impose accessible requirements you have to be up front about the cost. You have to say who is paying it, medallion owners, drivers, passengers, the public, some combination. You can't pretend that there is no cost.

On the issue of fuel efficiency, it's worth noting that adding accessibility equipment does degrade a vehicle's fuel efficiency somewhat but it is not enough to be a factor in your decision, honestly. It's a small amount. Of greater concern is that adding accessibility equipment restricts vehicle design in a way that could have implications for what vehicle can be permitted to be used as taxis. Mr. Chairman, for example, I know that you have taken a position that the administrative code currently requires all taxi owners to have the option to use a hybrid vehicle. I don't believe that's the correct interpretation, but no matter, let's assume for the sake of argument you are correct there. Well, we are already in violation of that because since

1  
2 there is no hybrid vehicle that can be made  
3 wheelchair accessible the owners who are today  
4 required to be wheelchair accessible do not have a  
5 hybrid option. So I use that example to  
6 illustrate that if you say it must be accessible  
7 you start to rule out varied vehicle designs that  
8 may have substantial fuel efficiency benefits.  
9 That's a kind of general way of stating it. Let  
10 me make that concrete. The Nissan Taxi of  
11 Tomorrow will at some point be available as a  
12 fully electric vehicle. I believe that Nissan's  
13 preliminary design for the EV version of that  
14 vehicle has the battery like current EV's and like  
15 hybrids has the battery placed in a way that would  
16 make it impossible to have a ramp. So you may  
17 have a real choice, accessibility requirement  
18 means impossible to have the EV. I just put that  
19 before you. I should also note in this context  
20 the Taxi of Tomorrow program will resolve the  
21 dilemma we are in now with respect to hybrids by  
22 making available a taxi vehicle that is both  
23 hybrid and accessible. That version will not be  
24 available at launch but we are working  
25 aggressively with Nissan to get that available as

1  
2 quickly as possible so that that hybrid accessible  
3 dilemma won't be there. But you probably will  
4 have it with EV's.

5           Okay, the final challenge I note is  
6 that there will be strong resistance in the taxi  
7 industry to any effort to require existing  
8 medallion owners to purchase accessible vehicles.  
9 There will be implementation challenges such as  
10 properly training drivers and ensuring that  
11 vehicles have the correct equipment. I do not  
12 believe these challenges are insurmountable but I  
13 do believe that the views of the industry should  
14 be taken into account. And again it's a very  
15 concrete reason. We've seen, I've seen repeatedly  
16 in some of our TLC initiatives that where there is  
17 not industry support for innovation and change.  
18 This is an industry that has ample resources and  
19 ability to litigate and slow implementation in  
20 other ways. Slow implementation of reforms. So  
21 if the goal is actually getting more accessible  
22 taxis on the street I submit to you if it's  
23 possible to do it in a way that has industry  
24 support you will achieve that goal faster. That  
25 would be my limited claim.

1  
2 Finally, I note that the proposed  
3 legislation and this, this is last but in some  
4 ways it's first in my heart. And I hope that you  
5 will take this point to heart, Council members.  
6 Now, the proposed legislation even if adopted  
7 would leave wheelchair users in most of New York  
8 City completely stranded. As you know, the yellow  
9 taxi fleet operates almost exclusively in Midtown  
10 and Downtown Manhattan and at the airports. So  
11 that leaves wheelchair users in 4/5 of the city  
12 without access to accessible taxicabs. The  
13 proposed bill before you would do nothing to  
14 change that. There was, I am going to email to  
15 the Chair and ask that he, and if we have emails  
16 for each of you Council members, we will email it  
17 to each of you, and I'm going to link to a video  
18 documentary that was on the New York Times. I am  
19 going to send them right after this. That was  
20 produced by the New York Times that is still on  
21 the New York times website, 5 or 6 minutes, and I  
22 really urge each of you to watch this. It shows  
23 in painful detail what it's like for somebody in a  
24 wheelchair in Brooklyn to get around the city.  
25 It's a young man and his friend who is not in a



1  
2 wheelchair. They start out in Williamsburg, they  
3 are both going to try to get to union Square. The  
4 non-wheelchair user goes down and gets on the  
5 subway and is there in 20 minutes. The wheelchair  
6 user takes a 3-hour plus journey to get to that  
7 same destination. In other words, it's impossible  
8 in a normal day to do that. So I defy anyone to  
9 watch this video and not burn with outrage at the  
10 injustice that people in 80% of the city in  
11 wheelchairs have no way to get around through the  
12 for hire vehicle system. We have not, by the way  
13 in this video the guy goes into Manhattan, he  
14 takes 3 hours and some to get into Manhattan then  
15 when he's there to get home he calls the dispatch  
16 program to go home. As we've discussed in detail  
17 I'm not saying the dispatch program is the  
18 greatest thing since sliced bread and nirvana and  
19 utopia and solves everything but it's there and  
20 it's getting service. But in Brooklyn, Queens,  
21 Bronx, Staten Island, zip. And that is what we  
22 have to fix. Now, we are on a path again to get  
23 there. We, as you know, have worked with the  
24 state and we got that bill adopted and signed by  
25 the Governor that will create not just for hire

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2 vehicle service in the boroughs but accessible  
3 because 20% of those cars have to accessible.  
4 They all have to be affiliated with a base. A  
5 wheelchair user in Brooklyn or Queens when that  
6 bill is finally cleared by the courts and goes  
7 into effect will be able to call a base and get a  
8 wheelchair accessible vehicle. And if you want to  
9 do something about accessibility in the city then  
10 I think that you should work with us to make sure  
11 that that program goes into effect.

12 I will note lastly in this context  
13 that we do have rules on the books that require  
14 all for hire vehicle bases to provide accessible  
15 service. We have a rule that says bases have to  
16 provide service to people in wheelchairs  
17 equivalent to the service provided to other  
18 passengers. This rule was for a long time not  
19 enforced. This is the last story here but it's  
20 worth telling. For a brief period in 2010 at my  
21 direction the TLC enforcement division began to  
22 conduct stings on bases to test their compliance.  
23 We tested 147 bases, 147 bases, that's 100%,  
24 failed. And 147 bases got summonses and fines  
25 that caused a whole uproar. I got letters from

1  
2 elected officials including Assembly member  
3 Kellner who I know is waiting today to testify  
4 saying, "Oh stop enforcing this. Don't make the  
5 livery bases provide equivalent service. So, and  
6 at the time since we had the borough plan  
7 underway, we did suspend an enforcement but I will  
8 tell you and I assure you if we cannot solve the  
9 problem in Manhattan with the 2,000 accessible  
10 taxis and if we cannot solve the borough problem  
11 then we are going to go back to what we have on  
12 the books and we are going to solve that problem  
13 one way or another because it is an injustice  
14 that's being perpetrated every single day in this  
15 city.

16 In conclusion, Council members we  
17 are in a path to excellent service for wheelchair  
18 users. We have established a dispatch capability  
19 that works given the limited number of cars now on  
20 the road and with the thousands more cars coming  
21 soon we will have excellent service. Moreover,  
22 the state legislation authorizing borough taxis as  
23 in new medallions requires and this is the last  
24 key point, requires the city to assess the impact  
25 of all these innovations on disability access and

1  
2 to submit a disability access plan to the state  
3 transportation department. And I say that because  
4 in other words there is a process that has been  
5 established by the state and the Administration  
6 believes this process is the most appropriate way  
7 to determine the necessity for additional steps.

8 Thank you for your attention to  
9 this very important matter. I thank in particular  
10 Council member Koppell for his dedication and  
11 leadership on this issue for ensuring that this  
12 issue remains on the forefront of us at the TLC as  
13 we struggle to address it in an effort for better  
14 fashion. That concludes my prepared testimony and  
15 I am happy to answer any questions that you have.

16 CHAIRPERSON VACCA: Thank you  
17 Chairman Yassky. I do want to mention we've been  
18 joined by Council member Ignizio, Council member  
19 Rodriguez, Council member Lappin, Council member  
20 Darlene Mealy and Council member Rose. I'll yield  
21 to the sponsor first to Council member Koppell.

22 COUNCIL MEMBER KOPPELL: Thank you,  
23 Mr. Chairman and thank you Chairman Yassky for  
24 your testimony and we have had many discussions of  
25 this and I appreciate your willingness to discuss

1  
2 things and debate with me on it. Obviously I'm  
3 disappointed that you're not testifying today in  
4 favor of this legislation or you wouldn't even  
5 need to if your commission would order it. I  
6 don't think you need legislation but be that as it  
7 may, thank you.

8 I want to focus on, since you have  
9 indicated in your statement and you have indicated  
10 before that we now have an accessible vehicle  
11 that's sufficiently durable. That's not an  
12 objection that remains. Am I correct in that?

13 DAVID YASSKY: Yes, that is, you  
14 are correct.

15 COUNCL MEMBER KOPPELL: So then  
16 reading from your statement you say the  
17 availability of first-rate accessible vehicles  
18 removes one giant downside to greater  
19 accessibility. Good. Now, then you say the  
20 remaining downsides are cost, fuel efficiency, and  
21 industry resistance. Fuel efficiency you discuss  
22 and you say that it's relatively minimal issue.

23 DAVID YASSKY: Well, just to be  
24 clear. I'll try and be brief. What I'm saying  
25 is, adding the ramp to any given vehicle doesn't

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degrade that vehicle's fuel efficiency terribly.

COUNCIL MEMBER KOPPELL: So it's not a significant-

DAVID YASSKY: But the, if we really have a shot at a significantly fully electric fleet, I am concerned that a full fleet accessibility requirement might be in conflict with that. That's, I'm not saying it is for sure, but we still have a couple of years of design to go on this but I just want to flag that issue and it's not just kind of, well lightning might hit us, because as we saw that with the hybrids. The hybrids can't be made wheelchair accessible. None have, at least until the Nissan 5200.

COUNCIL MEMBER KOPPELL: But you're working on that.

DAVID YASSKY: That's something to flag that's out there. You can give it the weight you consider appropriate.

COUNCIL MEMBER KOPPELL: You do, just briefly, you recognize my bill only requires this requirement to only go into affect in two years.

DAVID YASSKY: I do.

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2 COUNCIL MEMBER KOPPELL: So there  
3 would be time to deal with that presumably if it  
4 could be dealt with but let's leave that aside.  
5 But currently we don't have an electric vehicle  
6 and we're talking about fuel efficiency and you  
7 say here yourself, not enough to be a factor in  
8 your decision. Okay, so let's take out fuel  
9 efficiency and let's take out industry resistance  
10 because I don't know what we can do about that  
11 except try and convincing industry that it's not  
12 so bad but I understand that's there and that's  
13 not something you can do something about.

14 So let's talk about cost. Because  
15 cost is a major factor and I'm not going to  
16 disagree that these accessible cabs would cost  
17 \$14,000 more. That's your estimate. It's  
18 probably about right. We did ask you what that  
19 would mean though reminding ourselves that the  
20 industry accepts that a medallion is worth now, am  
21 I correct, a rate of medallion's worth over a  
22 million.

23 DAVID YASSKY: Currently trading at  
24 about 1.2 million. Yes.

25 COUNCIL MEMBER KOPPELL: Okay. And

1  
2 how much do you anticipate the accessible  
3 medallions would sell for, you said it would be  
4 discount.

5 DAVID YASSKY: I believe there  
6 would be a substantial discount.

7 COUNCIL MEMBER KOPPELL: How much  
8 is a substantial discount?

9 DAVID YASSKY: You know, I honestly  
10 don't have that at the top of my head. We kind of  
11 came up with a guess for, an estimate for purposes  
12 of budgeting and I would have to find out what  
13 that is. But a substantial discount.

14 COUNCIL MEMBER KOPPELL: Okay.  
15 Maybe a million, rather than 1.2 million?

16 DAVID YASSKY: I thin for sake of  
17 argument, it probably doesn't affect your point  
18 terribly whether it's a million or 800,000 but  
19 perhaps it does.

20 COUNCIL MEMBER KOPPELL: Okay, the  
21 point is that this is. Now the question then is,  
22 what is the additional cost factor compared to the  
23 benefit. Obviously having a yellow taxi license  
24 is a great benefit and you're going to pay for  
25 that. If you're paying, whatever it is 800,000 or



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2 a million, it doesn't matter. That's worth a lot  
3 of money. That right to have that yellow license.  
4 And you've got to compare the benefit of that to  
5 the additional cost of an accessible. Is that  
6 going to make it unattractive to be a yellow taxi  
7 owner in the industry? And you have indicated in  
8 numbers that I got from your office or from the  
9 commission that at \$14,000 if the cab lasts 3  
10 years it would be about a little less than \$4,000  
11 a year in operating cost. And you've estimated  
12 that if it lasts only 3 years and it's \$4,000 a  
13 year that would come out to about 30 cents a ride.  
14 Is that number correct? I mean I'm taking from  
15 the-

16 DAVID YASSKY: I'm assuming your  
17 division is-I know we gave you a number of trips  
18 and so forth so-

19 COUNCIL MEMBER KOPPELL: Your  
20 commission's paper.

21 DAVID YASSKY: Yes.

22 COUNCIL MEMBER KOPPELL: But, right  
23 now there is a special benefit that you have with  
24 accessible cabs you can keep it on the road for  
25 more than 3 years, right?

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DAVID YASSKY: Correct.

COUNCIL MEMBER KOPPELL: How many years can you keep it on the road?

DAVID YASSKY: 5. You get 5 years as compared to 3.

COUNCIL MEMBER KOPPELL: And if you have a 2-year extension and no tax credit this paper says that the actual cost per ride that would be needed would actually go down by a penny if they have 5 years to keep the cab. That's what this says, would go down by a penny. Right? That's what this says. Scenario three, 2 year extension no tax credit and then it says, total cost or gained to the operator per shift is 26 cents a shift or 1 cent a ride. That's what it says. So if you have 5 years, you actually save some money. A little, tiny bit. Right? That's what I'm reading from your sheet, the sheet that your, not from you but your commission or your staff. And then it says if you have the 2-year extension-

DAVID YASSKY: I guess, so I'm going to assume that the division is correct because of course it must be.

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COUNCIL MEMBER KOPPELL: Okay, so-

DAVID YASSKY: I'm just going to say, so that must assume that you keep that car on the road for the full 5 years.

COUNCIL MEMBER KOPPELL: Correct.

And maybe you can, maybe you can't. And then it says that if you have the 2-year extension and you can get the tax credit and I recognize that some people say that the tax credit is not going to be worth so much to some people because they don't have any taxable income. Whatever it is but if they get the tax credit this says that actually the benefit would be 17 cents over a non-accessible cab.

DAVID YASSKY: I guess what I would say is, first of all, I really would encourage you to work through these numbers not just with us but also with the medallion owners. They, and I am not trying to solve the problem saying they have a- we don't have terribly good visibility into the fleet economics of fleet operation. And I think that they will be able to at least answer your questions with the authority of their operation. We can answer it with the authority we understand

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2 as regulators. That's part one. Part two is, my  
3 common sense says to me that the cost is not zero.  
4 I get the argument that well if we let you keep  
5 the car more over the life of 15 years, buy fewer  
6 cars and maybe that would work out. And the fleet  
7 folks would have to say whether it does or whether  
8 it doesn't. My common sense tells me there is  
9 some additional and that means that that cost has  
10 to go somewhere.

11 COUNCIL MEMBER KOPPELL: But what  
12 this says the comparisons between a non-accessible  
13 cab which you have to replace every 3 years and  
14 now an accessible cab that we're positing in our  
15 model would last 5 years so you have to buy the  
16 cab less frequently, saving money. That's what  
17 these numbers show. But let's take even the  
18 numbers that from your commission, no extension.  
19 So 3 years, same 3 years as everybody else. And  
20 no tax credit. And that says here, cost per ride  
21 increase is 29 cents. Now, the average ride I  
22 think you told us what \$14?

23 DAVID YASSKY: No, it's \$12, I'm  
24 sorry, \$14, yes.

25 COUNCIL MEMBER KOPPELL: So 29

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2 cents would be about 2%. 1% of \$14 would be 14  
3 cents, 2% of \$14 is 28 cents. So this is 29 cents  
4 so it's about 2%. So at worst, given the fact  
5 there is no extension. You can only keep it 3  
6 years and no tax credit, the increased cost of a  
7 ride, the average ride would be 2%. And on a \$14  
8 ride that would be 30 cents. Right?

9                   DAVID YASSKY: Yes, I follow that  
10 and I accept that.

11                   COUNCIL MEMBER KOPPELL: So cost  
12 remains to me, that's the key factor that I think  
13 it's a consideration. I agree it's a  
14 consideration but those are the numbers that you  
15 gave us, right? Okay. I will talk to the  
16 industry about it. I know they talk about cost  
17 but all they talk about is that the cab's going to  
18 cost a lot more. And it will cost \$14,000 more  
19 every 3 years or 5 years depending but as I  
20 indicated in the beginning, the cost of the cab,  
21 there's a lot of other cost, right? Besides the  
22 cost, the cost to the driver, the cost of gas, the  
23 cost of repairs, all those costs has nothing to do  
24 with the fact that the cab's more expensive but  
25 you have to compare what the cab cost is, which is

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\$3,000 or \$4,000 a year compared to all those other costs. Right?

DAVID YASSKY: I think your figures there in the last scenario I think are right or the magnitude is certainly there. Maybe it's plus or minus a little bit but I think that's right. I guess that's not a judgment that I'm here to make. That's your judgment to make really as the policy makers here.

COUNCIL MEMBER KOPPELL: I understand but this point, yes-

DAVID YASSKY: And you know so if it's saying it's worth charging the passenger, which you did not say, I don't want to put words in your mouth but if it's 30 cents a trip, 29 cents, does that mean charge the passenger an extra 29 cents a trip? And maybe it sounds like a little bit or maybe it sounds like a lot because it adds up for somebody who takes a lot of taxis or maybe you say even if it is, it's worth it. That's your judgment as policy makers. My role here is to supply you with the facts the best I can. And if you see the other answer would be put them on the fleet, I just say there too, that 29

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2 cents a trip number that does then add up to a  
3 real number when you are talking about a fleet  
4 owner. That's my answer.

5 COUNCIL MEMBER KOPPELL: Let me  
6 just ask you another policy question because  
7 obviously the taxi commission makes policy  
8 decisions. Over 20 years ago when I was in the  
9 State Legislature, we required that all buses be  
10 accessible. There were many arguments made at  
11 that time that the disabled community would be  
12 better served if we just provided an efficient  
13 access-a-ride system because then you could call  
14 up, you could get an accessible vehicle and you  
15 wouldn't have to burden the public transit system  
16 with the major cost of making every bus  
17 accessible. If you had been in the legislature at  
18 that time would you have voted for full  
19 accessibility or would you have relied on some  
20 other system to provide for the disabled?

21 DAVID YASSKY: Well, since it has  
22 worked out really well, I'd like to think that all  
23 buses are accessible. I guess I'd like to think  
24 on the right side of that issue as history judged  
25 it.

1  
2 COUNCIL MEMBER KOPPELL: And aren't  
3 you suggesting something very similar in saying  
4 there's an alternative system of calling up and  
5 that should be adequate. Aren't you basically  
6 saying that what we did in the legislature over 20  
7 years ago was not the way to go?

8 DAVID YASSKY: No. I don't think  
9 the analogy is a perfect one. I understand, I  
10 think the analogy has some force to it but I think  
11 it also has some defects. The systems are  
12 different. The bus, the utility of the bus system  
13 does depend on being able to go there and everyone  
14 that comes along, you can get on. If as a factual  
15 matter and I say if, if we can get a caller a taxi  
16 in 5 minutes I think we are providing as good  
17 service as you can get. Sometimes it will be 2  
18 minutes longer than street, than putting your arm  
19 up on the street, sometimes it will be 2 minutes  
20 shorter. But I think that that is providing as  
21 good service you can get because the system is a  
22 somewhat different one.

23 I also, I'm projecting forward you  
24 know 2, 3 years when maybe half the people that  
25 get taxis use their iPhone to call one rather than



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2 put their hand up in the air. I guess I think,  
3 I'm not sure what the grounds were because I think  
4 that that's a real possibility and I think that  
5 that's part of the reason I counsel caution and I  
6 counsel wait to see how what we're already doing  
7 works out. And I say that sincerely and I say it  
8 because I know what the next steps are for us.  
9 The next steps are get the next 2,000 and get the  
10 borough part. And I think even under your bill  
11 that's the next steps because you're talking 2  
12 years away. So I guess what I don't see why, and  
13 I am a kind of cautious slow moving person that I  
14 feel like since I know what my next steps are no  
15 matter what and I know that I will see how those  
16 play out, and I know that whatever a decision  
17 today doesn't actually bear fruit for years down  
18 the future. I don't see why to make that  
19 decision today. That's my sincere counsel to you.  
20 I say again, you are the decision makers.

