



The Association of the Bar of the City of New York

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Committee on Legal Issues Affecting People with Disabilities
February 2005

REPORT URGING LEGISLATION TO REQUIRE TAXICAB ACCESSIBILITY IN NEW YORK CITY

The Association of the Bar of the City of New York (the “Association”), and its Committee on Legal Issues Affecting People with Disabilities (the “Disabilities Committee”) submit this report on legislation regarding efforts to make New York City’s taxicabs accessible to all, including wheelchair users. The Association and the Disabilities Committee support legislation that will both improve taxicab accessibility for people with disabilities in the near term, and eventually result in a completely accessible taxicab fleet that provides full and equal access to transportation services to people with and without disabilities alike.

Background

Presently, only 30 out of 12,787 yellow taxicabs are accessible to the approximately 60,000 wheelchair users who reside in the City of New York.¹ As a result, wheelchair users are denied a basic service available to all other New Yorkers: the ability to secure immediate, door-to-door transportation from a curbside at any hour of the day. In a city where success is measured in “New York minutes,” this denial places wheelchair users at a severe disadvantage. Unable to hail yellow taxicabs, wheelchair users must resort to far less flexible options: public buses, which travel fixed routes with multiple stops; paratransit vans (Access-a-Ride), which must be ordered a day in advance and do not guarantee either direct or on-time service²; and subways, which still are largely inaccessible. In addition, this denial serves to isolate wheelchair users from the rest of the community, leaving them dependent in a way that others are not.

In 2004, New York City approved the auctioning of 900 new medallions for yellow city taxicabs. Prior to auctioning the first 300 medallions, the New York City Council (Council) passed a law requiring that 9% of the medallions auctioned be made available to taxicabs that are wheelchair accessible.³ In April of 2004 the City auctioned 300 medallions and collected approximately \$97 million with 600 medallions remaining for auction.⁴ Not one of the 300 medallions auctioned was designated for a wheelchair-accessible taxi. In October of 2004 the TLC auctioned bids for 300 medallions with 27 of them reserved solely for wheelchair-accessible taxis. The City plans to auction the remaining medallions during the next fiscal year. It remains unclear as to whether any of those medallions will be reserved for wheelchair-accessible taxicabs.

Despite this miniscule movement toward improving accessibility in the taxicab industry, New York City remains severely behind other cities around this country and throughout the world in providing taxicab service that is accessible to wheelchair users. While cities such as London (100% - accessible - taxicab fleet), Chicago, San Francisco and Boston all provide wheelchair-accessible-taxicab service to its residents and visitors with disabilities, wheelchair users in New York City are left with virtually no chance of hailing an accessible taxi.⁵

Legislation

The Association and its Disabilities Committee encourage the Council to pass legislation that would require New York City's taxicab fleet to be incrementally converted so as to eventually consist entirely of vehicles that are readily accessible to and usable by everyone regardless of whether they use a wheelchair. Such legislation would meet a pressing public need, remove a condition with a discriminatory impact, and also benefit able-bodied residents and visitors who travel with strollers, bicycles and other over-sized items.

Issues

The objections to providing wheelchair accessible taxicab service are primarily raised by the taxicab fleet owners. These objections include: the cost of modifying a vehicle to permit for wheelchair accessibility; the cost of insuring modified vehicles; and the durability of modified vehicles. This report will address each of these issues in turn.

1. Cost

Taxicab fleet owners have asserted that the cost of making their vehicles accessible makes it prohibitive to make these modifications. Presently, the Ford Crown Victoria is the most commonly purchased vehicle by taxicab fleet owners at a cost of approximately \$23,500.00 per taxicab.⁶ According to a study done by the Taxis for All Campaign⁷, three major taxicab manufacturers were contacted to inquire of the cost of providing vehicles that were modified to provide access to wheelchair users.⁸ Chevrolet Venture, which provides a ramped side entry, costs \$29,000.00. However, the cost is reduced to \$27,500.00 when purchased in bulk. In addition, it is Chevrolet's policy to provide purchasers a \$1,000.00 rebate per accessible vehicle. This rebate is extended to purchasers of commercial vehicles. Utilizing a bulk purchase order and the rebate would bring the cost of an accessible taxicab to \$26,500.00, or approximately \$3,000.00 more than a non-accessible vehicle.

