



State of New York
Department of Transportation
Albany, N.Y. 12232
www.dot.ny.gov

Joan McDonald
Commissioner

Andrew M. Cuomo
Governor

August 11, 2014

Meera Joshi
Commissioner
New York City Taxi & Limousine Commission
33 Beaver Street
22nd Floor
New York, NY 10004
tlccommissioner@tlc.nyc.gov

Dear Commissioner Joshi:

A handwritten signature in blue ink that reads "Meera".

Thank you for the submission of the New York City Taxi and Limousine Commission's ("TLC") Disabled Accessibility Plan ("DAP") as required by Chapter 602 of the Laws of 2011, as amended by Chapter 9 of the Laws of 2012 ("The HAIL Law"), for review by the New York State Department of Transportation ("DOT"). Thank you also for meeting with us on July 2, 2014, to review and discuss the DAP.

DOT has reviewed the DAP and also consulted with its state government partners at agencies that serve communities of people with disabilities, including the New York State Department of Health, the Office for People with Developmental Disabilities, the Office for Aging, Division of Veterans Affairs, and Office of Temporary and Disability Assistance to obtain their comments and insights on the DAP.

General Requirements for the DAP

Section 10 of the HAIL Law requires that "[n]ot later than one year after the initial issuance of HAIL vehicle licenses, the TLC shall prepare and submit to the New York state department of transportation a comprehensive plan (the "disabled accessibility plan"), for "meaningful accessibility over a period of years for individuals with disabilities to all taxicabs, for-hire vehicles and HAIL vehicles through gradual phase-in of accessible vehicles to the taxicab or for-hire vehicle and HAIL vehicle transport system," for DOT's approval. The first Boro Taxi Permit (TLC's term for HAIL vehicle license) was issued on June 12, 2013, and TLC accordingly submitted the DAP to DOT on June 11, 2014. The DAP sets a goal of making at least 50%, and as much as 58%, of the City's yellow taxi fleet accessible to wheelchair users by the year 2020 and 33% of the Boro Taxi fleet accessible by 2024, achieving 50% accessibility thereafter. In addition, the DAP describes plans to continue TLC's yellow taxi accessible dispatch service to create a centralized Boro Taxi accessible dispatch service and to monitor availability of taxis in order to improve service distribution. DOT accepts these proposals as compliant with the provisions of the HAIL Law.

Addressing and Monitoring City-Wide Availability of Service

Under Section 10 of the HAIL Law, the DAP also must include provisions for “mak[ing] accessible vehicles available based on need within geographic areas of the city of New York . . . [and] . . . provide[] the method to be used by the TLC to calculate such need and monitor availability.” It “may include alternate means of increasing marketability and adequacy of incentives to purchase accessible licenses so that accessibility requirements can be achieved.” DOT has determined that the relevant provisions of the DAP, as described below, meet the law’s demands.

In the DAP, TLC has described a monitoring program that will take into account street hail trip start and end points for all yellow and Boro taxis as well as passenger wait times and trip volume for the dispatch services in order to track taxi service in the City with a focus on geographic area served. Based on the data gathered, TLC would evaluate and implement policies for remedying service shortfalls. The DAP also proposes an Accessibility Advisory Committee, consisting of representatives of the Mayor’s Office for People with Disabilities (“MOPD”), disability advocates, taxi industry stakeholders and dispatch service operating companies that will meet twice a year to advise TLC on accessibility issues not readily apparent in quantitative data. DOT finds that this approach satisfies the law’s requirements.

TLC has implemented six initiatives for increasing marketability and adequacy of incentives to purchase accessible permits and medallions: (1) the Accessible Boro Taxi grant program and special lower prices for first issuance Boro Taxi permits as provided for in the HAIL Law, (2) the sale of accessible yellow taxi medallions as permitted by the HAIL Law, (3) the Taxicab Improvement Fund to support accessibility, (4) the Street Hail Livery Improvement Fund to support accessibility, (5) exploring incorporation of accessible yellow and Boro taxi fleets into the Access-A-Ride program and (6) investigating new funding sources and advising TLC-regulated industries of available tax credits.