21 COUNCIL MEMBER KOPPELL: I ask you  
22 one more question. You can believe me or not  
23 believe me. Would you believe me now when I tell  
24 you that I have an office, a separate office,  
25 because I have a private law practice so I have an

1  
2 office in Midtown Manhattan, right in the middle  
3 of Midtown Manhattan. Would you believe me if I  
4 tell you, except in the evening rush hour, I  
5 cannot remember over the last 40 years ever  
6 waiting except in the evening rush hour for as  
7 much as 5 minutes for a cab? Would you believe  
8 that?

9 DAVID YASSKY: Yes.

10 COUNCIL MEMBER KOPPELL: Thank you.

11 CHAIRPERSON VACCA: Okay. Thank  
12 you Council member Koppell. Commissioner Yassky,  
13 one thing that the Councilman I think, the  
14 Councilman did dissect your testimony.

15 DAVID YASSKY: Yes. I feel  
16 filleted. Yes.

17 CHAIRPERSON VACCA: He dissected  
18 your testimony but one thing he did not dissect,  
19 which I want to go to and that is why are the  
20 outer boroughs excluded? Is it because the way  
21 that the law is written? Is it because of the  
22 lawsuit pending? You said in the testimony that  
23 the outer boroughs under this bill will not have  
24 accessible cabs.

25 DAVID YASSKY: Because it's a

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practical matter. The yellow taxis don't serve the Bronx, Queens, Brooklyn and Staten Island.

CHAIRPERSON VACCA: But this bill says over 2 years.

DAVID YASSKY: Yes.

CHAIRPERSON VACCA: Even if the lawsuit that you anticipate winning is won, that doesn't mean that the liveries that will be legally now allowed to hail will all have to be disabled accessible?

DAVID YASSKY: I guess I would have to ask. I think the way the bill is written and it may or may not be the intent. I think the bill as written applies to taxi cabs, which in our statute are yellow taxis. The, what I'm calling borough taxis that will be serving the boroughs are not taxicabs within the meaning of the administrative code. They are livery vehicles. I don't believe the bill as written would apply to those livery vehicles.

CHAIRPERSON VACCA: So in the other four boroughs outside Manhattan the situation would stay as is.

DAVID YASSKY: Well, you know, of

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2 course I don't believe it will stay as it is. I  
3 believe we are going to fix the problem but I  
4 don't believe this bill affects it.

5 CHAIRPERSON VACCA: But we will not  
6 have accessible cabs in the other four boroughs  
7 except for the 20% that you said the green cabs  
8 would be accessible?

9 DAVID YASSKY: If your question is,  
10 we win in the Court of Appeals and Intro 433a  
11 become law.

12 CHAIRPERSON VACCA: Yes.

13 DAVID YASSKY: What's the result?  
14 The result is 20% of the borough taxis will be  
15 accessible. And that's how I am reading this bill  
16 but I think that's correct.

17 CHAIRPERSON VACCA: Okay. That's  
18 your interpretation of that bill.

19 DAVID YASSKY: Yes. But again, I  
20 don't think I am on solid ground. That may or may  
21 not be what the sponsor's intent was but-

22 CHAIRPERSON VACCA: What I wanted  
23 to ask you, the service that you now have in place  
24 where people can call to get a disabled cab.

25 DAVID YASSKY: Yes.

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2 CHAIRPERSON VACCA: If Councilman  
3 Koppell's bill is adopted would you continue that  
4 service?

5 DAVID YASSKY: Well, we'd certainly  
6 continue it for a period for the foreseeable  
7 future. In other words, until every cab is  
8 accessible or whatever, as long as it's 10, 15,  
9 20, 30% I think that it could still be a value to  
10 people in wheelchairs to be able to call 311.  
11 Now, it's an open question in my head whether you  
12 would want it even if you were at 100% and that's  
13 something we would want to talk with the  
14 community, the accessible advocates then and you  
15 and the Council but honestly we have not thought  
16 that through. That's pretty far in the future.

17 CHAIRPERSON VACCA: That service is  
18 available to anyone in the city of New York that  
19 needs a disabled accessible cab?

20 DAVID YASSKY: Well, it's available  
21 to anyone who wants to be picked up in the borough  
22 of Manhattan. It's not for pickups outside of  
23 Manhattan.

24 CHAIRPERSON VACCA: Why is that  
25 service not available to the boroughs outside of

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2 Manhattan?

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4 DAVID YASSKY: Because it wouldn't  
5 work and we tried that. We did a pilot version of  
6 this project 2008 and 2009 and what we found was  
7 so much driver resistance to going to pick up in  
8 Queens and Brooklyn and the Bronx and Staten  
9 Island that it simply did not work. In other  
10 words, people who called from Queens, Brooklyn  
11 looking for a trip didn't get one because drivers  
12 just wouldn't do it. And I understand why. That  
13 is a- you know-

14

15 CHAIRPERSON VACCA: Well, you know,  
16 Commissioner, listen to me. I'm a Bronx  
17 Councilman. I have to represent my people, my  
18 borough. How do my residents get a disabled  
19 accessible cab?

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21 DAVID YASSKY: Yes. You're right.

22

23 CHAIRPERSON VACCA: They are not  
24 covered by this law. They are not getting it now  
25 so I don't understand. We are only talking about.  
This is a piece of legislation that-

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27 DAVID YASSKY: How do you-

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29 CHAIRPERSON VACCA: I don't call  
30 cabs. I walk. I don't call cabs.

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DAVID YASSKY: How do your constituents who are not in wheelchairs use, get for hire vehicles, service?

CHAIRPERSON VACCA: They call up, my constituents, some now hail a livery or they will call a base.

DAVID YASSKY: Exactly. And that's why-

CHAIRPERSON VACCA: Many do not have accessible cabs, I don't know if they have accessible cabs.

DAVID YASSKY: One way or another we have to force the bases to have accessible vehicles. Now the rule on the books forces every base to do that and like I said earlier we do not enforce that. As you know, Chairman, that was your view as well. And we, as a result, people in your district in a wheelchair cannot get for hire service. The way we are fixing that is with a bill that is currently in litigation. If that bill were to fail, then we go back to enforcing the rule that's on the books.

CHAIRPERSON VACCA: Well, you know, Commissioner, I respect you and what you are

1  
2 saying and I know you are sincerely looking at  
3 this issue but I have to tell you part of what my  
4 Committee did maybe 2 years ago, and you were  
5 helpful with us is that we stood up against people  
6 who said, we are not going to pick people up in  
7 the outer boroughs. We don't want to go there and  
8 we had instances where people were in Manhattan  
9 and they were trying to get back to Brooklyn and  
10 the Bronx and they could not get back.

11 DAVID YASSKY: Right.

12 CHAIRPERSON VACCA: So you were  
13 helpful and you worked with us but by the same  
14 token I don't understand how it's not a priority  
15 for people who live in the other four boroughs who  
16 are disabled. How is it not a priority that we do  
17 something for them? This law doesn't cover them.  
18 What we do now doesn't cover them. Why? I think  
19 when you say that certain cabs don't want to go to  
20 the other boroughs to pick up a disabled person,  
21 how dare them?

22 DAVID YASSKY: Mr. Chairman, I'm  
23 not sure if you are- I think you must be  
24 misunderstanding what I'm saying. Let me first  
25 distinguish between two problems that afflict



1  
2 borough residents. The problem of hailing a taxi  
3 in Manhattan and having the driver of that taxi  
4 say, "No, I'm not going to Brooklyn or the Bronx".  
5 That's one. And the second would be I am at home  
6 in Brooklyn or the Bronx and I want to flag down a  
7 taxi. As to problem one, Manhattan, I'll call  
8 that refusal of service in Manhattan. We have  
9 worked together very productively and I think have  
10 made real progress on that. You raise the  
11 penalties. We overhauled our complaint system so  
12 that the penalties actually are exacted upon  
13 drivers who refuse service. And you know, we  
14 can't measure because we have no way to measure  
15 how many refusals have taken place but my  
16 neighbors in Brooklyn tell me the problem, it's  
17 much better than it used to be. And I believe, I  
18 think it is much better than it used to be but I  
19 see that Council member Mealy disagrees. And to  
20 be sure there are still episodes of refusal of  
21 service in Manhattan. That's one.

22                   Second is, I'm in Brooklyn or the  
23 Bronx and I want to flag down a taxi. Now we  
24 can't have a rule that says, if somebody is out  
25 there a taxi has to, it would do no good to say,

1  
2 you can't pass up that person because the taxi  
3 isn't there in the first place. The only way to  
4 get service to those folks, those folks being  
5 again 80% of the city, is to have vehicles that  
6 serve the boroughs. That is our bill. That's  
7 what we're, and because honestly the Council  
8 hasn't dealt with that problem. The state had to  
9 step in and do it and that's what's being  
10 litigated. And we're, so help me, we are going to  
11 have a final decision on that in the next six  
12 weeks.

13 CHAIRPERSON VACCA: I think that  
14 you misunderstood my point. You have a service  
15 now that picks up disabled people.

16 DAVID YASSKY: Yes.

17 CHAIRPERSON VACCA: It's termed as  
18 the dispatcher.

19 DAVID YASSKY: Requiring those 231  
20 cabs to serve the entire city would mean-

21 CHAIRPERSON VACCA: But people who  
22 live in the Bronx and Brooklyn and Queens and  
23 Staten Island-

24 DAVID YASSKY: Correct.

25 CHAIRPERSON VACCA: Are not to call

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that service because they only service Manhattan.

DAVID YASSKY: Correct. Okay, are you recommending other-

CHAIRPERSON VACCA: No, I'm not recommending anything. I'm only asking-

DAVID YASSKY: Let me tell you-

CHAIRPERSON VACCA: I'm only asking, how do disabled people who live in the outer boroughs be it under Councilman Koppell's bill or under something that we're doing now or could do, how do we get them access to a cab?

DAVID YASSKY: Your honor, you are sitting there looking at me asking me how do we get service to people in the boroughs? I'll tell you how, we get the Borough Taxi Bill that includes 20% accessibility.

CHAIRPERSON VACCA: 20%, no I'm talking 100%. You're saying 20% but what makes you think that that's necessary when you know that people in your district, they don't stick out their hand, they call a car. That's how they get service and they should be able to call a car and get either a non-accessible or accessible, whichever they wish, that's how you get them

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service. I refuse to, I will not leave.

[off mic]

CHAIRPERSON VACCA: I recognize I was getting a little heated there and I apologize if that was the result. I will move on but I feel strongly about it because we have been on a 2 year brutal struggle to get service to people in your district and your district Council member Mealy and your district Council member Koppell and your district Council member Rose. And any help you want to offer, I'm here. I would love it.

COUNCIL MEMEBR KOPPELL: Mr. Chairman.

CHAIRPERSON VACCA: No, let me. I have Council member Brewer.

COUNCIL MEMBER KOPPELL: Mr. Chairman, on this point. Could I be heard?

CHAIRPERSON VACCA: Quickly.

COUNCIL MEMBER KOPPELL: I think there was miscommunication and I think the Chairman can correct me if I'm wrong. My constituents and yours who are leaving Manhattan to go home because of your work with the Chairman, the yellow cabs are becoming more compliant. I

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2 take it, that even under your system now and if  
3 all the cabs are accessible if they got a cab,  
4 could they call now to a yellow cab under your  
5 system and go from Manhattan to the Bronx?

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DAVID YASSKY: Yes.

7

COUNCIL MEMBER KOPPELL: So, the  
8 fact is that that part is- I think there was some-

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DAVID YASSKY: He knows but he's  
10 asking well, why can't they pick you up at the  
11 Bronx and-

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COUNCIL MEMBER KOPPELL: Chairman,  
13 let me-

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DAVID YASSKY: I think he was not  
15 saying, I think they should because he must know  
16 that that would destroy the little progress we've  
17 made so far.

18

COUNCIL MEMBER KOPPELL: But I want  
19 to make it clear that if my bill became law then  
20 every yellow cab after 2 years would be available  
21 to disabled constituents from his district at  
22 least to go home from Manhattan.

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DAVID YASSKY: Yes.

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CHAIRPERSON VACCA: I understand  
25 that. I know what I'm talking about, Council

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members. Council member Brewer.

COUNCIL MEMBER BREWER: Thank you very much. A couple of issues. One is, I mean I'm very supportive of Council member Koppell's bill. I want to say that I have done what you have asked however and I put my into my enews which goes to a lot of people, the notion that one can call. But it is not, because I know a lot of people who try to use it, it is not a panacea. So I want to know do you know how many people have called the dispatch taxi and how many have given up because they have had to wait. I know you gave some statistics earlier but I was just wondering if you have this statistic?

DAVID YASSKY: I do. As a matter of fact, to date and this chart, I apologize, you cannot read this chart.

COUNCIL MEMBER BREWER: Well, you can read it to me. I see 3 something, 1 something?

DAVID YASSKY: AZED97.

COUNCIL MEMBER BREWER: I haven't memorized it like I do when I go to the Department of Motor Vehicles.

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DAVID YASSKY: Is it better now?

COUNCIL MEMBER BREWER: I know how to do that.

DAVID YASSKY: This way, okay. The moment passed. So-

COUNCIL MEMBER BREWER: I'm always funny at your hearings.

DAVID YASSKY: That's okay.

COUNCIL MEMBER BREWER: That's correct.

DAVID YASSKY: Gale Brewer's always funny. Gale Brewer's at my hearings therefore Gale Brewer's funny at my hearings. You're right, the logical-

COUNCIL MEMBER BREWER: I will say other things too but go ahead.

DAVID YASSKY: You are funny at my hearings. So here's what this chart shows you is usage and some other facts from the demonstration project of a couple of years ago then kind of the first six months of operation and just the last month. And the fourth row is how many trips.

COUNCIL MEMBER BREWER: Right.

DAVID YASSKY: The 2 years of the

1  
2 demonstration project, 5,800 trips. So far in six  
3 months of this one, 6,000. So we've already done  
4 more trips than the first two years of the  
5 demonstration project. Average number of trips a  
6 day, demonstration project, 8. Average as of now,  
7 March, or average so far in the six months, 33.  
8 8,33. And just looking at March, 56. So we are  
9 on a big upward trajectory in terms of usage,  
10 which I will think we will stay there.

11 Last point here. Total unique  
12 users. 2,700 people tried out the demonstration  
13 project. So far, 1,400 have tried the current  
14 permanent version. That tells me that there is  
15 still a lot to go. I mean there are still a lot  
16 of folks who try the demonstration. They haven't  
17 yet come back to the permanent. They may not know  
18 it's out there yet. Or maybe their experience was  
19 so bad 3 years ago that they are not trying it.  
20 Don't worry, we're going to get out and market and  
21 bring them in. So we are nowhere near peak usage  
22 yet.

23 COUNCIL MEMBER BREWER: All right.  
24 But we don't know how many people tried and then  
25 didn't like it and so that's what I'm trying to-



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DAVID YASSKY: All I have-

COUNCIL MEMBER BREWER: They may  
not be-

DAVID YASSKY: I don't have an  
absolute number yet. So far in the first 4% of  
people, actually that's really just the March  
number I guess. Maybe you can give me the six-  
month number but in March 4% of people gave up.

COUNCIL MEMBER BREWER: Okay.

Right. Next question is, maybe others understand  
this but can you explain why you can't sit down  
with the community here today, people who advocate  
for the disabled and figure out a car, a system  
that is accessible for all? Or have you tried and  
feel that's not possible. In terms of, I think  
Council member Koppell indicated that in 2 years  
perhaps we would have a hybrid or something that's  
appropriate in terms of fuel usage. If you look  
at charts, the cost issue might be reduced in a  
couple of years. Maybe the Chicago plan, people  
may not like it but I know it doesn't include all  
cars. In other words, what's the discussion been  
that we're ending up in a system that is in court,  
complicated and not happening? I know you think

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it will happen but-

DAVID YASSKY: Well, okay. I know we've talked a lot about the borough stuff but just in terms of Manhattan. I think the story is not that. The story is we've made huge progress already. In terms of our discussions with the advocacy community, we've had many meetings, many discussions. I have no doubt if you were to have some of the leading folks who are right here, when they sit here, they will say useless and not productive, and we have not addressed their concerns and I recognize that that is absolutely their perspective on it. I feel and that was the burden of my over long testimony that we have addressed them in part and my belief in truth, you used the word impossible. I don't think it's, not just not impossible, I absolutely expect that the time will come when we will have a consensus on how to handle the issue of making sure that people in wheelchairs have full access. I think that will be a mix of more cars and who knows, maybe 2,000 won't be enough and we will see it and then we'll act on it. Or maybe the 2,000 will be enough and the leadership of the advocacy

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2 community will see that. All we can do as  
3 bureaucrats is kind of keep pushing forward on a  
4 day to day basis and making it better using the  
5 tools that we have, which we are doing and  
6 continuing to talk with the community in the hopes  
7 of getting an overall consensus.

8 COUNCIL MEMBER BREWER: Okay, I  
9 don't know that this is related to the specific  
10 concerns of the disabled community but why do you  
11 have to have a roof and you can't advertise on it?

12 DAVID YASSKY: It's, you're right,  
13 it's not but because the-

14 COUNCIL MEMBER BREWER: Because  
15 that's another opportunity for-

16 DAVID YASSKY: I know that you  
17 share, you know, I guess you share-

18 COUNCIL MEMBER BREWER: Everybody's  
19 looking at their Ipad, they are not looking at the  
20 roof.

21 DAVID YASSKY: I guess you share my  
22 great love for those rooftop ads and the  
23 gentlemen's clubs and so forth and-

24 COUNCIL MEMBER BREWER: I am trying  
25 to think and I don't necessarily want to look out

1  
2 at the sunshine because I'm just saying if you're  
3 looking for sort of support for getting the cost  
4 of the vehicle down, I'm just asking I don't know.

5 DAVID YASSKY: Yes.

6 COUNCIL MEMBER BREWER: I don't  
7 mind the ads personally.

8 DAVID YASSKY: When we had a really  
9 I thought path breaking and successful public  
10 engagement process as part of the Taxi of Tomorrow  
11 development including giving, showing the public  
12 the 3 finalist models and we got 20,000 some odd  
13 responses. We had a huge amount of response. One  
14 probably, forget probably, without question, the  
15 clearest signal that we got from the public as you  
16 know as a practicing reader of public opinion, it  
17 isn't always easy to discern what the public is  
18 saying but the clear message I have no hesitation  
19 in discerning this one, was that the public really  
20 loved the panoramic roof on one of the three  
21 designs.

22 COUNCIL MEMBER BREWER: All right.

23 DAVID YASSKY: And so, that  
24 combined with our own belief at the TLC that it  
25 would be a terrific amenity for passengers

1  
2 especially tourists but not only tourists, New  
3 Yorkers too, led us to say that version. What's  
4 the cost of that, no rooftop ads that seemed worth  
5 it?

6 COUNCIL MEMBER BREWER: Okay. It's  
7 a difference of opinion.

8 DAVID YASSKY: Yes.

9 COUNCIL MEMBER BREWER: Can you  
10 explain to me, I know you discussed this a little  
11 bit but why does London work and we cannot have  
12 the same opportunity?

13 DAVID YASSKY: Well-

14 COUNCIL MEMBER BREWER: I know they  
15 have a different definition I know, I understand  
16 of ADA. Is that the only reason?

17 DAVID YASSKY: No. I think history  
18 is part of it. You know, they kind of crossed  
19 that bridge early and then therefore they have no  
20 issue of industry resistance. I think that their  
21 fare structure is different. A taxi is about  
22 twice expensive in London so the owners are able  
23 to bear the additional expense. I guess those are  
24 the two big factors.

25 COUNCIL MEMBER BREWER: Okay, I'm

1  
2 just going to conclude because I know others want  
3 to speak by stating, I have great respect for you  
4 but it seems to me that everybody's upset. The  
5 owners are upset, the riders are upset, the  
6 disabled community is upset. Everybody's upset.  
7 But maybe that's good. Some people will say that  
8 when everybody's upset, nobody's happy. That's a  
9 good thing. That's not what I think we want to  
10 accomplish because now we are all, we are in  
11 court, we are, you know, there is nothing moving  
12 that is in terms of the health of the industry,  
13 there are not going to necessarily be green taxis.  
14 We spent how many years between you and Council  
15 talking about green taxis also making them  
16 accessible, etc.

17           So, I just think that with all due  
18 respect a different approach would have made sense  
19 in terms of accomplishing what we all want because  
20 everybody I meet with is upset about this issue.  
21 Maybe not the Taxi and the Limousine Commission  
22 but everybody else.