The Campaign also made inquiries to Dodge Caravan and Ford Freestar manufacturers. These manufacturers provide an accessible vehicle with rear- and side-entry-ramped entrances. The approximate cost of a Dodge Caravan, or Ford Freestar purchased in bulk was approximately \$26,500.00. Dodge Caravan and Ford Freestar also provide purchasers a \$1,000.00 rebate per accessible vehicle resulting in an approximate cost of \$25,500.00 per accessible vehicle. Thus, the difference realized between the accessible

Ford and Dodge vehicles and the \$23,500.00 paid per non-accessible taxicab vehicle would be \$2,000.00. While these amounts are not necessarily insignificant on their own, they pale in comparison to the bids made by the taxicab owners ranging from \$341,000.00 to \$356,000.00 for the medallions auctioned in March of 2004.⁹

In addition, federal tax rules allow for a full deduction for conversion expenses up to \$15,000.00. Section 190 of the Internal Revenue Code provides a tax deduction for the purpose of making a public transportation vehicle for use with a trade or business more accessible or usable to a person with a disability.¹⁰ Taxicab owners can take advantage of this deduction to further diminish the cost of providing accessible taxicab service.

As noted above, New York City currently provides paratransit transportation (Access-A-Ride) to residents with disabilities who are eligible for this service. This program is considered an on-demand door-to-door service whereby a user telephones Access-A-Ride to schedule a pick-up and return time. In 2003 it cost the city of New York an average of \$56.00 per ride to provide this service.¹¹ Access-A-Ride currently handles 10,500 riders per day.¹² Providing more accessible taxicabs on the streets of New York City will result in a diminished reliance on the costly Access-A-Ride service by people with disabilities, and will result in significant savings for New York City. Indeed, Access-A-Ride currently utilizes the 3 accessible taxicabs and other private providers of accessible vehicles to handle the frequent overflow of prescheduled riders above the capacity of the Access-A-Ride van fleet.

Accessible taxicabs will also save the enormous costs of providing ambulette service to patients in wheelchairs who come and go from the City's hospitals and clinics. Those ambulettes are used not only by full-time wheelchair users, but also by able-bodied individuals who use wheelchairs following medical procedures or hospitalizations. Accessible taxicabs would virtually eliminate that use of private ambulettes, which cost hundreds of dollars per ride, usually billed to Medicare, Medicaid or private insurance.

Lastly, while the New York City Taxi and Limousine Commission (TLC) has also raised cost as an issue regarding accessible taxicab service, it should be noted that the TLC recently adopted a new rule regarding the implementation of technological enhancements in all New York City taxicabs by November 2005. The technological enhancements approved by the TLC Board of Commissioners include: vehicle location and tracking technology; text messaging capability; credit/debit card payment capability; and an interactive passenger information monitor including a passenger map.¹³ According to a study done by Shaller Consulting, the total cost is estimated to be between \$1.15 and \$2.00 per transaction, or 7-10 percent of the fare and tip for these trips. Costs are estimated at \$1,000.00 to \$3,400.00 per taxicab annually.¹⁴ It thus appears that, while cost is not an issue when it comes to vehicle tracking technology and interactive information monitors, it becomes one when considering the ability to meet a basic need for wheelchair accessible transportation.

2. Insurance

Taxicab owners have also insisted that their rates will increase significantly to insure wheelchair accessible vehicles and their drivers. However, according to a letter dated August 5, 2004 from the New York State Insurance Department (the “Department”), “insurance is no less available, and no more expensive for wheelchair accessible taxis, liveries, or black cars than for their non-accessible counterparts.”¹⁵ According to the letter, the Department made this determination after it contacted various insurers that currently cover wheelchair-accessible vehicles, or insure standard taxis and livery vehicles. According to the Department, each insurer stated that wheelchair-accessible vehicles should be rated and insured on the same basis as standard taxis or livery vehicles that are not wheelchair accessible. The Department further found that, “no insurer’s rate filing reflected any surcharge or other adjustment to its premium rates based on whether a vehicle is wheelchair accessible.”

Given the Department’s findings, it appears that the issue of insuring wheelchair-accessible taxis does not provide a reason to believe that cost would preclude adding wheelchair accessible taxis to the fleet.

3. Durability

The last significant objection raised by the taxicab industry involves the durability of accessible vehicles. The primary vehicles utilized by cities that provide wheelchair-accessible taxis are minivans. The minivans are designed to allow for a short ramp to provide rear or side entrance to the vehicle permitting a wheelchair user and others to easily access the cab. According to taxicab owners, accessible minivans are much less durable than the Ford Crown Victoria sedans currently used by the industry.¹⁶

The issue of durability remains unsettled. Cook Dupage Transportation of Chicago, Illinois reported that the 110 accessible minivans in its fleet of paratransit vehicles were kept on the road for four or more years and averaged about 220,000 miles before they were retired. Boston taxicab service regulators reported that converted accessible minivans lasted just as long, if not longer, than sedans.¹⁷ London has required every cab to be wheelchair accessible since 1989, and there have been no reports of significant breakdown within their taxicab system.