Setting the Percentage of Boro Taxi Permits Restricted to Accessible Vehicles in Future Issuances

Pursuant to the HAIL Law, the City may issue up to 18,000 Boro Taxi Permits in total over three “issuances” of up to 6,000 permits each. TLC has issued the first 6,000, 20% of which were restricted to accessible vehicles as required by law. Either the DAP must recommend a different percentage of the Boro Taxi Permits sold in the second and third issuances to be restricted to accessible vehicles, or the percentage applicable to the first issuance will remain in effect. The DAP states that in the second issuance, initially, 20% of the permits will be restricted to accessible vehicles and, by 2024, 45% of those permits will be restricted to accessible vehicles, with accessibility requirements going into effect for groups of 500 permits upon their first, second, or third renewal (permits must be renewed every three years). If the City offers a third tranche of 6,000 Boro Taxi Permits, the first 4,200 sold will be for accessible vehicles and the remainder will be sold with restrictions such that the overall Boro Taxi fleet maintains 50% accessibility. DOT has concluded that these provisions satisfy statutory requirements with respect to establishing the percentage of Boro Taxi Permits to be restricted to accessible vehicles.

Mandatory Consultation with Advocates and Stakeholders, Submission of DAP to City Council

Also under the HAIL Law, the TLC was required to consult and cooperate with disability rights advocates and other stakeholders in developing the DAP. Based upon the information provided in the DAP and DOT’s subsequent communication with TLC and advocacy groups, DOT has confirmed that the plan was prepared in accordance with these requirements. TLC consulted MOPD, formal representatives of the community of advocates for people with disabilities and City residents who are wheelchair users.

TLC was also required to submit the DAP to the City Council for comments and to consider the City Council’s comments before delivering the DAP to DOT. TLC submitted the DAP to the City Council on June 4, 2014. The City Council did not provide formal comments on the draft.

Recommendations or Amendments to the DAP

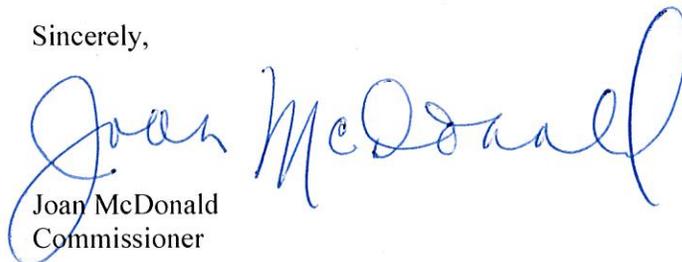
The HAIL Law provides that DOT “may recommend changes or amendments to the TLC as a condition of its approval [of the DAP].” Although DOT is not recommending amendments to the DAP, there are certain issues related to accessibility of taxis and livery vehicles that the agency has found to be worth noting here. They are as follows:

1. The DAP sets a goal of 50% accessibility for the Boro Taxis. However, this goal cannot be met following the provisions of the DAP if the third tranche of Boro Taxi permits is never issued. Therefore, DOT recommends an alternative plan for 50% accessibility of the Boro Taxi fleet should TLC determine not to issue the full 18,000 permits provided for by the HAIL Law. Having conferred with TLC on this matter, DOT understands that permits in the second issuance not restricted to accessible vehicles will be issued with the condition that they may be converted to accessible-only permits in the future. These permit conversions would be in addition to the groups of 500 that would be converted at renewal as described above. DOT urges TLC to maintain flexibility in its planning such that 50% accessibility for the Boro Taxi fleet can be achieved regardless of the total number of permits issued.
2. DOT supports and urges development of TLC’s proposal to study the potential for use of a growing fleet of accessible vehicles in other programs that provide transportation to people with disabilities. At the June 2nd meeting between DOT and TLC, parties briefly discussed the options that may exist for using the expanding fleet of accessible vehicles to support Access-A-Ride and other accessible transportation services. This discussion is reflected in the set of initiatives listed in Section II(C) of the DAP. DOT would like to continue these discussions in the coming months.
3. DOT urges TLC to integrate accessibility into any rules, programs and policies it may adopt for regulating transportation network companies (“TNCs”), also known as “ride share” companies or “dispatch apps,” (for example Uber and Lyft). The recent growth of TNCs is not directly addressed by the HAIL Law or the DAP, but these developments in the taxi and livery industry may lead to new regulatory measures and the need to enforce current regulations in new contexts. DOT notes that in just the last two weeks, TLC has sent a letter to Uber requesting details of the company’s compliance with Section 57B-17(c) of the TLC Rules, which requires all for hire vehicle bases to provide equivalent service to persons with disabilities.

Approval

Based upon the foregoing, the Department hereby approves the disabled accessibility plan submitted by TLC on June 11, 2014, pursuant to the HAIL Law.

Sincerely,



Joan McDonald
Commissioner