23           DAVID YASSKY: I am genuinely glad  
24 that you made that point because I think, it's  
25 something that I think about obviously a great

1  
2 deal as you expect and believe me I hope nobody  
3 here in the committee feels like you need to  
4 preface something by saying you respect me because  
5 I am happy for disagreement, truly. I wonder  
6 about that, what you're saying. I mean I  
7 recognize that there has been a huge amount of  
8 tumult in the industry about the changes we've  
9 tried to make. I think perhaps, we're not really  
10 talking about the accessibility part here but the  
11 industry is not very happy with this position but  
12 it's certainly on the borough's service and on the  
13 new vehicles. Folks on the issue, there's a lot  
14 of discontent. I do think that the group though,  
15 that you don't really hear from in your office,  
16 are the passengers.

17 COUNCIL MEMBER BREWER: I'm a  
18 passenger.

19 DAVID YASSKY: Yeah, I know and  
20 you're upset as a passenger because-

21 COUNCIL MEMBER BREWER: I'm upset  
22 because I feel that the future is upsetting. It's  
23 not the current. I obviously would like to see  
24 more cabs that are accessible but if you're going  
25 to do that you have got to do it in a way that

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gets everybody on the same agenda. That's my opinion.

DAVID YASSKY: I would submit that to the extent that you're upset as a passenger, you are a rare passenger.

COUNCIL MEMBER BREWER: I don't like those things in the back seat that I have to keep pushing so yes, I'm upset.

DAVID YASSKY: It's funny you say that because what I hear, not just routinely but overwhelmingly is, man when I just went to Chicago or Philadelphia and I couldn't pay by credit card and I was reminded how great it is that I have a cab here in New York City.

COUNCIL MEMBER BREWER: Wait, you can pay by the credit card without listening to the ad machine.

DAVID YASSKY: Oh really? Because nobody else has managed to do it and we have. We are still the only place that every single one does. And yeah, the ad revenue is part of what pays for that. I make no apology for that.

COUNCIL MEMBER BREWER: I appreciate that I can turn it off. I can



1  
2 appreciate that I can turn it off. Anyway, I  
3 don't want to, I know, go ahead. Thank you very  
4 much, Mr. Chair.

5 CHAIRPERSON VACCA: Thank you.  
6 Council member Mealy.

7 COUNCIL MEMBER MEALY: It's real  
8 sad that we still can't get yellow cabs in the  
9 other four boroughs.

10 DAVID YASSKY: I know it.

11 COUNCIL MEMBER MEALY: And it still  
12 is happening where the cabs stop you and ask you  
13 where you're going.

14 DAVID YASSKY: Yes.

15 COUNCIL MEMBER MEALY: I sat there  
16 and saw a group of young African American, Latino  
17 and three cabs passed them by and I said, you know  
18 what? Just jump in the cab and tell them where  
19 you're going and when the man tried to tell them  
20 to get out, I told them to take his information  
21 and I hope they did but they got to Brooklyn. So  
22 we still have to work on that.

23 DAVID YASSKY: Let me just ask you  
24 please. Help me spread the word there. The way  
25 that we have our inspectors that go out and they

1  
2 test their trips and issue tickets but the best  
3 way, the only way we're going to really get rid of  
4 that is when that happens to you, call 311, oh but  
5 you have the medallion numbers. Don't shake your  
6 head on this one. You call 311. There will be a  
7 ticket that goes to that driver in a few weeks and  
8 please, and they have to the four digit medallion  
9 numbers.

10 I will also say that if the courts  
11 let us go forward with ehailing, you also get rid  
12 of that because if you use your iPhone to hail the  
13 cab. We are, the driver doesn't know where you're  
14 going, doesn't know what color you are. So to the  
15 extent to those are why the driver refuses that  
16 can't happen if you ehail, so help us make sure  
17 that happens.

18 COUNCIL MEMBER MEALY: Thank you so  
19 I have only three questions. Are you concerned  
20 about the liability to the city with the rear  
21 accessibility as in this situation you see how  
22 much space you are going to need to pull out that  
23 ramp? And could the city be mandating this  
24 vehicle and this accessibility? How are you going  
25 to make sure you have all that space when someone

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wants to get out or maybe traffic? Have you accessed that into this scenario?

DAVID YASSKY: Sure.

COUNCIL MEMBER MEALY: So why not-go ahead.

DAVID YASSKY: Just so that, because you used the word liability there is no liability issue for the city. Just so you are clear on that. In terms of what's preferable, you know, we think that its-

COUNCIL MEMBER MEALY: Wouldn't the side be preferable?

DAVID YASSKY: Given that the yellow taxis operate again overwhelmingly in Manhattan, Midtown, Downtown Manhattan, where there is not a lot of empty curb space. If you're picking somebody up on a street where there is a car already parked or a vehicle that's already at the curb you can't use the side entry or to use side entry you have to be not just in that next lane but two lanes away with the ramp going into that one empty lane. That would be first of all, would stop traffic, second of all that would be much more dangerous. So given the reality of

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Manhattan-

COUNCIL MEMBER MEALY: So what would happen if you don't have the space to open up that ramp?

DAVID YASSKY: I'm not sure I follow.

COUNCIL MEMBER MEALY: Wouldn't that take up time also?

DAVID YASSKY: If the taxi stops to pick somebody up, if there is a vehicle a foot behind them? That vehicle's going to have to move.

COUNCIL MEMBER MEALY: Or a car parked side by side, they would have to go all the way to the corner I believe and then come all the way around in the street to roll up to the cab.

DAVID YASSKY: That's going to happen. They are going to have to do that no matter what because I don't-

COUNCIL MEMBER MEALY: But the side, if they are on the side, cars are double-parked. If cars are parked they could go in between the cars. I'm just talking about accessibility.

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DAVID YASSKY: That's right.

That's what would happen. You go in between the cars but you can't. If this was a side entry the taxi can't park there and roll the ramp out when their car is parked or there would have to be pretty big space between the parked cars to be able to do that.

COUNCIL MEMBER MEALY: You just have to think about that. I think it's a big liability for our people and the city itself.

DAVID YASSKY: I appreciate your point, Co-Chair. I see we are both Co-Chairs here.

COUNCIL MEMBER MEALY: And the competition, why is it that New York City advantage to have just one vehicle is used as a taxi rather than giving taxi owners a variety of vehicles. All of the vehicles accessible to choose from. Isn't competition good? If Nissan has a ten-year contract, what motivation will they have to innovate or otherwise improve their vehicle if they have such a long contract for ten years.

DAVID YASSKY: So competition is

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definitely good and that's why-

COUNCIL MEMBER MEALY: But there's no room for competition for a ten-year contract.

DAVID YASSKY: To the contrary, we were able to harness the forces of competition and use that competition dynamic much more effectively because the city was able to act on behalf of the whole industry and force taxi manufacturers to compete for our business in a way that they have never had to before. We've never before had automakers say yes, I will design the interior of my car to fit the, to be a New York City taxi. They've said, here are the cars we make and you pick which one and they compete on price but they've never before competed before on vehicle design. What we did was we said we are offering you a market of 13,237 taxis soon to be 15,237 taxis and bid for that business. That's enough to make them care. It was never enough to make them care individual taxi owner on their own. You can't go to Ford and say, can you put in charging ports and rear air conditioner and have panoramic roof and crash test it with a partition. All that stuff never would have happened without this

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project.

COUNCIL MEMBER MEALY: How can Nissan accessible vehicle, which holds only one wheelchair user passenger and one guest, be considered comparable to the regular Nissan, which holds 3-4 passengers? How is it considered compatible to the VPG? Which holds 4 passengers and even additional wheelchair user and the VPG, is a manufactured in a USA produced NV1, produced as a fully accessible vehicle from factory floor with no retrofits. So how are you saying Nissan is the best thing going when here we have a US product that can hold more vehicles, more passengers, and two wheelchair accessible. So why couldn't we go with that one?

DAVID YASSKY: Well, you know, speaking of kind of choice, we approved that VPG car a year ago, I'm going to say?

MALE VOICE: A year and a half.

DAVID YASSKY: A year and a half ago and it's there now, and any taxi on it that wishes can purchase it.

COUNCIL MEMBER MEALY: But only one wheelchair could fit in it, right?

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DAVID YASSKY: I believe two.

COUNCIL MEMBER MEALY: And one passenger. One, and one passenger.

DAVID YASSKY: So there are two NV1- so the car that you are talking about, we have approved for use of the taxi. It's been approved for a year and a half and it will be for another 8 months or so.

COUNCIL MEMBER MEALY: Just 8 months but we're doing on the Nissan just for a ten-year contract.

DAVID YASSKY: May I answer now?

COUNCIL MEMBER MEALY: Yes.

DAVID YASSKY: It's been approved for a year and half. So far 2 medallion owners have chosen to purchase it. I think that suggests that that would not be the vehicle of choice. However, on your point of passengers. You are correct, that this will allow only two passengers when it's in a wheelchair use. And that is, to be able to accommodate more would mean a considerably bigger vehicle. You know, the NV1 gets 13 miles a gallon something like that, it also costs another 10 or so thousand dollars on top of what the



1  
2 Nissan does. So, that's their trade offs but  
3 you're right this is just one passenger plus the  
4 wheelchair passenger.

5 COUNCIL MEMBER MEALY: Do you  
6 really feel that's best for our city?

7 DAVID YASSKY: I do.

8 COUNCIL MEMBER MEALY: Really that.

9 DAVID YASSKY: I really do.

10 COUNCIL MEMBER MEALY: It's not  
11 fair that even the Mayor from Vancouver came in  
12 and he had to be manhandled just to get into our  
13 van. People do not want to feel that they don't  
14 have the same rights that everyone has. We should  
15 have vehicles that everyone could just get in and  
16 have a great time in New York City. So I feel you  
17 say only two.

18 DAVID YASSKY: I don't disagree  
19 with that.

20 COUNCIL MEMBER MEALY: Thank you.  
21 Thank you Oliver Koppell for your legislation.  
22 Thank you Chair.

23 CHARIPERSON VACCA: Council member  
24 Lappin.

25 COUNCIL MEMBER LAPPIN: Thank you

1  
2 Mr. Chair. I have a couple of questions about the  
3 NV2 but before we get there. You mentioned  
4 ehailing multiple times in your testimony today  
5 and it seems clear that you think there will be no  
6 street hail, I mean you sort of said in 5 years  
7 when we're not street hailing, when we're just  
8 ehailing, is that?

9 DAVID YASSKY: I did not say that.  
10 I said when a substantial portion but anyway, go  
11 on.

12 COUNCIL MEMBER LAPPIN: Well, I  
13 just want to be clear on what your vision is.  
14 Your vision is substantial portion of the taxis  
15 will no longer be street hailed?

16 DAVID YASSKY: My vision is that we  
17 let the customer decide what works best for the  
18 customer. And we give the customer access to as  
19 many options as we can and as many tools as we can  
20 to get service in the way that they want it and in  
21 the most efficient way. And since we have, since  
22 there are smartphones and since there are already  
23 products available in other markets that let  
24 customers use a smartphone to hail a taxi, I don't  
25 see any reason to keep that off the market. I

1  
2 think we should allow customers to use those  
3 products. Now, when you say my vision, I guess we  
4 could talk about that either as kind of my  
5 normative vision or my predictive vision, what do  
6 I think will happen and what's best. I don't  
7 have a great confidence in a particular  
8 prediction. It may be that 2% use ehail, once it  
9 becomes available. It may be that 10%, and it may  
10 be 40%. I really, I mean I can make a private  
11 guess but since we really don't know there is not  
12 much point to that.

13 COUNCIL MEMBER LAPPIN: You just  
14 said it so definitively that a substantial portion  
15 and it just begged the question, we don't all have  
16 iPhones in the city of New York.

17 DAVID YASSKY: Of course, we don't.  
18 I don't have an iPhone. What I actually said was,  
19 since that may be where we are in two years and  
20 since we are not, nobody is talking about changing  
21 what we do over the next two years anyway, that it  
22 makes sense to get as much information as we can  
23 before we make a decision about what we should do  
24 two years from now. Just as I'm sure you do in  
25 all of your important decisions. Sometimes you

1  
2 have to decide now, here's what I am going to do  
3 in 2 years but most times you don't. And you wait  
4 until you have as much information as you can.

5 COUNCIL MEMBER LAPPIN: I think  
6 people feel like on a civil rights issue, you  
7 don't want to delay. And you shouldn't have to  
8 wait and see what the right answer. But I want  
9 to, just so you mention it so much, I do want to  
10 get to the topic of the hearing today. You seem  
11 very confident that this accessible Taxi of  
12 Tomorrow, the Nissan vehicle is sort of the best  
13 one. But it hasn't been tested yet. Has it?

14 DAVID YASSKY: Oh, it's been tested  
15 a great deal. In fact, our agreement with Nissan  
16 includes fairly stringent-

17 COUNCIL MEMBER LAPPIN: Except your  
18 testimony says it will be crash tested so your  
19 testimony's inaccurate?

20 DAVID YASSKY: No, my testimony is  
21 accurate in every word. But it's been tested  
22 extensively already at the Nissan proving ground  
23 in Arizona. They've had also field-testing here  
24 in New York City. Perhaps Emily knows when the  
25 NZA crash testing happens. I personally don't.

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And nor does Emily. She's shaking her head. I can get that for you.

COUNCIL MEMBER LAPPIN: The accessible version has been street tested here in New York City?

DAVID YASSKY: Not yet. The what they call, base version, non-accessible version has been tested extensively at the proving ground and street tested but no, not the accessible version.

COUNCIL MEMBER LAPPIN: I'm just curious as to why you're so confident it's the best option.

DAVID YASSKY: Well, because of the five year process that we went through where we asked every auto maker to give us your best idea. We had seven responses. We picked three finalists. We engaged them in not just extensive analysis of their proposal but interviews and we engaged a consultant in one the leading automotive design consultants to work with us and help us evaluate the proposals. And the scoring committee of expert folks like the guy that runs our garage in Woodside and the other professional staff at

1  
2 TLC. When they scored them, it wasn't close.  
3 This was the clear winner, so.

4 COUNCIL MEMBER LAPPIN: But were  
5 the Taxis for All Campaign folks involved in this  
6 process?

7 DAVID YASSKY: They were involved  
8 to the extent that we certainly heard from them  
9 regularly. Their feedback and input was  
10 significant and material to me and the rest of the  
11 TLC decision makers. To the extent that in all  
12 candor one of the three finalists was a vehicle  
13 that the proposer proposed would be manufactured  
14 in a all-accessible version in every vehicle. I  
15 don't know if that would have been the finalist  
16 were it not for the feedback and input of the  
17 Taxis for All Campaign. Obviously the scoring  
18 committee had their technical score sheet but I  
19 guess it wouldn't have had the weight that was  
20 accorded to accessibility would not have been so  
21 great as it was were it not for Taxis for All.

22 Ultimately, that was not the  
23 vehicle we chose and I have no doubt that was the  
24 right decision. It would not have been right to  
25 put the taxi fleet which moves 600,000 New Yorkers

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2 a day in the hands of essentially a start up  
3 company that you can't be confident would be able  
4 to manufacture and support the vehicle as  
5 promised.

6 So I don't think that any question  
7 that was the right decision. But anyway, that's  
8 kind of evidence of the impact that was had on the  
9 decision making process. Having said that, the  
10 Taxi for All Campaign was not happy. I don't want  
11 to speak for them and not go out on a great limb  
12 to say they were not happy with the final decision  
13 and they remain unhappy with the final decision.

14 COUNCIL MEMBER LAPPIN: Thank you,  
15 Mr. Chair.

16 CHAIRPERSON VACCA: Thank you. No  
17 further questions. Thank you Commissioner and  
18 staff. Assemblyman Micah Kellner is next and we  
19 also Ari Hoffman representing Comptroller John  
20 Liu.

21 Then, after that, let me indicate  
22 this. If there is anyone here who has to leave at  
23 a certain point soon because of access-a-ride  
24 arrangements and you have asked to testify, please  
25 see Jonathon Masserano, wave your hand, if you

1  
2 filled out a card and you have a deadline for your  
3 access-a-ride life I'd like to know because after  
4 this panel I would give you the courtesy of going  
5 next. Okay. Mr. Hoffner, are you here? Come  
6 here. Okay, Assemblyman would you start, please.

7 ASSEMBLYMAN KELLNER: Sure, thank  
8 you Chairman Vacca. Thank you Chairman Koppell.  
9 I really appreciate the opportunity to testify  
10 today and I appreciate particularly you, Chairman  
11 Koppell for demanding this hearing happen and  
12 Chairman Vacca I appreciate all your work  
13 particularly when it's come to accessibility  
14 around the visually impaired and the hearing  
15 impaired when it's come to taxis.

16 I represent a much less austere  
17 body than you. I represent the very dysfunctional  
18 New York State Assembly and if we in the New York  
19 State Assembly could pass a 4406 which is  
20 incredibly similar to Council member Koppell's  
21 bill. It literally has all the same provisions.  
22 If we were able to pass that two years ago there  
23 is no reason why the City Council cannot pass  
24 433a. Now I believe we should have a fully  
25 accessible taxi fleet. I do not think we should



1  
2 wait. I take great issue with many of the things  
3 that Commissioner Yassky stated. I think some of  
4 them were just out right false, others were  
5 clearly misrepresentations.

6 But let's be clear, first, when it  
7 comes to the Taxi of Tomorrow rfp, it called for  
8 if you did not offer an accessible vehicle you had  
9 to offer a model for the 231 accessible vehicles,  
10 an alternative. When Nissan won they did not have  
11 an accessible model. That did not come until much  
12 later. I do not believe that this would have been  
13 our iconic Taxi of Tomorrow with its retrofit.

14 It's much more a Frankenstein's monster than it is  
15 an iconic vehicle. I referred to it in the past  
16 as the Kathy Black of taxis and that's how I think  
17 it will be remembered. And the fact is Council  
18 member Lappin pointed out it has not been tested  
19 in an accessible fashion. It has not. In fact,  
20 at the auto show when they unveiled it. It was  
21 not even a complete model. It was just there for  
22 show on the floor, you could not turn the key.  
23 You could not drive it away. So, I believe the  
24 first thing that must happen if we are going to  
25 move to a fully accessible taxi fleet is we have

1  
2 got to scrap the Taxi of Tomorrow. Because if you  
3 allow the Taxi of Tomorrow to move forward and you  
4 do not pass Council member Koppell's bill, you are  
5 inviting a federal lawsuit.

6 In fact, it already exists. I know  
7 Chairman Yassky claimed that they won on the ADA.  
8 That's only half the truth. They won on one  
9 section of the ADA on one lawsuit but let me tell  
10 you about another section of the ADA. That would  
11 be title two. Title two of the ADA states that if  
12 a taxi is a van and it's put on the road after  
13 1992, it must be wheelchair accessible. Now what  
14 does NV stand for in NV200? It stands for Nissan  
15 Van. So if you allow this vehicle to go forward  
16 without a plan to help the industry make sure that  
17 it's accessible. You are inviting a federal  
18 lawsuit, you are going to cost the industry money,  
19 you are going to cost riders money, and it is  
20 going to be a disaster for everyone.

21 What I would suggest is along with  
22 Councilman Koppell's bill we move with a multi-  
23 part plan. Commissioner Yassky talked about  
24 training. That's very good. Many people in the  
25 industry have been calling for driver training for

1  
2 years. The one thing the Taxi and Limousine  
3 Commission does not require is accessibility  
4 training for your hack license. If you are going  
5 to drive an accessible taxi, you have to go get a  
6 separate training. Why not just include it? For  
7 every single taxi driver when they go to taxi  
8 school. You can pull for those drivers who are  
9 already on the road they can go to a continuing  
10 education class. We require it for lawyers, we  
11 require it for doctors, why not taxi drivers so  
12 that they can understand.

13           There has been a lot of talk about  
14 the \$10,000 tax credit. I was the author of that  
15 tax credit. That again is just one piece. A lot  
16 of people in the industry have said to me that  
17 they can only take about \$1,700 of that \$10,000  
18 tax credit each year. It's a good start. It's  
19 not the final answer. But we did have a final  
20 answer and that was the amendments to the Livery  
21 Street Hail Bill. Now I know Commissioner Yassky  
22 wanted to portray it as if he was the great  
23 champion of that but I was there. I remember who  
24 the great champions of that were. They are  
25 sitting behind me and you know he acted like a

1  
2 petulant child screaming being dragged into those  
3 amendments. I remember this very clearly because  
4 I remember the Governor's office calling me on my  
5 wedding day to ask me what I thought was needed.  
6 And we talked about so many ideas that the  
7 industry had put forward including a grant program  
8 that the accessible community had put forward and  
9 those are what ended up in the bill not because  
10 David Yassky and the Mayor wanted them there. But  
11 because the Governor wanted them there and he was  
12 going to veto the bill unless they agreed to it.