On the other side of the argument, a Chicago-taxicab-fleet owner reported that his fleet of minivans often were taken off the road after 125,000 miles due to maintenance issues.¹⁸

Although the durability issue has not been definitively settled to take account of all the variables such as vehicle manufacturer, road conditions, and weather conditions, the weight of existing evidence suggests that accessible vehicles need not be less durable. Regardless, durability alone should not be the reason that people with disabilities are excluded from transportation services that assist others in getting to and from work and home, and accessing goods and services around New York City. Similar arguments were

made prior to New York City's bus and subway system being made accessible, and to date accessible buses and subways continue to operate uninterrupted.

4. Conclusion

The taxicab industry has raised objections similar to those that were raised prior to the passage of the Americans with Disabilities Act in 1990. Employers objected to the increased costs for providing reasonable accommodations to people with disabilities. Owners of businesses and other places of public accommodation also protested that the cost of removing architectural barriers and modifying policies and procedures to provide people with disabilities access to their goods and services would create financial hardship that would ruin their businesses. Housing developers and construction companies objected to the cost of meeting accessible design standards for newly constructed residential buildings under the Federal Fair Housing Amendments Act. To date, employers have found ways to accommodate their employees with disabilities, and maintain a strong and productive workforce that includes people with and without disabilities. Business owners have realized that, by removing barriers and providing access to goods and services for people with disabilities, their patronage and bottom line have increased. Housing developers and construction companies have found an entire new industry for designers and contractors to provide housing that is accessible to people with disabilities.

Transportation is a major aspect for the success of any city, and New York City does provide people with disabilities access to bus services and to some subway services. As noted above, however, these services do not provide the immediate, flexible, and convenient service of on-street taxicabs. Individuals who do not use wheelchairs can choose taxicabs as a primary mode of transportation, as an alternative when buses or subways are delayed, as a means of reaching locales distant from bus and subway stops, and as a convenience in inclement weather. People who use wheelchairs cannot.

New York City should take immediate steps to remedy this condition and thereby improve access for individuals who use wheelchairs to employment, goods and services. New York City should also not lag behind other major national and international cities that provide wheelchair-accessible-taxicab service. As such, the Association of the Bar of the City of New York and its Committee on Legal Issues Affecting People with Disabilities urge the New York City Council to pass legislation that will expeditiously phase in full taxicab accessibility for New York City's residents and visitors, and that will thereby provide equal access to on-street transportation services to people with and without disabilities alike.

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Loren Gesinsky, Chair
Brian D. Bauman, Secretary

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- ¹ *New York Times*, “A Little Movement Toward More Taxis for Wheelchair” August 25, 2004.
- ² Access-a-Ride advises its users that, in the normal course, vans may arrive as much as one-half hour late. If a van is later than that, Access-a-Ride permits its users to use private taxicabs, at no cost to the users. Thus, wheelchair users who cannot wait for an Access-a-Ride van have no accessible remedy.
- ³ N.Y.C. Admin Code §19-532.
- ⁴ *New York Daily News*, “Taxi Access Blasted” May 4, 2004.
- ⁵ *New York Times*, “A Little Movement Toward More Taxis for Wheelchair” August 25, 2004.
- ⁶ *New York Times*, “A Little Movement Toward More Taxis for Wheelchair” August 25, 2004.
- ⁷ The Taxis for All Campaign is a coalition of disability rights advocates formed in 1996 to work with New York City to increase accessible wheelchair taxicab service.
- ⁸ Taxis for All Campaign, *Accessible Taxis are Affordable and Perform Well*, May 24, 2004.
- ⁹ Taxis for All Campaign, *Accessible Taxis and Car Services Fact Sheet*.
- ¹⁰ 26 U.S.C.S. §190.
- ¹¹ *New York Daily News*, “A Hell on Wheels for City’s Disabled” February 23, 2003.
- ¹² *New York Times*, “A Little Movement Toward More Taxis for Wheelchair” August 25, 2004.
- ¹³ Title 35, Chapter 3, Rules of the City of New York.
- ¹⁴ *Analysis of Proposed Rule for Credit Card/Debit Card Acceptance in NYC Taxicabs*, March 25, 2004.
- ¹⁵ Letter dated August 5, 2004 from Maurice Morgenstern, Assistant Bureau Chief, Property Bureau, State of New York Insurance Department, to Richard Brown, Esq., Attorney for Disabled In Action, Inc.
- ¹⁶ *New York Times*, “A Little Movement Toward More Taxis for Wheelchair” August 25, 2004.
- ¹⁷ Taxis for All Campaign, *Accessible Taxis are Affordable and Perform Well*, May 24, 2004
- ¹⁸ *New York Times*, “A Little Movement Toward More Taxis for Wheelchair” August 25, 2004.