

**Comments
of the
Access-A-Ride Reform Group (AARRG!)
on the
Proposed NYC Taxi and Limousine Commission
For-Hire Vehicle Accessibility Rule**



BCID
Brooklyn Center for Independence
of the Disabled



The Access-A-Ride Reform Group (AARRG!) is grateful for the opportunity to present testimony to the Taxi and Limousine Commission (TLC) regarding the TLC's proposed For-Hire Vehicle (FHV) Rule.

As you may know, AARRG! was established in December 2016 to enhance the advocacy work of its four member organizations -- Brooklyn Center for Independence of the Disabled (BCID), the Center for Independence of the Disabled, New York (CIDNY), Mobilization for Justice (MFJ -- formerly MFY Legal Services) and New York Lawyers for the Public Interest (NYLPI), all which have been active for years in ensuring the accessibility of New York City for its thousands of residents and visitors with disabilities. AARRG! counts numerous advocacy organizations and individual advocates as staunch supporters of our work, including the leading transportation advocates, United Spinal Association and the New York Public Interest Research Group Straphanger Campaign.

AARRG! strongly supports the TLC's proposed rule, which is the necessary first step to protecting the civil rights of persons with disabilities who reside in, and visit, New York City. While federal, state, and local non-discrimination laws clearly mandate that government services be accessible to persons with disabilities, most of New York's mass transit remains wholly inaccessible to many persons with disabilities and to most persons with mobility impairments. This must be remedied immediately. As the TLC regulations have long mandated, persons with disabilities must be afforded "equivalent service" to the service riders who do not have disabilities receive, including equivalent response times, equivalent ride availability, and equivalent reservation opportunities such as "on-demand" service.

In order to ensure that the civil rights of persons with disabilities are not violated, the TLC rules should mandate 100% ride accessibility. With anything less, persons with disabilities -- unlike persons who do not have disabilities -- face the possibility of not receiving FHV service. And while working toward 100% ride accessibility, the TLC should start with a more robust mandate that is far greater than the proposed 25 %, and achieved in far fewer than the proposed four years.

In addition, we urge the TLC to add a provision to the FHV rule which would mandate a review of the mandated percentage once it is achieved, so that a determination can be made if the percentage is in fact meeting demand, and if not, will be increased.

We also urge the TLC to increase fines for violations of the proposed regulations, given past experience with vehicle owners preferring to pay similar fines than to provide accessible rides.

AARRG! is concerned that allowing base owners to dispatch vehicles that are not affiliated with their bases, while still receiving "credit" toward the mandated accessible ride percentage, will greatly reduce the number of accessible vehicles, and therefore rides, available. In addition, if base owners can pass their responsibilities off onto others while

still receiving credit for complying with the accessibility mandate, are they also passing off their liability for such rides? In other words, if Base Owner A arranges for Base Owner B to pick up an individual who uses a wheelchair, and the ride fails for any reason, will Base Owner A still be held responsible for the ride?

Most critically, the TLC must flesh out the statement in the “preamble” to the proposed rules that the TLC will “publicly review and report on actual response times.” We urge the TLC to specify in the rules themselves how it will in fact review and report on response times, number of trips, and number of trips made in accessible vehicles.

The TLC must put in place a scheme similar to the one in place for the yellow taxis, of incentivizing the FHV industry, including the industry’s often financially struggling drivers, to provide accessible services. Relatedly, AARRG! proposes balancing the equities among the industries by ensuring that FHV’s pay their fair share to fund mass transit and paratransit for all New Yorkers. Currently, yellow and green cab fares include a \$.50 surcharge that funds the MTA - including Access-A-Ride - while the FHV’s do not have to pay this levy.

Finally, we turn to the last-minute proposal offered by the alliance of FHV owners. With a 15-minute “average” wait – which could mean 30, 45 or no ride at all for some riders – it doesn’t come close to the promise the equivalent service already required by the TLC, We urge you to reject the proposal in full as being nothing more than separate and hugely unequal.

History has shown that similar industry fears of being bankrupted by equal access mandates have not even come close to being realized. Taxicab owners and drivers in the not-too-distant past opposed an accessibility mandate as one which would be onerous and financially ruinous. Yet today, they support our advocacy, having realized that the disability community was not a threat, but in fact, another source of dependable income.

AARRG! thanks the TLC for its strong support of the disability community, and implores the TLC to adopt the proposed FHV accessibility requirements, with the amendments offered herein.

September 28, 2017