13           So what we need to do is come up  
14 with a plan that works. I know you want outer  
15 borough service, Chairman Vacca. The Livery  
16 industry offered a way to do this. They wanted to  
17 do something similar to what Metro Taxi was doing.  
18 They were prepared to subsidize this to make sure  
19 that there were accessible vehicles in all the  
20 boroughs. To make sure there was equivalent  
21 service there. But I think the best thing that we  
22 can do right now is go back to the drawing board.  
23 I believe if the Mayor were to drop his  
24 oppositional lawsuit many people in the taxi  
25 industry would support a sale of 2,000 wheelchair

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2 accessible medallions and that would be a good way  
3 to kick start this. But to suggest that the TLC  
4 has a plan is just ridiculous. They don't. They  
5 are just jumping from one thing the next. It  
6 seems to me that Commissioner Yassky has graduated  
7 with honors from the Mitt Romney School of Flip  
8 Flopping because one day he's for one plan and the  
9 next day he is for another. And what we need is a  
10 real plan because a failure to plan is a plan for  
11 failure. So I hope that this panel would support  
12 Chairman Koppell's bill. We can support a new  
13 taxi medallion sale and we can support training  
14 and make sure that when we do this, we do this  
15 right. Because I can tell you the industry  
16 doesn't want this to be a burden to them and I  
17 know the accessible community doesn't want to be a  
18 burden to the industry. They want this to  
19 succeed. They want to make sure they get the  
20 rides they deserve. And what's been proposed is  
21 basically saying you know what, you don't matter,  
22 your civil rights don't matter because there are  
23 all these other things the TLC is working on.

24 Well, let me tell you, this is  
25 either, we are either going to do this right

1  
2 through City Council making policy, through the  
3 TLC making policy or the US Attorney is going to  
4 come in and they are going to force policy upon us  
5 and that's not the way we want to do this. So I  
6 ask you, please pass this bill. Work with this  
7 Council to make sure that there are other  
8 provisions in place to help the accessible  
9 community, to help the industry so we can have  
10 this be a success. I really appreciate the  
11 opportunity to testify today.

12 CHAIRPERSON VACCA: Thank you  
13 Assemblyman and thank you for your patience in  
14 waiting for this opportunity. Mr. Hoffner, again  
15 I mentioned that Comptroller Liu was here before  
16 and I thank Comptroller Liu for coming and I  
17 recognize Mr. Hoffman is representative at this  
18 time.

19 MR. HOFFNER: Thank you Mr.  
20 Chairman. It's an honor to be here on behalf of  
21 New York City Comptroller John Liu. I am joined  
22 by Vanessa Champion, the Comptroller's Special  
23 Counsel, and by Susan Shear, the Assistant  
24 Director of our Office of Policy and Research and  
25 I wanted to ask Susan to deliver the testimony on

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the Comptroller's behalf.

SUSAN SHEAR: Thank you Council member Vacca and all the members of the Transportation Committee for allowing me the opportunity to testify today. I especially want to acknowledge Council member Koppell, Chair of the Council's Disability Services. As the primary sponsor of intro 433a, his dedication to ensuring that all New York City taxis are wheelchair accessible has been tireless and unwavering.

Let me state for the record that I wholeheartedly support Intro 433a and I urge the Council to pass this legislation as soon as possible. The need for this bill is greater than ever. Despite more than nearly two decades of advocacy by the disability community, litigation, newspaper editorials and rejection of the Taxi of Tomorrow contract by my office. This administration has stubbornly pursued a policy that discriminates against taxi riders who use wheelchairs.

The time for relying on City Hall to do the right thing is over. Today with this legislation the Council can send a clear message.

1  
2 The right of New Yorkers with disabilities to hail  
3 a taxi will no longer take a back seat to City  
4 Hall's prejudice. In May 2012 I put City Hall on  
5 notice that my office would send back any taxi  
6 plan that did not uphold the equal rights required  
7 by the Americans with Disabilities Act.

8 Accordingly when the Taxi and Limousine Commission  
9 forwarded its Taxi of Tomorrow contract to my  
10 office in December 2012 with a requirement for  
11 less than 2% of the fleet to be wheelchair  
12 accessible and which raised serious concerns under  
13 the ADA, I rejected the contract. To quote TLC  
14 Chairman David Yassky in his recent testimony to  
15 you, that is not enough, period. End of story,  
16 not enough. Chairman Yassky was correct. The  
17 entire fleet needs to be accessible. Disability  
18 rights advocates recently filed a lawsuit against  
19 the city citing the ADA requirement that vans be  
20 wheelchair accessible if they are used as taxis.  
21 The Taxi of Tomorrow otherwise known as NV200 sure  
22 looks like a van to me. People with disabilities  
23 have a civil right to be able to hail a taxi on  
24 the street just like every other non-disabled New  
25 York visitor does. It's just that simple, period.



1  
2 The current Taxi of Tomorrow contract reads like a  
3 commitment to the taxi of yesterday. Yesterday  
4 was when it was acceptable to deny people with  
5 disabilities access to mainstream transportation.  
6 Yesterday was when it was acceptable to have a  
7 separate segregated taxi system. Yesterday was  
8 when vehicles were cut up after manufacture to add  
9 accessibility features. Yesterday was when policy  
10 makers assumed that people with disabilities did  
11 not have more than one family member or friend to  
12 travel with. Yesterday was when people with  
13 wheelchairs had to board from the rear of the  
14 vehicle in the middle of oncoming traffic.

15 By contrast, London, another  
16 leading global city has had a fully accessible  
17 taxi fleet since 1989. And London will now be  
18 using the same Nissan model selected as New York's  
19 Taxi of Tomorrow but with several crucial  
20 differences. Every NV200 taxi in London will be  
21 accessible straight from the factory, will allow  
22 passengers to enter safely from the sidewalk and  
23 will carry multiple passengers. We have to ask  
24 why can't New York City get a taxi contract that  
25 mandates these same features. Why can't New

1  
2 Yorkers get a taxi that is purpose built to be  
3 wheelchair accessible from the start without  
4 costly and possibly unsafe retrofitting. In a  
5 2009 report, Mayor Bloomberg recommended that the  
6 Taxi of Tomorrow "provide universal accessibility  
7 for all passengers including passengers in  
8 wheelchairs". That report called age friendly New  
9 York City, Enhancing our City's Livability for  
10 Older New Yorkers pulled or the creation for a  
11 model accessible yellow cab. City Hall has seemed  
12 to have forgotten the recommendation it made just  
13 over 3 years ago to provide wheelchair  
14 accessibility to all. With this bill the  
15 recommendation will at last become reality. The  
16 next step toward a true Taxi of Tomorrow starts  
17 today. Thank you.

18 CHAIRPERSON VACCA: Thank you. We  
19 have one question from Council member Brewer.

20 COUNCIL MEMBER BREWER: Thank you.  
21 I just want you to know, I think Susan Shear is a  
22 hero. I just want everybody to know that. [off  
23 mic] We all know that. She's been working on  
24 this. So what would you do if you were in charge  
25 of this issues, Susan Shear. How would you

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approach this problem.

Thank you for the opportunity to respond to that. I am responding on behalf of myself and not on behalf of the Comptroller. I am also the President of the Disabilities Network of New York City, which is a Coalition of disability groups and individuals who are concerned about increasing access to the environment of New York City. In that capacity, and as an individual I cannot urge you enough to bring this situation to an end. This community has spent 10-12 years advocating for accessible taxis and the time is up. We need to be able to get in a taxi, go where we need to go, just like everyone else. You know, the issue has been raised that people in the disability community don't have money to travel in a taxi. I work for the city, I ask to go to meetings in other boroughs and I can't go. You heard from somebody in their earlier testimony, from Commissioner Yassky, about the person who took three hours to travel from Brooklyn. If you put in into the MTA trip planner a trip from City Hall in Manhattan to Borough Hall in Manhattan before the B39 was just restored, it was two and

1  
2 half hour trip. So five hours for me to go to a  
3 meeting in Brooklyn. That's unrealistic for any  
4 professional person. It's harmful to people's  
5 careers. We are trying to support people in being  
6 as independent as possible and this is a  
7 necessity. This is part of public transportation  
8 for our community. Thank you.

9 COUNCIL MEMBER BREWER: Thank you.

10 CHAIRPERSON VACCA: One question  
11 from Council member Koppell.

12 COUNCIL MEMBER KOPPELL: Yes, thank  
13 you for testifying today on behalf of the  
14 Comptroller and I appreciate his actions. Perhaps  
15 you can answer this, Mr. Hoffner. The Comptroller  
16 did not register the contract with Nissan, that's  
17 correct isn't it?

18 MR. HOFFNER: That is correct,  
19 Councilman Koppell.

20 COUNCIL MEMBER KOPPELL: And what  
21 is the implication of that?

22 MR. HOFFNER: This is somewhat of a  
23 unique situation as the Councilman knows most  
24 contracts require the outlay of city funds to a  
25 vendor. This contract is a little different

1  
2 because the city itself is not purchasing taxi  
3 cabs from Nissan so we did however reject the  
4 contract which required registration of the  
5 Comptroller's office and in terms of what the TLC  
6 is doing now, we defer to the TLC and to  
7 Commissioner Yassky on that. But the  
8 Comptroller's office will continue to work with  
9 you and your colleagues in the Council so to do  
10 everything possible in its powers to block this  
11 ill conceived plan for the Taxi of Tomorrow and we  
12 do appreciate on behalf of the Comptroller and  
13 your leadership on this real important civil  
14 rights issue.

15 COUNCIL MEMBER KOPPELL: In your  
16 opinion or your counsel's opinion, you couldn't  
17 stop the contract by failing to register it?

18 VANESSA CHAMPION: We have received  
19 no information from the TLC as to what they are  
20 doing with, sorry. Vanessa Champion from the  
21 Comptroller's office. We have not received any  
22 information from the TLC that they are going  
23 forward with this project. We assume that they  
24 are but they have not asked us. They have not  
25 gotten back to us because no funds are being spent

1  
2 by the city we believe that they are going to  
3 direct, they are going to continue to direct the  
4 contract and use that as a loophole.

5 CHAIRPERSON VACCA: Thank you.

6 VANESSA CHAMPION: Thank you.

7 CHAIRPERSON VACCA: Thank you. Our  
8 next panel. Each speaker we will be limited from  
9 here on in. We are going to limit you to 2.5  
10 minutes per speaker because we have 37 speakers.  
11 So if you have your cot, you put it right there on  
12 the side and we can get ready. Gabriella Amary,  
13 Julia Pinover, James Weissman, and Edith Prentice.  
14 Now, I think one of the young ladies had a issue  
15 with her transportation so I am going to ask her  
16 to go first. Any of them? [off mic] MS. Amary,  
17 would you please go first then? All right, Ms.  
18 Amary first.

19 GABRIELLA AMARY: Hello? Yes, hi.  
20 Good afternoon. Mr. Chairman and Committee  
21 members. My name is Gabriella Amary, I am a  
22 systems advocate at Brooklyn Center for  
23 Independence for the Disabled. The Brooklyn  
24 Center for Independence for the Disabled, BCID is  
25 a non-profit community based consumer directed

1  
2 center which advocates on behalf of the community  
3 of people with disabilities and provides services  
4 to promote independence and full community  
5 participation. I am happy to be here today in  
6 regards to accessible taxis. We have been working  
7 towards having equal access to taxis to travel for  
8 the past 20 years. And today we find ourselves so  
9 close to seeing this idea finally come to  
10 fruition. While we are in full support of Intro  
11 433a and we are pleased many of the decision  
12 makers within the city are now looking forward or  
13 toward a future where people with disabilities can  
14 finally have access to taxis. Intro 433a does not  
15 address some floors that might negatively impact  
16 what we see as a positive change. An example is  
17 the proposed Taxi of Tomorrow. The Nissan NV200  
18 accessible taxi with its rear passenger loading  
19 design for people who use wheelchairs. This  
20 design adds a dangerous component by forcing  
21 people into the street to enter and exit the  
22 vehicle all while side loading design on the other  
23 hand allows the vehicle to act as a barrier from  
24 oncoming traffic providing the added level of  
25 safety for people who use wheelchairs and places

1  
2 the burden of accessing the sidewalk on the cab  
3 driver rather than the person hailing but I also  
4 must add that somebody had addressed the fact that  
5 sometimes there are too many cars parked and you  
6 can't come towards the curb. The fact is though  
7 the curb cuts on the corner. One facing, crossing  
8 at each crossing. So most people in my experience  
9 over the past 30 years that I have been in New  
10 York, they stand close to the corner in the street  
11 you know, to a certain extent where the parked car  
12 line would be, hailing a cab. So if an accessible  
13 cab with a side ramp were to pull over by that  
14 curb cut, we just roll right on in. That's not  
15 that big an issue. We cross the street every day  
16 in wheelchairs at the lights. So what would  
17 prevent us from being able to sit on that curb cut  
18 or right off of that curb cut and hail a cab, have  
19 that side ramp come out and roll us right in.  
20 With the vehicle protecting us from the traffic  
21 that's moving. That's our point. It's not rocket  
22 science. It's pretty simple. It is the hope of  
23 the board, staff and members of BCID that the New  
24 York City Council and the TLC will consider this  
25 design floor when creating the regulations for



1  
2 accessible taxi design for this great city. Full  
3 and equal access in taxis is an idea whose time  
4 has come. The time is definitely now. Let's do  
5 it right. Thank you very much.

6 CHAIRPERSON VACCA: Thank you. Ms.  
7 Prentice, would you want to go next?

8 EDITH PRENTICE: No, that's okay.

9 CHAIRPERSON VACCA: No? You'll  
10 yield to others-

11 EDITH PRENTICE: Let the legals go.

12 CHAIRPERSON VACA: Let the legals  
13 go. Okay. Mr. Weissman? Would you want to go  
14 first? Okay. Just state your name for the  
15 record, please?

16 JULIA PINOVER: Hi, I'm Julia  
17 Pinover and I'm from Disability Rights Advocates.  
18 I'm one of the attorneys for plaintiffs on the  
19 much-discussed federal lawsuit, which is currently  
20 challenging the Taxi of Tomorrow.

21 I'll start there. With all due  
22 respect to Commissioner Yassky, his testimony  
23 regarding how the ADA applies to this issue is  
24 incorrect. The ADA, how the ADA applies to the  
25 yellows is far from settled. You heard from Micah

1  
2 Kellner that the Taxi of Tomorrow program invites  
3 lawsuits, in fact the lawsuit's already here.

4 Just a few weeks ago we were given permission to  
5 amend our original complaint to challenge the Taxi  
6 of Tomorrow as an inaccessible van.

7 Under the Americans with  
8 Disabilities Act, any taxi that is a van that's  
9 put on the road needs to be accessible. You saw  
10 the photo of the NV200, it sure looks like a van  
11 to us as well as the Comptroller's office. It  
12 also falls within almost every qualification for a  
13 van that we have studied in the preparation for  
14 this lawsuit and it's certainly not a truck, it's  
15 certainly not a four door and it's certainly not  
16 an SUV. So if it's not a van I don't know what it  
17 is.

18 All that said, even as a litigator  
19 I think we can all agree that lawsuits are not the  
20 best way to solve a problem. And this is a very  
21 important civil rights issue and we urge the  
22 Council to get out in front of it as opposed to  
23 waiting for the court to rule on this. Equal  
24 access to transportation has actually been at the  
25 forefront of every civil rights movement that has

1  
2 happened in America. And this is because there  
3 can be no true equality if a group is excluded  
4 from public transportation. Aside from the  
5 humiliation and alienation caused by not being  
6 able to use public transportation the exclusion  
7 also impairs persons with disabilities right to  
8 work, obtain education, maintain social  
9 relationships with persons outside of their  
10 neighborhoods and enjoy the rich cultural  
11 activities that the city has to offer.

12 New York city is the world-class  
13 city and it deserves a world-class transportation  
14 system. The City Council has the opportunity to  
15 take a major step in the right direction today.  
16 Justice Douglas and Kent Vidaliss wrote that the  
17 freedom to choose where to travel may be as close  
18 to the heart of the individual as the choice of  
19 what he eats, wears or reads. Freedom of movement  
20 he said is basic in our scheme of values. And  
21 what we're talking about today is whether  
22 thousands of New Yorkers should be free to move in  
23 this city just as they are free to choose what  
24 they read, wear and eat. We urge you to make the  
25 right decision.

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CHAIRPERSON VACCA: Thank you.

JAMES WEISSMAN: Thank you. First I'd like to thank Councilman Koppell for this intrepid support of our rights to use all taxis.

The bill was introduced over two years ago. Oh I should also point out that time that Senator Tom Harkin the ADA sponsor, primary sponsor of the ADA in 1990 wrote a letter to Chairman Vacca which I have here today congratulating the two of you, Chairman Vacca for having the hearing and Councilman Koppell for forcing you to have the hearing. And I know Council member Vacca that you said you think your constituents should have accessible cabs. Will you sign on as a sponsor of? Please, please, because we really do need to get common sense to rule here.

CHAIRPERSON VACCA: I do have Senator Harkins letter in my office and it will be admitted as part of the record.

MR. WEISSMAN: Thanks.

CHAIRPERSON VACCA: I read it this morning.

MR. WEISSMAN: During the time that

1  
2 Council member Koppell introduced his bill and now  
3 there have been at least three major lawsuits  
4 about taxis. There has been state legislation  
5 about our issue that passed. And all of it is  
6 because the Council has failed to act. Now is the  
7 time. It's getting to get too late.

8 I was involved in the struggle to  
9 make New York City's buses and subways accessible.  
10 I am telling you that when a court decided things  
11 the result is a mess. Koch insisted that access-  
12 a-ride was cheaper than accessible transportation.  
13 Last year 500 million on access-a-rides. That's  
14 the cost of running the Metro North railroad.  
15 We're not talking about peanuts. 200 million on  
16 Medicaid ambulettes. Tens of other millions on  
17 vocational rehabilitation transportation by  
18 ambulette, Department of Veterans Affairs medical  
19 transportation all in the five boroughs. You have  
20 the ability to save taxpayers a fortune. By  
21 transferring that ride from the expensive access-  
22 a-ride system of over \$60 a ride and expensive  
23 Medicaid ambulette services to accessible taxis.

24 The bill that passed in Albany a  
25 little over a year ago which would have required

1  
2 planning, not of that planning has gone on because  
3 the commission has behaved as if their dispatch  
4 plan is the plan to do this. And there is no plan  
5 for the other four boroughs. It would have  
6 happened already. It would have been done because  
7 they wouldn't have been able to sell the  
8 medallions under that bill unless a plan was  
9 completed in a year. We've wasted all this time.  
10 Now is the time for the Council to act. Speaker  
11 Quinn railed against taxis when two gay men were  
12 asked to leave a cab for being affectionate in the  
13 back of a cab. She wanted a federal investigation  
14 over two passengers. There are tens of thousands  
15 of wheelchair users in this city, countless  
16 visitors to this city, who by the way know nothing  
17 about the dispatch program. That common  
18 wheelchairs can't get around. And no one is upset  
19 except people in chairs and on scooters.

20 I'm 62 years old, I'm a baby  
21 boomer. My contemporaries are going to be  
22 scooting around this city before you know it and  
23 we are going to be demanding accessible services.  
24 It seems crazy to have this Taxi of Tomorrow.  
25 Somebody should have asked the Commissioner would

1  
2 you have picked this taxi in its accessible form  
3 as the Taxi of Tomorrow with one passenger on one  
4 side of the partition and the wheelchair user in  
5 the back. With a mother with two children who has  
6 to either take two cabs and doubling the cost of  
7 her ride and put in her child alone in one cab.  
8 Would that have ever won a design competition?  
9 Ask the yellow cab owners. Do they love the Taxi  
10 of Tomorrow? Would it have won a design  
11 competition? The answer would be no. The answer  
12 would be no. The city and the Bloomberg  
13 Administration is going ahead willy nilly, full  
14 speed ahead with Nissan.

15                   The last thing I want to say is the  
16 only thing the Mayor has said about this is this  
17 policy of not making cabs accessible but 20%. If  
18 the Council woman that asked what about my Black  
19 and Latino constituents who can't get a cab, what  
20 if the Commissioner said to her, we are going to  
21 do a plan to get you 20% of the cabs. Wouldn't  
22 she have been outraged? That's what you're  
23 telling this population. Don't worry. We're  
24 going to get you 20%. It's not going to work.  
25 Blacks and Latinos and women and religious

1  
2 minorities have been separated by commas in the  
3 New York State human rights law. Let's be fair to  
4 everybody.

5           The only thing the Mayor has said  
6 about this is incredibly bigoted if you  
7 substituted any of the minority group. He said,  
8 my favorite one is that disable people will sit  
9 too far away from the driver in an accessible cab  
10 to establish a rapport with the driver and  
11 therefore will be poor tippers. He really did say  
12 that. He also said that able-bodied people won't  
13 like to ride in an accessible cab and so that they  
14 shouldn't do it and that he also said that they  
15 shouldn't retrofit cabs. That they should be  
16 factory manufactured to be accessible. That it's  
17 silly to retrofit yet every single Nissan NV200  
18 that has to be accessible will sent from the  
19 factory to Indiana to be retrofitted.

20           The taxi policy you are looking at  
21 until now is hamburger, it's just scrambled, it's  
22 chopped up, it's rethought every time there's  
23 litigation, every time there's legislation. It's  
24 got to be comprehensive and we've got to start  
25 here. And here is making every taxi accessible.



1  
2 It's on the table right in front of you. If you  
3 don't you are meeting as a deliberate body and  
4 deciding to exclude people with disabilities. It  
5 seems awfully discriminatory on its face to do  
6 that so I implore you to do the right thing.

7 CHAIRPERSON VACCA: Thank you.

8 Thank you. Edith Prentice?

9 EDITH PRENTICE: My name is Edith  
10 Prentice. I'm the Chair of the Taxis for All  
11 Campaign. Vice President of DIA and a board  
12 member of DNNYC. I would like to first read  
13 something that Stan Michaels, a former Council  
14 member and a former Commissioner of the TLC said:  
15 Taxes are an essential component of the  
16 transportation system in New York City and  
17 therefore we have a duty and obligation to makes  
18 sure they are as accessible as possible to  
19 everyone.

20 Stan was my Council member and I  
21 think that I was one of the formative influences  
22 on his belief of accessibility. We had many  
23 discussion about the problems of accessibility and  
24 the lack thereof. I think it's important to  
25 realize that we have supported three gradual

1 transition bills, which never have had hearings.  
2 If you remember '84 introduced by Margarita Lopez  
3 in '04 that bill had 37 co-sponsors. We had Intro  
4 37a, the accessible and green taxi transition law.  
5 That had 30 sponsors. It also never had a  
6 hearing. Or actually never got it out of the  
7 committee. And intro 433 the first version of  
8 this bill, which at that point was strictly  
9 included disability wheelchair access. We are  
10 very proud to see that this bill has been  
11 transformed to include sensory, vision, hearing  
12 and also space for service animals.

14 New Yorkers and visitors alike  
15 deserve accessibility for a variety of reasons but  
16 mostly because it's a civil right. We should not  
17 have to justify accessible trips. We should not  
18 have to justify taking trips. Everyone can take a  
19 trip spontaneous for whatever like or reason you  
20 want or we want. We deserve that. While it's not  
21 in the constitution it's certainly in the ADA and  
22 it's in the Rehab Act. I think it's very  
23 important that we continue to support this and we  
24 move forward.

25 All the reasons that Julia and Jim

1  
2 gave for the legal reasons are important and  
3 great. I just want to put my hand up in the air.  
4 I live in Washington Heights. For the dispatch  
5 program I am in the Bronx. They will never get to  
6 me in 13 minutes, 5 minutes, 10 minutes anymore  
7 than they are going to get to your constituents.  
8 And that's the reality. No matter what they say.  
9 We need the Taxi and Limousine Commission to go  
10 back to actually enforce the for hire vehicle  
11 rule. This is ridiculous. This is a very simple  
12 rule. And they have never enforced it. Your  
13 constituents deserve a trip. Ollie's constituents  
14 deserve a trip. I deserve trips. And this is  
15 ridiculous. Thank you.

16 CHAIRPERSON VACCA: Thank you.

17 Thank you. Our next panel.

18 COUNCIL MEMBER KOPPELL: Mr.

19 Chairman, just briefly the three people sitting  
20 there have been wonderful fighters for equality  
21 for the disabled and I want to thank them.

22 CHAIRPERSON VACCA: The next panel.

23 Okay.

24 COUNCIL MEMBER KOPPELL: Thank you.

25 CHAIRPERSON VACCA: The next panel,

1  
2 I thank you too. The next panel is Ethan Gerber,  
3 Greater New York Taxi Association, Richard Kay,  
4 Taxi Cabs Services Association, David Pollack,  
5 Committee for Taxi Safety, Peter Mazer,  
6 Metropolitan Taxi Cab Board of Trade, Chiru Ali  
7 Lamto, I'll be right back. Okay. Why don't we  
8 start with Mr. Gerber, please? Can I have your  
9 attention please, everyone. Mr. Gerber would you  
10 please lead off?

11 ETHAN GERBER: Yes. Thank you, Mr.  
12 Chairman. My name is Ethan Gerber. I'm the  
13 Executive Director of the Greater New York Taxi  
14 Association. A taxi industry group, which owns  
15 and operates virtually all fleet operated  
16 accessible and restricted hybrid cabs in New York.  
17 As a group committed to accessibility we applaud  
18 the goals of the proposed legislation. We believe  
19 that the disability community is not a special  
20 interest group, as we tragically were reminded in  
21 Boston on Monday. Able-bodied people can become  
22 disabled in an instant. A solution for disabled  
23 is a solution for all. GNYTA has done for more  
24 than any other industry group in New York to  
25 assist the goal of universal access. We have at

1  
2 our own expense purchased all the fleet owned  
3 accessible taxi medallions, have experimented with  
4 various types of cars, hired world renowned  
5 experts and training drivers, contracted with the  
6 best software people and lobbied hard for the TLC  
7 to make common sense changes in their dispatch  
8 program. At times it was like hammering our head  
9 with a hammer. For example, we had the lobby the  
10 administration and embarrass it on television to  
11 stop if from forcing accessible taxi drivers from  
12 using blackberries to get dispatch and actually  
13 force cab drivers to text and drive. At our own  
14 expense we had to develop the integrated dispatch  
15 software currently in all cabs. It took us two  
16 years to convince the TLC that cabbies would only  
17 participate if they wouldn't lose money on each  
18 trip by having an unpaid deadhead for the empty  
19 trip to pick up a customer. We had to convince  
20 the TLC that it's original cab, the Ford Voyager,  
21 then the Dodge Caravan, the Mitsubishi Eclipse,  
22 all found to be unacceptable and not durable. The  
23 Chevy Uplander, approved by the TLC literally had  
24 doors fall off while people were riding. Even our  
25 current car the Toyota Sienna only worked well

1  
2 when one particular retrofitter, Braun, got  
3 involved. Models by retrofitted by other  
4 companies also proved to be failures. Unlike the  
5 TLC we have and we continue to work with the  
6 disability community to learn from them, our  
7 customers what works and what doesn't. As  
8 recently as last week our biggest fleet operator  
9 Jean Freedman at his own expense, rented out a  
10 conference area at the Millennium Hotel held a  
11 think tank on accessibility. Present at the  
12 meeting were leaders of disability community  
13 including United Spinal Corp. Four Wheel City,  
14 Taxi for All Campaign, Braun the retrofitter,  
15 Metro, the dispatch operator, ourselves and  
16 Assembly member Kellner. If I could just have a  
17 couple of minutes, please. We have learned a lot  
18 about the needs of our customers, the vehicle that  
19 work and those that don't and the sustainability  
20 of this project.

21 We come here today to state that we  
22 support accessibility but it needs to be done  
23 right. I'm afraid the current bill is well  
24 intentioned but will fail the community and the  
25 industry if it is not modified and a more global

1  
2 solution is not implemented. One of the main  
3 problems is that the bill does not address as so  
4 many speakers have said already. The issue that  
5 this Council has never had before it, the so-  
6 called Taxi of Tomorrow. Unless this Council or  
7 litigation stops it, every cabbie will have a  
8 Nissan NV200, a car that is not accessible and has  
9 to be jerry rigged to be so. Cutting it up  
10 defeats the whole stated purpose of the Taxi of  
11 Tomorrow, a purpose built cab. The new model will  
12 be completely different in the interior will not  
13 have the same cabin leg room, etc., more  
14 importantly, much more importantly, it is not the  
15 vehicle the disability community wants. It is a  
16 rear loader, meaning the customer has to wheeled  
17 into traffic, has to be to get into the middle of  
18 the road to get picked up. It fits only the  
19 wheelchair in the back so the customer cannot ride  
20 with their child, spouse, or healthcare worker. A  
21 mother cannot ride at all with her child who is  
22 prohibited from being in the front because of air  
23 bags. The user sits over the back wheelbase,  
24 thereby getting jostled. The chair is far from  
25 the driver, making communications and transactions

1  
2 difficult. This plan can work but there is some  
3 issues that have to be addressed.

4 First, Taxi of Tomorrow needs to be  
5 scrapped. The owners should have a variety of  
6 cars to work with so we in the disability  
7 community can learn which one is best for our  
8 mutual needs. Only by extended use do these  
9 issues come to light. Only competition guarantees  
10 that the car will be improved and the best choices  
11 will emerge. As I said, we have had extensive  
12 experience with at least six different models, all  
13 had been approved by the TLC. Five of them  
14 failed. So saying that it survives testing on the  
15 deserts of Arizona is not the same thing as the  
16 streets of New York.

17 Second, each and every driver  
18 should be trained now to become licensed to drive  
19 accessible. Only a fraction of cab drivers, all  
20 volunteers have been trained. And only those  
21 trained may drive accessible cabs and it makes no  
22 sense to wait until the program starts. Third,  
23 the Council should sit down with us, industry  
24 leaders who support accessibility and are  
25 experienced in running those vehicles to learn how



1  
2 this plan could actually work. They are our cars,  
3 our money and our sweat and only us and the  
4 accessibility community customers together will  
5 make this plan work or fail. We should work  
6 together fir a universal plan. Thank you.

7 CHAIRPERSON VACCA: Thank you.

8 Councilman Koppell.

9 COUNCIL MEMBER KOPPELL: I am sorry  
10 I had to leave just for a moment when you started.  
11 Could you identify yourself?

12 ETHAN GERBER: Yes, my name is  
13 Ethan Gerber from the Greater New York Taxi  
14 Association. We operate virtually all-fleet  
15 accessible vehicles in New York as well as  
16 virtually all restricted hybrid vehicles in New  
17 York.

18 COUNCIL MEMBER KOPPELL: You will  
19 note my bill only requires accessibility after two  
20 years.

21 ETHAN GERBER: I do.

22 COUNCIL MEMBER KOPPELL: So it  
23 could permit the kind of consultation that you  
24 suggest, correct?

25 ETHAN GERBER: And we absolutely

1  
2 welcome it, Council member Koppell. We have been  
3 working closely with this Committee, with your  
4 Committee. We would like to work with closer.  
5 The current vehicle is not going to work on this  
6 plan. We believe the competition, I think it is  
7 one of the many statements that Chairman Yassky  
8 made today that I disagree with entirely is and I  
9 think it's preposterous to say that somehow  
10 locking in a particular vehicle for a ten year  
11 contract fosters competition. It does exactly the  
12 opposite. The cars will not be improved. The  
13 cars will stay stagnant. Even if we had the best  
14 car available today. Five years from now it will  
15 be outdated. We need the competition. We need to  
16 know what works and fails and we need the input  
17 from the accessibility community after they  
18 operate it.

19 Another comment that Chairman  
20 Yassky said that simply wasn't true, when it was  
21 pointed out which I applaud but one of the selling  
22 points of the current Taxi of Tomorrow, the Nisan  
23 NV200 is the panoramic roof, which will take away  
24 the advertising revenue. It should be noted that  
25 and he said that was the overwhelming support from

1  
2 those polled. Actually the Karzai which was  
3 doesn't have a panoramic roof and which has side  
4 loading car from either side of the street was not  
5 only the favorite of the accessible community but  
6 it allowed, it did allow advertising on the  
7 rooftops to offset some of the cost. So that's  
8 just another one of the many statements Mr. Yassky  
9 made this morning that I could find fault with.

10 COUNCIL MEMBER KOPPELL: So do you  
11 believe that if we sat down with you, since you  
12 represent all these fleet operators, we could work  
13 out a plan that would provide for fully accessible  
14 fleet. I'm not asking whether it could be done in  
15 two years but could be done within a reasonable  
16 amount of time.

17 ETHAN GERBER: I think if we sat  
18 down, again there are many people at this table  
19 who represent fleet operators, the group I  
20 represent is the one that actually operates the  
21 240 accessible cabs on the road currently. Yes, I  
22 believe that we can sit down and hammer out  
23 proposals that encompass not just the Taxi of  
24 Tomorrow. The accessibility issues, the Taxi of  
25 Tomorrow issues, the clean air issues and also the

1  
2 outer borough issues, the comprehensive formula  
3 that actually makes sense. We were on a side  
4 note, Chairman Vacca had worked very hard in  
5 trying to come up with plans on the so-called  
6 outer borough. I'm the past President of the  
7 Brooklyn Bar Association so I don't like saying  
8 outer borough but out of borough plan, the  
9 Chairman had worked very hard before it was taken  
10 out of this Council's hands after only four months  
11 of sitting down and talking about it.

12 I think there were universal  
13 programs that could have worked. That would have  
14 worked and that program would have been on the  
15 road today if Chairman Vacca, the Transportation  
16 Committee, your Committee, and the City Council  
17 were simply given the room to allow it to work and  
18 allow input from the various stakeholders. That  
19 wasn't done, as you know. There was an end run  
20 done in Albany and over a course of one weekend  
21 where literally no one on that side of the room  
22 got a chance to speak. No one on this side of the  
23 table got a chance to speak and it was fostered  
24 out. I believe there is definitely room for a  
25 universal solution to all of those four problems

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that I just mentioned.

COUNCIL MEMBER KOPPELL: Mr.

Chairman, I just would point out to you sir, that as the sponsor of this bill, if there is a way to sit down and work out a solution that includes full accessibility, it certainly doesn't have to be only my particular legislation. I'm not wedded to this. What I'm wedded to is achieving full accessibility within a reasonable amount of time. And I'm very gratified to get at least from your point of view, representing some of the fleet owners your being open to that kind of solution.

CHAIRPERSON VACCA: And I, you

Chairman Koppell. Thank you. Who would like to go next? Should I just go down? Okay, introduce yourself. I'm sorry.

RICHARD KAY: Good afternoon Mr.

Chairman and council members. My name is Richard Kay and I'm the President of Mutual Taxi Owners. CEO of Lanta Federal Credit Union and President of the Taxi Cabs Services Association. I have not come here today to speak against increased taxi service for the handicapped. Until the proper vehicle is available I believe that we can

1  
2 increase service and taxi availability without  
3 causing harm to the owners of more than 13,000  
4 medallions. If it's done correctly, if  
5 replacement vehicles are required to be  
6 accessible, the conversion cost per vehicle would  
7 be at least \$14,000. The total cost to the  
8 industry would be more than \$180,000 to a million  
9 dollars. This is not a one-time cost and this is  
10 not the only cost associated with the proposal.  
11 And increase in annual repairs and the history of  
12 modified vehicles having a shorter life span than  
13 traditional vehicles as well as increased  
14 insurance costs represents a tremendous burden on  
15 taxi owners and especially on our drivers who own  
16 and operate on car. Most owner-drivers are  
17 insured with American Transit Insurance Company  
18 and currently pay \$3,072 for single shift  
19 insurance and \$8,100 for double shift insurance.  
20 That amount would jump to \$9,645 and \$11,000  
21 respectively for an accessible vehicle. A New  
22 York State tax credit would affect each individual  
23 differently and would not offset these increased  
24 expenses.

25 So how do they do it in London?

1  
2 For one thing the fare is 50% higher than I New  
3 York. So what's the solution? Right now  
4 medallion taxis complete over 600,000 trips per  
5 day. Of those trips a little more than 50 are for  
6 people in wheelchairs. The waiting time is less  
7 than 15 minutes for a taxi to arrive. The big  
8 question is if there were more accessible taxis  
9 would there be more trips. We should find out the  
10 answer to that question before we change an entire  
11 industry that doesn't have the proper vehicle  
12 available. We don't know what the potential  
13 demand might be. The Mayor would like to sell  
14 2,000 new taxi medallions and has tied that plan  
15 to another plan that is tied up in court. There  
16 is no reason why this Council can't separate a new  
17 medallion sale from the outer boroughs street hail  
18 plan and sell 2,000 handicapped accessible  
19 medallions over a period of time. This would  
20 bring money to the city and solve the perception  
21 of any lack of taxi service to the handicapped. A  
22 needs study could be conducted periodically as the  
23 new medallions are sold and this Committee can  
24 determine how many handicapped medallions are  
25 needed. In this way everybody benefits and nobody

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gets hurt. Thank you.

CHAIRPERSON VACCA: Thank you.

Okay, Dave Pollack?

DAVID POLLACK: Good afternoon, Mr. Chairman, Council members of the Transportation Committee. David Pollack the Executive Director of the Committee for Taxi Safety. We represent more than 2,000 yellow medallion cabs. The owners of those cabs and about 5,000 drivers who drive those taxi vehicles. Although we empathize and understand the concerns of the disabled community there is an economic reality here, which must be understood and results in an opposition to this bill even though the goal of the bill is quite laudable.

The simple truth is that accessible services being provided by the yellow taxi industry now if service were not available and was not being provided the economic realities of the bill might well not be as important as the lack of service. But here that is not the case. A year ago the Taxi and Limousine Commission set up a new dispatch program by which accessible taxi vehicles could be dispatched to people needing them.



1  
2 According to the dispatch company, Metro Taxi,  
3 they receive 60-80 calls per day for accessible  
4 vehicles. Actually I stand corrected the Taxi and  
5 Limousine Commission said they marked the average  
6 at 56 calls per day. That number bears repeating.  
7 56 calls per day. And many of those calls may be  
8 a round trip.

9                   Moreover the accessible community  
10 not only has a dispatch system to ensure they do  
11 receive the service that is needed but they can  
12 also use the ehail smartphones applications.  
13 According to the dispatch company, the average  
14 waiting time I thought was 8 minutes but the TLC  
15 also stated that it's 13.5 minutes but 45% of the  
16 callers wait less than 10 minutes. So, clear and  
17 quick and convenient service is being provided by  
18 the approximately 230 accessible vehicle currently  
19 on the road today. And in contrast actual usage,  
20 the cost to convert the entire fleet of yellow  
21 cabs is pretty staggering. The NV200 which would  
22 be retrofitted costs \$14,000 each to retrofit  
23 besides the cost of the vehicle and as Richard Kay  
24 said, you multiply that by 13,000 and you get 182  
25 million dollars for 56 calls per day right now.

1  
2 Not only does this initial cost of the vehicle  
3 increase but also these vehicles because they are  
4 heavier will require more maintenance and have  
5 useful life of only 2 years in contrast to 3, 5, 6,  
6 10 or 100 years.

7           Additionally these vehicles do not  
8 get as good gas mileage. They may have more  
9 emissions and as they are heavier they will  
10 require more maintenance and do more damage to  
11 anything they hit. Clearly, that's a cost that  
12 neither the industry nor the public can afford.

13           There has been much talk  
14 concerning the value of the medallion but that  
15 really is from cash flow that you need to operate  
16 the business. I mean you have to pay your  
17 mortgage on your house, not only on what your  
18 house is worth but what you can afford to pay.  
19 The revenue stream here is fixed by the Taxi and  
20 Limousine Commission. It's fixed by the rate of  
21 fare, the charge to passengers and it's fixed by  
22 lease caps, which limits the amount that can be  
23 charged for leasing a taxicab and a medallion.  
24 And accordingly there is no way for the industry  
25 to afford or absorb this massive increase in cost

1  
2 at this time. Tripling or quadrupling fares to  
3 pay for the accessible fleet will cause, may cause  
4 loss of ridership and further hurt our industry.

5 Even the conversion of the entire  
6 13,000 plus fleet, we do not anticipate usage by  
7 the disabled community to increase. The reason  
8 there is such limited use by the disabled  
9 community is because of the fare structure. As  
10 you know access-a-ride passengers lay out \$2.500,  
11 which is refunded and in contrast the disabled  
12 have to lay out the metered fare.

13 We also question why this proposed  
14 legislation speaks to the yellow taxi industry and  
15 not the entire industry, which included the black  
16 cars and livery services. Why should black cars  
17 and livery services not be made to provide same  
18 levels of accessible service? The same rational  
19 should apply.

20 And finally to our knowledge there  
21 is no city in this country in which the entire  
22 fleet is accessible and there is a reason for that  
23 and with good intention of the bill. And the  
24 reason for that is the need is being met. The  
25 economics do not justify the expense and unlike

1  
2 state and municipal transit systems the yellow  
3 taxi industry is a private industry, which does  
4 not get subsidized. The MTA subsidized access-a-  
5 ride program provides a government supported  
6 transportational alternative for passengers  
7 seeking transportation.

8           As a result of the factors above,  
9 in 2012 Chicago changes its taxi regulations to  
10 provide that 5% of its industry become wheelchair  
11 accessible. The Chicago regulations provide that  
12 anyone owing or controlling more than 20 cabs need  
13 to provide 5% of all vehicles they own or control  
14 as wheelchair accessible vehicles. Chicago chose  
15 a more measured approach to this issue  
16 acknowledged the cost did not justify a larger  
17 accessible taxi fleet no matter how good the goal  
18 and voted for what they knew was right. We ask  
19 the City Council to do the same.

20           Actually also to clarify a couple  
21 of things. The San Francisco Guidebook for the  
22 Disabled Travellers, if I may read, several taxi  
23 companies including yellow cab and town taxi have  
24 taxi vans with ramp access and wheelchair tie  
25 downs. The fares are the same for accessible

1  
2 taxis as for standard taxis but they can be  
3 difficult to find on the street. The best course  
4 of action is to call the taxi company directly or  
5 have your hotel doorman get one for you.

6 CHAIRPERSON VACCA: I'm going to  
7 have to ask you to conclude.

8 DAVID POLLACK: We ask you to say  
9 no to this bill. Thank you.

10 CHAIRPERSON VACCA: Thank you and I  
11 am going to enforce the two minutes and 30 second  
12 rule from here on in very strictly. Okay, thank  
13 you for your help, everyone. Okay, Mr. Mazer.

14 PETER MAZER: Okay. Good  
15 afternoon, Chairman Vacca and members of the  
16 Transportation Committee, member Koppell. I am  
17 Peter Mazer, General Counsel to the Metropolitan  
18 Taxi Board of Trade, a 60 year old trade  
19 association that is comprised of 37 taxi fleets  
20 that operate more than 5,200 yellow medallion cabs  
21 throughout Brooklyn, the Bronx, Queens and  
22 Manhattan. More than 60% of all corporate  
23 medallions are fleets, leased taxis to more than  
24 20,000 drivers, thousands of mechanics,  
25 dispatchers, managers and other direct and

1  
2 indirect employees to provide service to the  
3 riding public 24 hours a day, 7 days a week, 365  
4 days a year.

5 MTBLT is strongly opposed to Intro  
6 433a. The bill while well intentioned does not  
7 offer an efficient, practical or affordable way to  
8 provide accessible service to all New Yorkers. As  
9 taxi cab operators we support improving wheelchair  
10 accessibility for New Yorkers through a thoughtful  
11 and sensible approach that I will outline today.

12 Let me begin by illustrating the  
13 costs associated if Intro 433a becomes law. Today  
14 many of our operators pay \$23,000 for a Ford Crown  
15 Victoria or the discontinued Transit Connect. The  
16 Nissan NV200 accessible taxi also known as the  
17 Taxi of Tomorrow, a car built as a non-accessible  
18 car and then will be altered by an after market  
19 company to become wheelchair accessible will cost  
20 \$47,000 per vehicle according to the city's  
21 contract with Nissan, more than doubling the  
22 acquisition cost of the vehicle. For operators  
23 that operate medallions 24 hours a day, 7 days a  
24 week and principally rely on leasing as a means to  
25 sustain operations, the doubling of vehicle

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2 acquisition cost is economically devastating.  
3 Maximum lease rates are only slightly higher than  
4 what they were in 1996 when the TLC first  
5 regulated lease rates. In fact it has been 9  
6 years since the TLC last improved a lease cap  
7 increase. In addition to doubling the acquisition  
8 costs we expect increased operational costs  
9 including maintenance and parts and reparative  
10 vehicle. No business can be expected to operate  
11 with this set of unknowns that taxicab operators  
12 will be subject to under this bill.

13           The bill supporters have pointed to  
14 London as an example of a fully accessible taxi  
15 fleet in a major city. That's true. However the  
16 London taxi industry is also many other things.  
17 It is very expensive. London black cabs cost  
18 between \$53 and more than \$60,000. AS such fares  
19 are considerably higher. A \$10 cab ride would  
20 cost \$18 in London. New York City, if I can just  
21 sum up, New York City already has something  
22 similar, a successfully wheelchair accessible  
23 dispatch program and can it be improved?  
24 Absolutely. The outset operators want to see more  
25 accessibility in the fleet and what we could do

1  
2 immediately is by adding the 2,000 medallion  
3 wheelchair accessible medallions in the fleet that  
4 will be part of the original outer borough plan  
5 which is under litigation but if separated from  
6 the outer borough plan could be going forward that  
7 would bring the number of accessible medallions  
8 from 233 to 2,333.

9                   So with that and with the  
10 accessible dispatch program we believe that there  
11 will be a significant improvement in service. So  
12 we urge the Committee to consider this alternative  
13 and pragmatic path to accessibility for all New  
14 Yorkers.

15                   CHAIRPERSON VACCA: Thank you.  
16 Yes, Arthur Goldstein, yes.

17                   ARTHUR GOLDSTEIN: Arthur  
18 Goldstein. The Counsel to Taxi Cab Services  
19 Association. Just a couple of quick comments.  
20 This bill is flawed as written and therefore we  
21 suggest that this not even go to a vote or be  
22 voted down as is. The Taxi Cab Services  
23 Association would like to you know also sit down  
24 and participate in meetings that the Council  
25 member had a dialogue with Mr. Gerber on.



1  
2 A couple of things to keep in mind,  
3 you shouldn't pass a bill if all the issues aren't  
4 resolved. That was sort of your comment, it's not  
5 going to happen in two years but this is a  
6 complicated industry. The expenses noted by  
7 several speakers are real. They are out there and  
8 before legislation is passed. That's going to  
9 impact and entire industry. They ought to be well  
10 thought out. And the Council ought to have a full  
11 hearing on it.

12 And one last point that I think has  
13 somewhat been missed here. If you transfer, by  
14 this bill going forward quickly in the 2 years,  
15 you will end up transferring the union jobs that  
16 the access-a-ride drivers are. I'm not sure where  
17 they are going to go? They will be out of jobs.  
18 So all these issues have to be thought about very  
19 carefully. Thank you.

20 CHAIRPERSON VACCA: Thank you. Oh,  
21 Council member Koppell.

22 COUNCIL MEMBER KOPPELL: The  
23 gentleman at the end from the I think the  
24 Metropolitan Board.

25 PETER MAZER: Yes.

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COUNCIL MEMBER KOPPELL: Of Taxis.  
Right now do you have numbers on what the cost of operating a taxi, a yellow taxi are on let's say on a weekly basis for whatever the driver is paid, fuel, repairs, all of those factors. Do you have numbers on that?

PETER MAZER: Yeah, we have done an economic analysis and hired a consultant two years ago and asked them what the taxicab fare increase proposal that we had submitted. And what we concluded is from the, well, the consultant had concluded all of our expenses as a fleet operation, everything from garage to vehicle acquisition and purchase cost to mechanics, etc., etc., and including in that the revenue which we receive which is basically the revenue from charging the drivers lease fees. We came up with a net operating, positive operating result of approximately \$8,500 per medallion taxicab per year.

COUNCIL MEMBER KOPPELL: No, that's not what I'm asking. I'm asking for the cost. Not the profit but the cost.

PETER MAZER: The yearly revenue

1  
2 for a taxicab is I recall is approximately \$80-  
3 \$90,000 and the expenses were about \$8,500 less  
4 than that. So an \$80,000 income and about \$70,000  
5 per car per year. Based on today's expenses.

6 COUNCIL MEMBER KOPPELL: So,  
7 \$80,000 is the rough cost?

8 PETER MAZER: Rough income.

9 COUNCIL MEMBER KOPELL: And \$70,000  
10 rough cost. I see. The estimate was that by the  
11 Commission that at most it would be an extra  
12 \$4,000 per year cost, the increased cost of the  
13 cab.

14 PETER MAZER: If the car lasted for  
15 3 year, which we don't even know if it will last a  
16 full 3 years. If it last 3 years and a \$14,000  
17 increase then that would be just under \$5,000 per  
18 year. If it lasted 3 years.

19 COUNCIL MEMBER KOPPELL: I don't  
20 know. They estimated \$4,000-

21 PETER MAZER: I think they were  
22 basing that on maybe a five-year life cycle.

23 COUNCIL MEMBER KOPPELL: No, they  
24 said no extension. They said \$3,700 with no  
25 extension. I don't know. But that would be the

1  
2 difference in cost. Now I don't know why if  
3 someone only earns \$10,000 a year the would pay a  
4 million dollars for a medallion. Could you  
5 explain that to me?

6 PETER MAZER: Medallion values  
7 have, you're mixing apples and oranges. It's like  
8 saying why would somebody pay a million dollars on  
9 a rent controlled building when it has a certain  
10 rent roll. The medallion values today-

11 COUNCIL MEMBER KOPPELL: I can  
12 assure you they wouldn't pay a million dollars for  
13 a building with a rent roll of \$10,000.

14 PETER MAZER: No, well, they  
15 wouldn't.

16 COUNCIL MEMBER KOPPELL: No. They'd  
17 be nuts if they only earned \$10,000 a year on the  
18 building if they paid a million dollars for it I  
19 would recommend a good asylum. Why would someone  
20 pay a million dollars when all they are earning is  
21 \$10,000?

22 PETER MAZER: What you're asking is  
23 a question that relates to medallion financing.  
24 No one paying a million dollars cash for a  
25 medallion and that's true because if you had a

1 million dollars cash you could put in the bank and  
2 you could earn more than \$10,000.

3  
4 COUNCIL MEMBER MAZER: So you're  
5 saying that the \$80,000 includes the finance cost?

6 PETER MAZER: No, the \$80,000 is  
7 net income, which comes from the lease fees. The  
8 operating expenses includes imputed interest with  
9 respect to the value of the medallion that's  
10 definitely true so whether an operator many times  
11 does not own the medallion and actually pays the  
12 owner of the medallion a sum of money.

13 COUNCIL MEMBER KOPPELL: Somebody's  
14 paying a million dollars for the medallion.

15 PETER MAZER: Correct.

16 COUNCIL MEMBER KOPPELL: They are  
17 not paying a million dollars to get \$10,000 a year  
18 income.

19 PETER MAZER: Yes. I don't  
20 believe. They aren't not necessarily paying a  
21 million dollars cash. If you were saying yes,  
22 take a million cash and put it in a bank would you  
23 earn more than \$10,000 you might. You would earn  
24 considerably more. That's a return on investment  
25 on approximately 1% on the value of the capital

1  
2 asset. The asset is financed. The asset that  
3 somebody purchases the asset, they put the money  
4 down. They pay financing cost when you factor all  
5 that in then their operating result at the end of  
6 the year including the financing cost just like if  
7 you bought a building you included your mortgage  
8 in figuring out whether you can make a profit on  
9 the building comes to about \$10,000 a year per  
10 medallion.

11 COUNCIL MEMBER KOPPELL: Well, I'm  
12 skeptical, sir that someone would pay a million  
13 dollars to earning \$10,000 a year. I just am  
14 skeptical. I don't believe those numbers and it  
15 makes absolutely no sense to me. So the cost is  
16 \$4,000. Even if we had to approve a fare  
17 increase. It was shown in their own numbers that  
18 that would be 30 cents a ride based on a \$14 ride.  
19 AS far as I'm concerned at 2% increase I am sure  
20 because the buses were made more accessible. The  
21 cost of a ride because the MTA had to pay that  
22 went up more than 2%. But I just even at \$4,000 a  
23 year on an asset that's worth a million dollars is  
24 not material. I won't get into it further.

25 CHAIRPERSON VACCA: I thank you

1  
2 Council member. I did not recognize Council  
3 member Tish James who has been here for a while.  
4 I would like to welcome her. Do you have a  
5 question Council member?

6 COUNCIL MEMBER JAMES: Two  
7 questions. And the first question is the cost  
8 associated with outfitting these vehicle, are  
9 there any resources available to reclaim those  
10 costs, to cover those costs? Anybody?

11 ETHAN GERBER: We run most of those  
12 cars. There is a tax credit that we have been  
13 having a lot trouble getting.

14 COUNCIL MEMBER JAMES: A federal  
15 tax credit?

16 ETHAN GERBER: There is the state  
17 tax credit that Assembly member Kellner was  
18 implemented as it turns out it's actually not as  
19 sufficient. It was designed to be \$10,000 but for  
20 a fleet operation and it doesn't really work that  
21 way. It actually comes out an average less than  
22 \$1,000. So we haven't had a big offset with that.

23 COUNCIL MEMBER JAMES: Would you be  
24 able to recover any of the costs as a result of  
25 you know tax write offs?

1  
2 ETHAN GERBER: Not that I'm aware  
3 of, no.

4 COUNCIL MEMBER JAMES: Okay, and  
5 then last question is do you think there would be  
6 an increase in calls as a result of making the  
7 vehicles more accessible?

8 ETHAN GERBER: I'm sorry.

9 COUNCIL MEMBER JAMES: Will there  
10 be increased number of individuals calling for the  
11 accessible taxicabs as a result of outfitting  
12 these cars?

13 ETHAN GERBER: Would there be an  
14 increase? I think if the waiting time is down,  
15 there would be more usage.

16 COUNCIL MEMBER JAMES: More usage.  
17 Okay.

18 ETHAN GERBER: I think there would  
19 be more usage. I think one of the things that  
20 sounds confused a little bit today is that our  
21 income is derived from renting out the taxi cab  
22 and the medallion to the driver so even if there  
23 was increase in the rate of fare to the customer,  
24 the user, all users across the board, that would  
25 only translate if there was a lease cap increase.



1  
2 We've had a lock in our lease caps and one of the  
3 things that Council member Koppell. I'm not sure  
4 the exact numbers like Mr. Mazer but the margins  
5 are very small. So what's happened over the years  
6 because there has been a frozen lease cap the  
7 amount of money we could generate and all expenses  
8 like every other business in New York City is  
9 expensive and has gone up, what's happened is the  
10 pressure to increase our volume is very very high.  
11 So what's happened is you have had a lot of  
12 consolidation of fleets. You've had fleets  
13 getting larger and less small fleets operating  
14 because of the law of large numbers. So there is  
15 an increased pressure to have ore cars operating  
16 out of bases. More cars operating out of fleets,  
17 which is one the reasons why the medallion value  
18 keeps going up. That coupled with lower interest  
19 rates makes it doable. But that's one of the  
20 reasons that explains why from the outside looking  
21 in I can understand why you say well, the margins  
22 are so small. But there is a reason why the  
23 margins have actually, the ability to make a  
24 profit on the medallion has actually styed the  
25 same has gone down over the last 8 years because

1  
2 we haven't had a rate of fare increase. We are  
3 charging exactly what we charged 10 years, 8 years  
4 ago. The only thing, all our costs have gone up.  
5 So they way fleet owners make money is increase  
6 their volume so there is enormous pressure to  
7 increase the amount of volume you have in your  
8 garage which is one of the reasons why they are  
9 paying more for it.

10 COUNCIL MEMBER JAMES: I see.

11 Thank you.

12 DAVID POLLACK: It should be noted  
13 that fleet owners are not the only segment of the  
14 industry. A large segment of the industry are  
15 drivers who buy their own vehicles and owner  
16 drivers who buy their own vehicles and what  
17 they're buying when they buy a medallion or have a  
18 medallion is they are buying security in their  
19 future. They are buying a job. Many of them have  
20 second drivers and third drivers. They are small  
21 businessmen. And we have to think about how this  
22 affects these small businessmen as well.

23 CHAIRPERSON VACCA: I'm sorry I did  
24 not call upon you, Mr. Ali. Do you wish to speak?

25 MR. ALI: Well, all that I have to

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say has been said already so thanks.

CHAIRPERSON VACCA: So you want to associate yourself with the remarks of the other members of the panel.

MR. ALI: Mr. Richard Kay.

CHAIRPERSON VACCA: Okay, Mr. Kay. Thank you Mr. Ali. I apologize. Okay, thank you.

RICHARD KAY: I would like to just try to clarify for Mr. Koppell if I could. When you are talking about the million-dollar medallion. An individual who owns a medallion may have paid a million or may have paid less but if he leases that medallion to a fleet, the fleet would pay him a certain amount of money every month. So the owner of the medallion gets that and that's an expense to the fleet. So the fleet didn't necessarily buy that medallion but their expense is the monthly fee that he has to pay to the medallion owner and he has to do that in order to have possession of the medallion in order to run it. So if he's running one car he is not going to make any money but on a volume it comes out to be profitable. But that is part of how the industry works.

1  
2 COUNCIL MEMBER KOPPELL: I'd be  
3 happy to talk to you privately but the cost of the  
4 medallion has gone up but hundreds of thousands of  
5 dollars since I started talking about this.

6 People are paying hundreds of thousands of dollars  
7 more for a medallion but they are not willing to  
8 pay \$4,000 more to make it accessible. That makes  
9 a lot of sense.

10 RICHARD KAY: I can understand when  
11 you say it that way that it doesn't make sense  
12 because it doesn't but when they are buying a  
13 medallion and paying for it, they are buying a  
14 commodity that has a value and when they decide to  
15 sell that maybe when they retire they know that  
16 they are going to be able to get paid for that.  
17 But buying gasoline or buying tire or buying  
18 vehicles is an expense of the day-to-day  
19 operations which is something entirely different  
20 and I don't know how you can equate the two.

21 COUNCIL MEMBER KOPPELL: Well, I  
22 don't want to-and all that's happened in the last  
23 five years while this is going on is fuel costs  
24 have gone up but the medallion price still went up  
25 also. Amazing.

1  
2 CHAIRPERSON VACCA: Okay, I want to  
3 thank the panel. And I would like to call up our  
4 next panel. Gene Ryan, Disabled in Action, Lenny  
5 Sajack, New York State Wide Senior Action Council,  
6 okay she left. Katherine Unseno, she left, Simi  
7 Linton, Riverside Drive, New York. Mel Weinmore,  
8 Citizens for Accessible West Side, Amy Paul,  
9 Citizen Advocate for Seniors, Amy Paul. [off mic]

10 Let me see, Janice. Do I have  
11 Janice? Did you fill out a card, Janice? Come up  
12 Janice. Janice Shacter is an advocate for the  
13 Hearing Impaired as many of you may know. I only  
14 have so many chairs. Let me see how many chairs I  
15 filled.

16 BRIAN ALECOTT: Council member  
17 Vacca-

18 CHAIRPERSON VACCA: I think I  
19 filled five chairs, didn't I?

20 BRIAN ALECOTT: He can go now and  
21 we can wait until the next panel if you'd like.

22 CHAIRPERSON VACCA: Do you mind?

23 GENE RYAN: I don't mind it at all.

24 CHAIRPERSON VACCA: Okay, sir. Why  
25 don't you come up and he will relinquish his chair

1  
2 and you introduce yourself when I get to you.  
3 Okay. So how many do I have now. How many  
4 chairs? I have one more? Okay, I have one more  
5 person I can call. Ann Davis, MS Society, Taxis  
6 for All. Why don't- Why don't we do this. Ms.  
7 Can you give the microphone to the lady at the end  
8 first? I'll start with you, is that okay? Oh  
9 Gene, how old are you? All right. We are going  
10 to start with Gene and then we are going to down  
11 the table. Okay, Gene I'm sorry. Okay, introduce  
12 yourself for the record.

13 GENE RYAN: By the way, I'm from  
14 Brooklyn and I do go to the Bronx but and it's  
15 really a trek. Especially on the access-a-ride.  
16 Once it took 6 hours and I was trying to get from  
17 Manhattan to Brooklyn. So we need taxis. And the  
18 talk about only having a certain percent or only  
19 having the dispatch, the central dispatch. It  
20 isn't good. It's like having, we have taxi  
21 segregation right now. Let's call it what it is.  
22 Segregation. We can't even get a ride. In the  
23 outer boroughs, we can't get a ride. We can have  
24 hundreds of taxis going by us. If we don't call  
25 for a taxi in Manhattan, we have no chance of

1  
2 getting a ride. Zero. And even then, the Taxi  
3 and Limousine Commission admits that we have to  
4 wait, many people have to wait a long time. Those  
5 numbers that they were giving, 13 minutes or  
6 whatever, they are averages. I'd like to see what  
7 the top wait is in those averages. So and where  
8 they are located. We don't know anything about  
9 that. So, we need to have all the cabs accessible  
10 and all the car services accessible so we actually  
11 can get a ride. If you do a certain percentage in  
12 the boroughs, anybody can ride in those cabs.  
13 They are not going to be reserved for people in  
14 wheelchairs and there are 90,000 people in  
15 wheelchairs living in New York City now in the  
16 five boroughs. All five boroughs. That's not  
17 counting visitors either. And there are 500,000  
18 people. Almost 500,000 people and I'm sure it's  
19 rising in the five boroughs who have mobility  
20 disabilities. That's a lot of people. That's a  
21 lot of customers. I can't understand why the taxi  
22 people are trying to push away all us customers  
23 that they could be getting by having the vehicle  
24 accessible. Because we need to ride and we are  
25 left at the curb.

1  
2           The other thing I would like to say  
3 is about the Nissan NV600 or 200 or whatever it's  
4 called, with the rear entry van. It's dangerous.  
5 I rode in one off and on when my local car service  
6 had one. And you always have to go in the street  
7 to get to it and you have to go in the street to  
8 get out of it. In traffic. And it's dangerous.  
9 The other thing is with the only having one guest.  
10 I have two grandchildren. I can't leave, I can't  
11 send them off by themselves and I can't have one  
12 girl by themselves. And why would I want to have  
13 my grandchild separated from me you know in  
14 another part of the vehicle. That doesn't make  
15 any sense. The taxi driver couldn't be  
16 babysitting. You know, I'm the one who's supposed  
17 to be babysitting my grandchildren so I just urge  
18 you to pass this bill and put it on the floor. We  
19 need access. Thank you.

20           CHAIRPERSON VACCA: Okay, thank you  
21 sir. If it's okay, I just need to excuse myself  
22 for one minute and I'm going to ask Councilman  
23 Koppell to assume the Chair. Thank you.

24           CHUCK GINN: Assume away, Council  
25 member. Good afternoon, ladies and gentlemen and



1  
2 members of the Council, Transportation Chair,  
3 Vacca, Chair Koppell, Committee Counsel Lyle  
4 Frank. My name is Chuck Ginn and I'm a disability  
5 advocate, Co-Chair from the Disabilities Task  
6 Force and here are my views on the accessible taxi  
7 Intro 433a. Only 2% of accessible taxis are  
8 wheelchair accessible. This is far too few cabs.  
9 We need more accessible taxis. Also, with the  
10 accessibility to be factored in, we should have  
11 these seats lowered on the four-door station  
12 wagon cabs for the disabled. Wheelchair users in  
13 the borough of Manhattan. If we had more  
14 accessible taxis would be completely stranded. I  
15 think that all of the community boards. I'm a  
16 public member of CB6, should be reviewing  
17 accessible taxis for people with disabilities. I  
18 urge the Council to pass this legislation and to  
19 also have the federal lawsuit pass through the  
20 actual court system as soon as possible. Thanks  
21 for your time today.

22 AMY PAUL: Hello. Good afternoon.  
23 My name is Amy Paul. I have worked in the Aging  
24 community for a number of years. But I am here as  
25 a citizen advocate to support your Intro 433-a and

1  
2 the wheelchair accessible mandate but I am also to  
3 raise attention to ensure that the final taxi  
4 design will also accommodate seniors who are  
5 physically limited but not in need of a  
6 wheelchair. Most of us at this hearing are  
7 profoundly aware of the demographic imperative in  
8 New York City of a burgeoning cohort of  
9 individuals over 60 years of age and especially of  
10 those over 75 years of age. In fact in coming  
11 years we know that the city population will be 25%  
12 over 60. In recognition of the need to adapt city  
13 life to the needs of this expanding group, the  
14 city wisely set out to become an age friendly city  
15 and authored a report much promoted on what needed  
16 to be done to get there. Among its many findings  
17 about the city of seniors the report found that  
18 26% of seniors utilized taxis. Yet they quoted  
19 the seniors complaining, "that most taxis are  
20 neither wheelchair accessible nor easy to get in  
21 and out of". Unfortunately I had two colleagues  
22 who were going to join me who were going to  
23 explain and discuss some of the difficulties they  
24 have using taxis today particularly of the van  
25 type and the SUV type. It should be noted in this

1  
2 regard that 90% of those who are elderly with  
3 physical limitation do not utilize a wheelchair.  
4 Regrettably to date there has been little public  
5 conversation about the needs of these older  
6 individuals who may not rely on a wheelchair but  
7 who other mobility limitations. Since we learned  
8 about the city's mandate of a single van design we  
9 tried to get information about the research and  
10 discussions that support the design of the Taxi of  
11 Tomorrow but to no avail. We tried to talk to  
12 government officials. I submitted a FOIA request  
13 to the TLC and I only received in response to it  
14 an unsigned copy of the vehicle supply agreement  
15 despite the fact that we asked for a lot more  
16 including what kind of research and studies were  
17 done to show that the vehicle design was  
18 acceptable and beneficial if you will to elders  
19 and disabled individuals. We also asked for the  
20 pros and cons of the design from the point of view  
21 of elders and disabled. And we did not get any of  
22 that material. One has to wonder, not  
23 withstanding Commissioner Yassky's statement that  
24 the vehicle has been tested. Whether or not this  
25 kind of research has been done and if so we ask it

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be publicly revealed so we can look at it.

We also learned that the vehicle was on display at the recent auto show. And I went there to view it myself only to be disappointed because the vehicle was locked and we were unable to access the protocols capacity to provide accessible services to frail seniors. But just looking at the vehicle's exterior which is right now all we have to go on, we have some serious questions and just for the sake of time. You have my written testimony. I'll just highlight that. First is, we're concerned about embarking and disembarking because it looks like in a van, the cab floor is going to be too high which is going to be very difficult maneuver for typical older seniors. Someone with a cane, someone who has the walker or heart condition, arthritis, someone with dementia. It's very difficult to negotiate that kind of a maneuver.

CHAIRPERSON VACCA: I have to ask you to conclude.

AMY PAUL: I'll just say the running board design which is a problem in the vehicle supply agreement said that that was not a

1  
2 final condition even the protocol handles and  
3 passenger door weight. So we ask that you  
4 undertake a full review of whether this proposed  
5 design can safely accommodate seniors. We support  
6 wheelchair accessibility. There are swivel seats  
7 that can be looked. And we think that there has  
8 to be full disclosure of the research and material  
9 that has been developed so that it can get a full  
10 reviewing from advocates and seniors and perhaps  
11 even a trial run to see whether or not this works.  
12 We quote for training of the drivers because the  
13 vehicle is only a vehicles. Seniors cannot for  
14 advocate for themselves so we hope that you'll  
15 help us. Thank you.

16 CHAIRPERSON VACCA: Ms. Shacter?

17 JANICE SHACTER: Hello, my name is  
18 Janice Shacter and I'm the Chair of the Hearing  
19 Access Program. I'm also the mother of an 18-  
20 year-old daughter who is hard of hearing. We  
21 applaud the inclusion of induction loops in Intro  
22 433a. Communication with a driver is difficult  
23 when a person has a hearing loss. There is a  
24 plexi glass divider that inhibits sound and the  
25 passenger cannot see the driver's face to read

1  
2 lips. Since the driver is facing forward while  
3 driving. Induction lifts allow my daughter and  
4 other who are hard of hearing to effectively  
5 communicate with the driver by switching the  
6 hearing aid to the T setting. The passenger can  
7 hear the driver directly in his or her hearing  
8 aid. No longer does the passenger have to worry  
9 they are going to end up in Soho when they want to  
10 end up in Noho. A goal that we can agree,  
11 everyone thinks it's important. Induction loops  
12 allow drivers with hearing loss to hear the  
13 passenger so they can continue working. No one  
14 would have to stop working because of a hearing  
15 loss when technology to remedy this situation is  
16 easily available. Induction lifts provide  
17 excellent customer service for people who are hard  
18 of hearing. This is a universally used technology  
19 that has been available for many years and  
20 mandated in every taxi in London since 1998. The  
21 New York City Transit has added induction loops to  
22 subway information booths and call boxes. Museums  
23 around the city are adding induction loops in  
24 addition to companies like Apple, Shake Shack,  
25 Yankee Stadium and CitiField. They are used

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2 throughout the world including countries like  
3 Australia, Denmark, England, France, Hong Kong,  
4 Israel, Japan, New Zealand, Norway, Poland and  
5 Spain and Sweden. New York City will be a model  
6 and leader by adding induction loop technology to  
7 its taxis. This is very exciting and we want to  
8 thank everyone for the inclusion of induction  
9 loops in taxis in Intro 433a. The Intro does not  
10 include however captioning for all programming on  
11 the video system which should be included for  
12 people without residual hearing or who cannot use  
13 a hearing loop. It will benefit foreign  
14 travellers as well as people on cell phones. I  
15 also want to urge the City Council that we must  
16 use politically correct language when we are  
17 having discussions. There have been too many  
18 discussions of using calling people disabled than  
19 persons first. New York City and New York State  
20 signed legislation by Governor Spitzer for person  
21 first terminology and it's unacceptable for the  
22 City Council to be using, calling people disabled  
23 and for people who are speaking to be using the H  
24 word. We would not tolerate the N word, we should  
25 not tolerate the H word. And I urge the City

1  
2 Council that when proposals are sent out we must  
3 mandate that proper terminology must be used when  
4 talking about people with disabilities.

5 CHAIRPERSON VACCA: Let me answer  
6 you about that. I did not know that using the  
7 word disabled was incorrect.

8 JANICE SHACTER: It is. New York  
9 State-

10 CHAIRPERSON VACCA: I was told that  
11 using the word handicapped was incorrect and I  
12 have not used that word now for several years, at  
13 least 2 years. But I did not know that since when  
14 is using the word disabled offensive and if I did  
15 offend anyone I did not mean to.

16 JANICE SHACTER: Governor Spitzer  
17 signed when he was in office, Person First  
18 terminology. And no legislation or any policy in  
19 the state of New York may be issued without using  
20 Person First terminology. I would be happy to  
21 send that to you.

22 CHAIRPERSON VACCA: I would like to  
23 see that. I was not aware of the Governor's  
24 actions.

25 JANICE SHACTER: Yes. I will send



1  
2 that to you. But I was also referring to speakers  
3 who used the H word and you know to have somebody  
4 up here who's telling the City Council what should  
5 be done for the handicapped, their testimony has  
6 to be discounted when they don't understand that  
7 that word hasn't been used for eons. And that  
8 really sends a message to the City Council, people  
9 aren't what you call them. In the same way that  
10 President Obama eliminated the word retarded, we  
11 have to use proper terminology when we're  
12 referring to people if we want to build self-  
13 esteem and that's what part of this all about.  
14 It's about everybody having full access.

15 CHAIRPERSON VACCA: Okay. All  
16 right. Thank you. Now, Ms., would you introduce  
17 yourself, please?

18 ANN DAVIS: Hi, my name is Ann  
19 Davis and I'm a member of the steering committee  
20 on Taxis for All. I also represent the New York  
21 City's Southern New York Chapter of the national  
22 Multiple Sclerosis Society and I'm Vice President  
23 of the board of CDNY, the Center for Disabled.  
24 And I of course I represent my own needs.  
25 Obviously it should be clear to all that

1  
2 wheelchair users are not alone in their support of  
3 433a. I'd like to point out that in 2005, the New  
4 York City Bar Association and its Disability  
5 Committee on records as supporting legislation  
6 that will both improve taxi cab accessibility for  
7 people with disabilities in the near term and  
8 eventually result in completely accessible taxi  
9 fleet that provides full and equal transportation  
10 services to people with and without disabilities  
11 alike and that's a quote. The Bar Association  
12 reports stated such legislation would meet a  
13 pressing public need, remove a condition with a  
14 discriminatory impact and also benefit able bodied  
15 residents and visitors who travel with strollers,  
16 bicycles and other oversized items as well as the  
17 frail elderly because there should be a ramp for  
18 them to use. Just as employers, building owners  
19 and developers learned after the passage of the  
20 Americans with Disabilities Act Fair Housing Act  
21 that making required changes in accessibility to  
22 which they initially objected has increased their  
23 patronage and their bottom lines. Nobody in that  
24 taxi panel talked about the fact that they were  
25 losing income from the loss of the top. The one

1  
2 thing that Mr. Pollack did say though was that the  
3 Nissan taxi was not an appropriate vehicle. I  
4 mean two of them testified against the Nissan and  
5 of course for various reasons stated by Gene and  
6 other people in the disability community. The  
7 Nissan is not really an acceptable vehicle. So I  
8 just urge the Council to and the Committee to show  
9 some gumption and to pass this bill. Thank you.

10 CHAIRPERSON VACCA: Thank you. We  
11 now have another panel. This is the last panel?  
12 Oh no, we have more panels. I think Mel Weinmore  
13 was not here before. I did call his name.

14 BRIAN ALECOTT: No, I am reading  
15 for him.

16 CHAIRPERSON VACCA: You read for  
17 him, right?

18 BRIAN ALECOTT: Well, I gave my  
19 seat up so-

20 CHAIRPERSON VACCA: Oh you gave  
21 your seat up. Come back, sorry. Latricia James?  
22 Is that, somebody sign? Oh you are Latricia  
23 James? Oh my God, I wish Tricia James was still  
24 here but you are Latricia so you come close to it.  
25 Nancy Miller, Executive Director of Visions, Mark

1  
2 Klein, Clean Energy Fuels, and Dr. Deanna Indigo,  
3 Global Disability Movement. Sir, I am going to  
4 call upon you since you nice enough to get up to  
5 give up your seat. Introduce yourself, please.  
6 Put the microphone on. Okay, introduce yourself.

7 BRIAN ALECOTT: My name is Brian  
8 Alecott and I am with Mel Weinmore so I'm reading  
9 on his behalf. He had to be somewhere today.

10 CHAIRPERSON VACCA: Please proceed.

11 BRIAN ALECOTT: If you've ever had  
12 to hail a cab in Manhattan during rush hour you  
13 know it can be frustrating. Add a little rain,  
14 almost impossible. But the next time you find  
15 yourself fuming over the apparent lack of cabs  
16 remind yourself of this, of the New York City's  
17 13,000 cabs only 233 are wheelchair accessible.  
18 People in wheelchairs don't have the option of  
19 hailing a cab on a rainy day or when running late  
20 or simply when they need to duck out of the hustle  
21 and bustle. We New Yorkers boast that our city is  
22 made for everyone but we fall short when it comes  
23 to accessibility. Too many of our streets,  
24 sidewalks, playgrounds and places of business and  
25 modes of transportation are difficult to navigate

1  
2 from a wheelchair or even a walker. As a long  
3 time advocate for accessibility on the Upper West  
4 Side I strongly support Council member Koppell's  
5 long overdue bill to replace every retiring taxi  
6 in the fleet with a new wheelchair accessible  
7 model. In addition to having a fleet that is  
8 entirely wheelchair accessible we need to keep  
9 moving and improving and expanding the accessible  
10 dispatch service. A pilot program that allows  
11 people with disabilities to call for an accessible  
12 cab. Rather than endure the excessive wait times  
13 and high costs associated with access-a-ride, we  
14 need to move taxi service to the most effective  
15 service of all. I am pleased that there appears  
16 to be a momentum in City Council to move forward  
17 and more wheelchair accessible fleet is the great  
18 step forward living up to our promise that New  
19 York is truly the city built for everyone. Mel  
20 Weinmore, Co-founder of Citizens for Accessible  
21 West Side, candidate for City Council in the Upper  
22 West Side.

23 CHAIRPERSON VACCA: Thank you. Now  
24 it's on. Okay. I'll start at the end, Ms. Would  
25 you introduce yourself, please?

1  
2 DEANNA INDIGO: Honorable Chairman,  
3 honorable member Olive Koppell. It's a great  
4 honor and Global Disability Movement is one of the  
5 largest organizations with very active members in  
6 New York City. What we decided having many  
7 discussion it was a very simple statement. We  
8 really need New York for all. When you have a  
9 disability especially a physical disability you do  
10 need to be included. You need to be integrated  
11 and to have special support system.

12 Transportation system and especially taxi system  
13 in New York is the main factor in this. You need  
14 to go somewhere. You need to go to your doctor.  
15 You need to go to your rehabilitator. You need to  
16 go to the park or you need to go see your friend's  
17 or to go to a theatre. And this is the right time  
18 when you can use the taxi service and it has to be  
19 accessible. In a very sever economic crisis  
20 people with disabilities they really need to be  
21 included and that's why they need to get special  
22 services. If we have this particular service with  
23 accessible taxis we can have much more integrated  
24 people in New York. I mean like, I'm thinking  
25 from my perspective, after my last cancer surgery,

1  
2 I am using wheelchair annually. Few times and I  
3 know that it is very different to be in a  
4 wheelchair. And I will suggest something. If the  
5 Council members can take one hour a day time and  
6 just to take a wheelchair and spend one hour in  
7 New York on a wheelchair they will see how it  
8 important it is to have accessible taxi service.  
9 And I'm very honored that Oliver Koppell started  
10 this fight 30 years ago. I mean like New York was  
11 the leading city and a role model. I mean maybe  
12 you can continue this now. Because this is the  
13 right time to say that we need accessible taxi  
14 services. And that's what we will end with we  
15 need New York for all. Thank you.

16 CHAIRPERSON VACCA: And I certainly  
17 agree Councilman Koppell has been in the vanguard  
18 of this from the very beginning. So your remarks  
19 I know I appreciate. Yes, Ms., would you please  
20 give us your name?

21 NANCY MILLER: Thank you. My name  
22 is Nancy D. Miller and I'm the Executive Director,  
23 CEO of Vision Services for the Blind and Visually  
24 Impaired, and 87-year-old non-profit vision  
25 rehabilitation and social services agency. We

1  
2 provide free services to nearly 6,000 individuals  
3 of all ages. Accessible and affordable  
4 transportation is a key to independence for people  
5 who are blind and people with multiple  
6 disabilities. We know that people with  
7 disabilities have a higher poverty rate than the  
8 general public. We know that people with  
9 disabilities have a higher unemployment rate and  
10 are more likely to have dropped out of the labor  
11 market. Or experience underemployment. An  
12 accessible transportation system will help  
13 ameliorate these disparities. Visions strongly  
14 supports the requirement to make all newly  
15 manufactured taxis accessible for all New Yorkers  
16 and visitors to New York City. This bill takes  
17 into account the needs of people with all types of  
18 disabilities and makes this mode of transportation  
19 available to those who want to use it. Until all  
20 modes of transportation are fully accessible and  
21 usable by all people the inequality through lack  
22 of access remains. This same requirement should  
23 be enacted for all subways, all buses, all  
24 ferries, all trains, PATH service, car service and  
25 any other current or future means of transport



1  
2 within and in it out of New York City. This is  
3 not only fair and good public policy but it also  
4 opens opportunities for car savings. Everyone  
5 would be happier if we no longer needed access-a-  
6 ride, Paratransit as a parallel but unequal  
7 transportation system for people with disabilities  
8 and seniors. It's expensive, unreliable and a  
9 system everyone hates. If all taxis and car  
10 services were accessible it would make sense to  
11 expand the access-a-ride pilot program now in only  
12 two community districts to use taxis or car  
13 service in lieu of access-a-ride vans. Access-a-  
14 ride qualified riders would have swipe cards to  
15 pay their reduced fare. Everyone would be able to  
16 hail a taxi or call a car service and the need for  
17 a separate reservation system would be eliminated.  
18 Thank you.

19 LATRICIA JAMES: Good afternoon.  
20 My name is Latricia James. I am the Coordinator  
21 of Social Programs at Independence Care System.  
22 Chairman Koppell, City Council members and  
23 advocates, we appreciate this opportunity to weigh  
24 in on bill number 433, legislation proposed by  
25 Chairman Koppell to require the city of New York

1  
2 to purchase accessible taxi cabs. Independence  
3 Care System is a Medicaid managed long-term care  
4 plan serving Manhattan, Brooklyn, Queens and the  
5 Bronx. Our mission is to help senior adults and  
6 people with physical disabilities and chronic  
7 conditions to live independently in the community.  
8 We support this bill both as a Medicaid payer and  
9 as an advocate for equal treatment for people with  
10 disabilities. All of our 4,500 members have some  
11 physical disability and needs home care assistance  
12 with activities of daily living. Like all  
13 residents of New York City, our members need to  
14 get out in the community to do a variety of  
15 things, work, meet friend, go to doctor's  
16 appointments and attend family functions. And  
17 like all other residents our members rely on city  
18 transportation to get them where they need to go.

19           New York City is blessed with a  
20 fast affordable mass transit system that moves an  
21 average of over 5 million people per day. Thanks  
22 to advocacy and lawsuits the system has made  
23 tremendous improvements in regards to  
24 accessibility over the past 30 years. And for  
25 some people with disabilities living in the right

1  
2 areas for example, Upper Manhattan to Lower  
3 Manhattan, regularly using mass transit is a  
4 viable option. However for most people with  
5 disabilities mass transit simply does not work.  
6 While all of New York City transit buses are  
7 accessible they are not fast and inner borough  
8 trips are either not available or so long they are  
9 not practical. This subway is also not accessible  
10 in any meaningful way. Often requiring highly  
11 circuitous routes for people with disabilities who  
12 need elevators to get in and out of stations. In  
13 additions elevators are often broken and many  
14 people with disabilities avoid the subway  
15 altogether for fear of being stuck. Instead of  
16 mass transit, people with disabilities are left  
17 with an unequal system, access-a-ride that is  
18 expensive to run and use, routinely takes two  
19 times longer to reach a destination and has a long  
20 history of being unreliable for those people using  
21 regularly for work or for school. For our members  
22 like most low income New Yorkers a cab is too  
23 expensive for their every day commute. However  
24 unlike most low income New Yorkers our members  
25 have extremely limited transportation options. If

1  
2 their usual mode of transportation gets stuck.  
3 Without a viable alternative an accessible taxis  
4 may be the only option for a person with a  
5 disability and without that accessible taxi they  
6 are stranded.

7 We commend Chairman Koppell's  
8 efforts to ensure that taxi cabs are accessible  
9 and we hope that the city of New York seeks every  
10 opportunity to improve the accessibility of mass  
11 transit whenever, wherever, there is an  
12 opportunity to do so. The lives of New Yorkers  
13 and the life of our city depends on it. Thank  
14 you.

15 CHAIRPERSON VACCA: Thank you so  
16 much. Sir, would you introduce yourself, please?

17 MARK KLEIN: Good afternoon. Thank  
18 you for the opportunity to speak. My name is Mark  
19 Klein. I'm the Vice President at Clean Energy  
20 Fuels and also Co-founder of the NV1. My point  
21 today is very focused. If you bought a washing  
22 machine or a refrigerator today at an appliance  
23 store, they would make a point to tell you how  
24 much energy that appliance uses. Similarly with  
25 wheelchair accessible taxis it's important to

1  
2 consider how much energy or fuel the taxicab uses.  
3 Using domestic compressed natural gas in the taxi  
4 cab industry can save taxi cab drivers about a  
5 \$1.50 a gallon versus gasoline and lower  
6 greenhouse gas emissions by about 30% improving  
7 air quality for New Yorkers. CNG also reduces our  
8 dependence on foreign oil in line with President  
9 Obama's statement in the State of the union  
10 address about two months ago. When President  
11 Obama took office gasoline was about \$2 a gallon.  
12 Now it's about \$4 a gallon and four years from now  
13 it could be \$6 a gallon. The effect of the high  
14 cost of gasoline on the taxicab industry is going  
15 to become an issue as we proceed.

16 So the solution is to stop using  
17 gasoline and to get off of foreign oil imports.  
18 As this legislation proceeds and as the TLC goes  
19 through the regulatory process I respectfully  
20 request that we include some type of incentive and  
21 analysis to look at how we can start to use  
22 compressed natural gases like other cities do,  
23 particularly in California, so that we can secure  
24 our energy independence and lower the cost for  
25 fuel for the taxi cab drivers who drive wheelchair

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accessible taxis. Thank you.

CHAIRPERSON VACCA: Thank you panel. Thank you all. Our next panel is Paula Wolfe, Disabled in Action, Susan Doran, Center for Independence for the Disabled, Elizabeth Abraham, Angel Valentine, and Ronny Ellen Raymond. Is anyone here from the group? One young lady? Two. All right. Then we have William Klack, Seth Weinberg, please come up. I think that's it. One more? Well, we have three more. Why don't we call everyone up? I think we will all come up. This way we finish. Julie Maury, Ethel Paley. You see if I do it this way, no one's last, right? I think this is a fair way to do it. Even though whoever's last is really first. You know what they say. Terry Moacly, Terry, how are you? Come on have a seat, Terry. And you know before I begin the last panel I want to thank you all for your patience. I know it's a long day for you, for everyone and you've been polite and patient and I thank you. All right. I'd like to have, are we okay? Now I'd like to have the young lady who sat there first please go Ms. I'm sorry do you want to go first? Okay, give us your name for the

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record please.

SUSAN DORAN: My name is Susan Doran and I'm the Executive Director of the Center for Independence of the Disabled in New York. And we are a 35-year-old organization dedicated to removing barriers to full community integration for people with disabilities in New York City. And I testify today in support of proposed Intro 433a and offer my greatest respect to Council member Koppell for continuing to wage this long fight. I will skip over most of my testimony. And want to note that I support the testimony of Julia Pinover in her remarks about the litigation and her attempt to correct Commissioner Yassky's misstatements about the legal status of this matter. I would like also to point out something that hasn't really been discussed. We talked about the fact that non-disabled New Yorkers are used to the privilege of getting around in a New York minute, being able to go to business appointments, doctors appointments, visit friends, go to church, go out for a drink at a moment's notice on the spur of the moment and being able to cruise across the city at the speed of light. For

1  
2 those of us with friends and family members who  
3 use wheelchairs and for those of us who use  
4 wheelchairs, life is not the same at all. But  
5 you've already heard the story of the some 90,000  
6 individuals who use wheelchairs who cannot get  
7 around, cannot count on having transportation for  
8 their job, for their professional careers. I want  
9 to raise another wrinkle which is what happens in a  
10 disaster. And I need to talk with you about what  
11 happened with Hurricane Sandy. In an emergency  
12 like Hurricane Sandy an accessible taxi system  
13 could have helped enormously for people with  
14 disabilities who use wheelchairs to navigate to  
15 get to the home of a family or friend or to get to  
16 a shelter that was accessible. The importance of  
17 this cannot be overstated in an emergency. In New  
18 York City we have a huge carless population and  
19 public transportation has been observed time and  
20 again to be critical when disaster strikes. It  
21 plays a huge role for non-wheelchair users but in  
22 New York City 80% of the subways lack elevators.  
23 Buses have lifts, can carry only two wheelchair  
24 users at a time, paratransit is limited and not  
25 subject to any agreement with the City of New York



1  
2 that its vehicles be available for use in an  
3 emergency. School buses can be used but most  
4 don't have lifts. They have very limited  
5 wheelchair seating and they operate on fixed  
6 routes that are not going to meet the needs of  
7 people with disabilities. Paratransit is  
8 requested by institutions that house people with  
9 disabilities and seniors to help with evacuation  
10 and therefore there's competition between people  
11 in group homes and institutions and adult  
12 facilities and people who are living in the  
13 community for that scarce resource. And in  
14 Hurricane Sandy as it approached paratransit  
15 closed its operation to community dwelling people  
16 with disabilities within hours of announcement of  
17 evacuation. While other transportation for people  
18 without disabilities was maintained. Taxis then  
19 are the only transportation option left for people  
20 who use wheelchairs and other mobility devices but  
21 only 2% of the taxi system is accessible. As a  
22 race for people with disabilities in an emergency  
23 it is virtually non-existent. Given the urgency  
24 of mass evacuation needs on the heels of Sandy,  
25 the Boston Marathon, I could go on and on. It is

1  
2 urgent. It is a matter of life and death that we  
3 address this inequity in transportation access.  
4 We are thrilled that this bill would advance  
5 inclusion by requiring assisted technology braille  
6 and large print and floor space for service  
7 animals. We think that's and importance advance  
8 and we very grateful to you Mr. Chairman for  
9 agreeing to sign on to this critical civil rights  
10 legislation. It is imperative that we right the  
11 wrongs of denial of transportation access. People  
12 in the disability community are sick and tired of  
13 being sick and tired. Thank you.

14 CHAIRPERSON VACCA: And you raise a  
15 very good point about the Hurricane Sandy.

16 SUSAN DORAN: Thank you.

17 CHAIRPERSON VACCA: I remember at  
18 the time what many disabled people went through.  
19 That was not brought up by any of the other  
20 testimony. So thank you.

21 SUSAN DORAN: Thank you very much,  
22 Mr. Chairman. And I'm deeply grateful for your  
23 support of this legislation. Thank you.

24 CHAIRPERSON VACCA: Yes, sir.

25 SETH WEINBERG: My name is Seth

1  
2 Weinberg. I served for approximately 2.5 years as  
3 the General Counsel of the Vehicle Production  
4 Group. The manufacturer of the NV1 that has been  
5 discussed periodically throughout the day. I've  
6 also lived in New York City my entire adult life.  
7 There are a number of points I had wanted to make  
8 with regard to the civil rights issues presented  
9 here and with regard to the need for equality. I  
10 think they have all been made very well by  
11 previous speakers and therefore I am going to look  
12 to use the limited time I have to try to address  
13 some of the issues that have been raised today and  
14 perhaps have not otherwise been addressed by  
15 somebody who comes from the manufacturer side of  
16 the equation. VPG is an American automobile  
17 company that engineered and domestically  
18 manufactured the NV1 which as most people here  
19 today already know is a wheelchair accessible  
20 vehicle designed from the ground up for wheelchair  
21 accessibility and to withstand the rigors of an  
22 urban tai duty cycle. It has a commercial  
23 driver's seat, body on frame construction and an  
24 OEM factory installed, ADA compliant side entry  
25 ramp as standard equipment. It also had an

1 optional native compressed natural gas or CNG  
2 power train as an alternate fuel system that can  
3 and does co0exist with the integrated ramp. It's  
4 proudly assembled in the United States and is  
5 fully compliant with all requirements of the  
6 federal transit administration by America program.  
7 It was raised by Chairman Yassky before as a  
8 testimony as to why wheelchair vehicles don't  
9 necessarily work in his view, that only two of  
10 them were put into service as taxicabs. And he  
11 cited a \$10,000 price differential. The same time  
12 he also mentioned there was a \$14,000 potential  
13 price increase with regard to conversion of the  
14 NV200. What I would suggest here is that this is  
15 why this legislation is so important. Is because  
16 there are some decisions that need to be made by  
17 the governing body. And if you tell the industry  
18 what requirements you have they will build it in.  
19 Seatbelts, the ramp costs money so the seatbelts  
20 or the turn signals so do latch systems for child  
21 seats but we require all of those in vehicles. We  
22 should require this when it's being used for a  
23 taxi application. We should make sure there is a  
24 wheelchair accessible system in the vehicles as  
25

1  
2 well. And at that point you are comparing apples  
3 to apples on price. And it changes the price  
4 dynamics. As has been mentioned, yes, it  
5 increases the cost of the vehicle. As Council  
6 member Koppell has pointed out not by that much.  
7 But the fact is, it's there because it's worth it  
8 and because it's necessary and it has to happen.  
9 As a manufacturer's representative I would say  
10 that if you leave the market open in spite or  
11 instead of the Taxi of Tomorrow program you give  
12 the manufacturers the guidance as to what the city  
13 wants and expects in terms of a vehicle be it  
14 wheelchair accessible, fuel efficiency, etc. we  
15 will make sure that that happens. It will be the  
16 goal of every manufacturer to produce a vehicle  
17 suitable for use as a taxi in New York City that  
18 answers the needs of New York City and all of its  
19 people. We look forward to having that  
20 opportunity in the future and we thank the  
21 committee for taking that valuable step today.

22 CHAIRPERSON VACCA: And you know,  
23 thank you. And you know, I have to say too, many  
24 of us did tell the Taxi and Limousine Commission  
25 when this first Taxi of Tomorrow thing came up.

1  
2 We told them that it was not accessible. We told  
3 them that that was an issue with the Council. And  
4 I said that, I know Council member Koppell was  
5 very vocal. WE asked them to you know come to the  
6 table on that. And to assess that. And then they  
7 go to a certain point and then we are here today.  
8 So, I know there were questions raised on both  
9 sides but this Taxi of Tomorrow has been  
10 controversial from the very onset and I wanted you  
11 to know that.

12                   SETH WEINBERG: And we are aware of  
13 that and we have participated in the discussions  
14 with regards to it. Our thinking has evolved to  
15 the point when we look at it and we agree with  
16 those earlier who came in and said let the market  
17 be open and we're prepared to do that. We just  
18 want it to be on equal footing as we supplied a  
19 wheelchair accessible vehicle, we believe that all  
20 of the vehicles should also be wheelchair  
21 accessible not because it's fair in the market but  
22 because it's the right thing to do. And once it's  
23 the right thing to do such as the same way you  
24 would look at it as a safety concern we believe  
25 very firmly that we have a great vehicle. And

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it's price competitive.

CHAIRPERSON VACCA: I will tell you that that in assessing the whole discussion today that we've had, one thing that does not persuade me is that very few people will uses the disabled accessible cab. To me it could be very few people. That's not the issue with me. The issue is those people may be few in numbers but have a right as well. So that's one argument that does not persuade me.

SETH WEINBERG: Airbags may save very few lives but they are still worth having in the car.

CHAIRPERSON VACCA: When I picked my district office, when I won the City Council in 2006, I looked at many offices. Now I wanted to have an office that was totally accessible. I did not have to because I found out there was a ruling that 250 Broadway is accessible so a district office legally does not have to be accessible because people can come to 250. But I tell you who in my community is going to come to 250 to see me about food stamps or about a Metro card or whatever it is. So I looked for an office that

1  
2 had a ramp, first floor, handicap accessible. Do  
3 many people use the ramp? No. But it's there for  
4 those who want to avail themselves of it. Who  
5 feel that they need to. So that was the criteria  
6 that I used. Mr. Moacly, why don't you go next.  
7 Harry?

8 HARRY MOACLY: Good afternoon,  
9 Council members and Councilman Vacca I just want  
10 to let you know that there are two in the Kingsman  
11 section of the Bronx, I'm a veteran, proud veteran  
12 and I use the Bronx Veterans Affairs hospital and  
13 I've seen two Carmel, which is right on Kings  
14 Bridge Road, I don't know if that's your district  
15 but they are NVIs and they are accessible. Yes.  
16 I just like to make two points and I did provide  
17 written testimony. And one is kind of close to my  
18 heart. The Taxis for All Campaign has actually  
19 been in operation for 17 years so we veg you  
20 please pass this bill out of this committee. We  
21 have, this has been a long fight, a long struggle,  
22 it's not going to be over but it's time to get  
23 this bill passed and we urge you to do that. I  
24 also wanted there to be a voice of veterans. I'm  
25 a proud veteran, of veterans with disabilities and



1  
2 I have to tell you that I've done my research,  
3 it's just criminal the percentage of veterans from  
4 the Iraq and Afghanistan wars. We could have over  
5 1.2 million seriously disabled veterans from these  
6 two wars since 2001, the Post 9/11 wars and  
7 terrible injuries. So, you know, certainly  
8 accessible taxis I think it's a no brainer  
9 anymore. I think we really, the time is come that  
10 we get this bill passed. But you know it's going  
11 to help both men and women veterans. There's a  
12 lot of disabled women veterans now too from these  
13 wars that we've been involved in. And I just want  
14 to ask you to keep that in mind when you're  
15 deliberating this bill. Thank you very much.

16 CHAIRPERSON VACCA: Thank you for  
17 your advocacy for years. Ms. Would you want to  
18 introduce yourself first, please?

19 RONNY RAYMOND: My name is Ronny  
20 Raymond. And I am a citizen advocate for people  
21 with disabilities. I would like to applaud  
22 Council member Koppell for bringing Intro 433a. I  
23 think I'm going to disregard my testimony but I  
24 pre-prepared. I thin one thing that 433a does  
25 that none of us had recognized yet is that it

1  
2 makes the need for accessible medallions  
3 irrelevant. If every single taxi is going to  
4 become wheelchair accessible. So if for example  
5 we take these 2,000 additional medallions that  
6 Commissioner Yassky was talking about and if I  
7 understood him correctly the sale price of an  
8 accessible medallion, I think he implied is about  
9 \$800,000 as compared to possibly 1.2 million. So  
10 if instead of selling those 2,000 for the  
11 discounted you sell them for the current price,  
12 the difference would be \$400,000 per medallion  
13 times 2,000. Does that really equal \$800 million?  
14 If you divide that by \$14,000 difference per  
15 vehicle. How many vehicles could you fund with  
16 that fund from those 2,000 medallion sales. I  
17 think it would be about 57,000 vehicles. That  
18 could go a long way. And if every medallion that  
19 sold in the future, you would take some percentage  
20 of that sale. Whatever the percentage would be.  
21 It could probably help fund these vehicles. It's  
22 just an idea.

23 CHAIRPERSON VACCA: Thank you. We  
24 appreciate the idea. You are better at arithmetic  
25 but I tell you, you are doing a good job.

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2                   RONNY RAYMOND: I didn't even bring  
3 my calculator.

4                   CHAIRPERSON VACCA: Okay, would the  
5 next speaker be prepared? Can you speak into the  
6 microphone, please? Thank you. Introduce  
7 yourself, first.

8                   PAULA WOLFE: My name is Paula  
9 Wolfe. I am a Direct Service Supervisor for the  
10 Center for Independence for the Disabled. I am  
11 also recording secretary and past President of  
12 Disabled in Action and as you can see I'm  
13 obviously a wheelchair user. And basically a lot  
14 of what I have written in my testimony has already  
15 been said. Basically I just wanted to say that we  
16 all know that any of us who uses access-a-ride,  
17 although I depend on it, the service although  
18 essential is difficult to use and not very  
19 reliable. Luckily, I have an employer who  
20 recognizes that and is understanding. But I do  
21 need to get all around the city both for my job.  
22 I have a busy life both as a disability activist  
23 and for my own personal needs. We all have times  
24 when we have to get someplace unexpectedly. I've  
25 gotten sick at work and have to get home. I've

1  
2 had to go to doctors appointments on short notice,  
3 had family emergencies, family came in from out of  
4 time and they were going to go around the city,  
5 they were going around the city and I couldn't  
6 accompany them because they were going around the  
7 city in cabs and they were stopping at one tourist  
8 site and then going to another, going to another,  
9 I couldn't accompany them. We all need to have  
10 wheelchair access taxis as one of our means of  
11 transit. We need it for every day lives and of  
12 course we need it for emergencies and I urge  
13 passage of this bill. Thank you.

14 CHAIRPERSON VACCA: Thank you. We  
15 have one more speaker. Please introduce yourself.

16 JULIE MAURY: Thank you. Hi, my  
17 name is Julie Maury and I am a graduate student of  
18 social work at Turo College and I also represent  
19 ADAPT which is a nation organization for advocacy  
20 all around the fifty states. A lot of what I was  
21 going to say has already been said as well. I do  
22 want to say that a woman named Christine Dasano  
23 Bruno was here and she was going to testify but  
24 she had to leave due to transportation issues so I  
25 am going to speak a little bit on her behalf. She

1  
2 is a scooter user and she is a professional in New  
3 York City. She did call a taxi, an accessible  
4 taxi last night to appear here at the hearing.  
5 When they arrived it was too small of a taxi even  
6 though it was wheelchair accessible to accommodate  
7 here scooter. She then was told she had to wait  
8 not 5 minutes to 15 minutes or 18 minutes as has  
9 been suggested here today but 30 minutes. And so  
10 she waited and the accessible taxi came and she  
11 was able to come here. I also live on the Upper  
12 East Side where the Second Avenue subway is being  
13 built but it's not finished and I don't have  
14 accessible taxi subway near me so today I was  
15 waiting for the bus and it was not coming on time  
16 and I watched in front of me as a man just picked  
17 his hand up and was able to hop into a taxi and I  
18 waited and waited and I wanted to come to the  
19 press conference and I couldn't come because the  
20 bus was late and I didn't have the right like he  
21 had to just hop into a taxi so that was a  
22 difficult thing. I also, a year ago I was in an  
23 accident in the street through no fault of my own  
24 and I needed to go to the ER. When the ambulance  
25 came they were ready to pick me up out of my chair

1  
2 and tell me to leave my chair on the street and  
3 throw me, you know put me in the ambulance because  
4 there was no other way for me to get to the ER  
5 with my chair. My chair is a power chair. It's  
6 very heavy. I obviously told them I am not  
7 leaving my chair in the street and with injuries I  
8 had to take myself to the ER. It was very  
9 dangerous. I was scared. If there was accessible  
10 taxis 100% I wouldn't have had to go through that  
11 and also there are people with families in this  
12 city who are all wheelchair users and they deserve  
13 transportation. Access-a-ride is called Stress-a-  
14 ride for a reason. It's not well managed. I  
15 tried to avoid it if I can. I am a resident of  
16 this city and I want to use accessible taxis. I  
17 should be able to use them and that's it, that's  
18 my closing and I really hope you pass this bill  
19 because it's the right thing to do. It will give  
20 people more access to work and have them be free  
21 and not be humiliated because they cannot access a  
22 civil right that everyone else is able to access.  
23 Thank you.

24 CHAIRPERSON VACCA: Thank you.

25 Your stories were very effective.

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JULIE MAURY: Thank you.

CHAIRPERSON VACCA: Well said.

Councilman Koppell.

COUNCIL MEMBER KOPPELL: I want to thank everybody for coming today. I want to pay tribute to Terry Moacly who has been an advocate on this for decades and he deserves a great deal of credit.

CHAIRPERSON VACCA: Thank you. I want to thank you all and I want to thank Councilman Koppell. I thank the staff we have, my attorney Lyle Frank, Jonathon Maserano Stefano, Analyst, Cafasalov, Staff Analyst and I thank all of you, so.

COUNCIL MEMBER KOPPELL: I just want to say I thought it was an excellent hearing.

CHAIRPERSON VACCA: Yes, I did too.

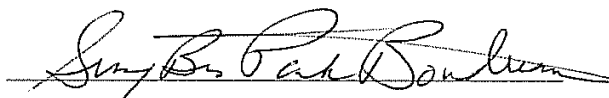
COUNCIL MEMBER KOPPELL: And we heard every point of view and well done.

CHAIRPERSON VACCA: Thank you Council member Koppell. It is now 5 after 5 and without further speakers, this hearing is hereby adjourned.

C E R T I F I C A T E

I, Sung Bin Park 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.

Signature



Date \_\_\_May 5, 2013\_\_\_