



U.S. Representative • 9TH CD, New York • Brooklyn-Queens

ANTHONY D. WEINER

Report

CITY LIVERY CAR SERVICES PUT THE BRAKES ON WHEELCHAIR PASSENGERS

*Most New York City Livery Companies Don't Provide Wheelchair Accessible
Car Service*

**A Report Prepared By:
Representative Anthony D. Weiner**

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Executive Summary

If you've ever picked up a phone to call a cab, you've call a livery car service. Unlike yellow cabs, which can only be hailed, livery cars are the only taxi's you can call to have come pick you up. So whether you've called car to come pick you up at home to take you to the airport, or to pick you up from a restaurant to take you home, or anything in between, you've riden in a livery cab.

For many of us, calling a livery car is a convenience we take for granted. But for people in wheelchairs, livery cars can be a critical link to the rest of their world. Being in a wheelchair can limit an individuals ability to drive their own car, and may give rise to unique challenges in hailing down a cab, or navigating public transportation. That makes being able to call a cab to come and pick you up of particular utility for persons in wheelchairs.

The problem is that in many cases, it's just not that simple. That's the subject matter of this report.

Last week, Weiner staff obtained a list of every livery car service in the City New York City Taxi and Limousine Commission (TLC), and then spent two days calling them to find out what kind of service, if any, they provide to people in wheelchairs. Weiner staff was able to contact the vast majority of the City's livery services, reaching 415 companies, and what they found is that wheelchair bound passengers aren't getting the service they deserve, assuming they are being served at all. Among the findings:

- **132 Companies Refuse Wheelchair Passengers** – 132 out of 415 livery companies contacted said they would not pick up a passenger in a wheelchair. That's 32%, or

nearly a third.

- **Only 47 Companies Provide Vehicles Designed for Wheelchair Passengers --** Only 47 companies--11% of those surveyed--provide access to vehicles specially equipped to accommodate the needs of wheelchair passengers, like vans fitted with lifts and ramps and which have enough room for passengers to remain in their wheelchairs. That means that when calling 237 other livery companies, the only option wheelchair passengers have is to put their chair in the trunk of a car, which may be no option at all for those in electric or unfoldable chairs, or those who's health make it untenable.
- **Fares Are Up To 10 Times More Expensive --** 30 of the 47 companies that provide specially equipped rides charge wheelchair passengers more than able bodied passengers, for the very same trips. V & V Car & Limo, for example, charges \$20 to take passengers from Brooklyn to JFK, unless they're in a wheelchair, in which case passengers are referred to a service that costs \$250.
- **Some Companies Impose Service Restrictions on Wheelchair Passengers --** 6 of the 47 companies that provide specially equipped rides said that they weren't available when called. 3 companies required reservations, 2 said their van was not in working order, and 1 gave no explanation.
- **That Leaves Only 11 Companies That Are In Compliance with City Regs --** According to City regs on the books but not being enforced, livery companies are required to provide access to specially equipped vehicles with the same fare rate, response time, and availability as standard cabs. Only 11 companies fulfill these requirements.

That's not how it's supposed to be in New York City, and there's a regulation on the books to prove it. On November 16, 2000, the TLC promulgated a regulation requiring all cabs, including livery, to give wheelchair bound passengers access to specially equipped vans upon request, with the same fare structure, response time and availability as standard cabs.

But here's the catch: the TLC suspended enforcement of the regulation after 9/11, and has subsequently only enforced it in the black car industry (car service available primarily for corporate clients).

As this study shows, we need to do more to ensure that people in wheelchairs can enjoy the same simple convenience that other people do when it comes to calling a cab. To do otherwise would be to maintain an arbitrary and unfair roadblock in the path of thousands of our neighbors.

Methodology

To conduct the wheelchair cab study, staff in Rep. Weiner's Queens office obtained a list of all the livery cab companies in the TLC. The raw list contained 504 entries, but was reduced upon review by Weiner staff to 473, when accounting for duplicate entries.

On Monday May 19 and Tuesday May 20, Weiner staff used the list obtained from the TLC to call the 473 livery companies. During the course of the calls, staff were unable to contact 58 companies because of factors such as wrong numbers or no answers.

Upon successfully contacting the remaining 415, staff worked from a script, and asked the following:

- (1) I'm in a wheelchair. Do you have wheelchair accessible cabs?
- (2) If the answer was no: Even if you don't have a wheelchair accessible cab, can you still send a cab to come pick me up?
- (3) If the answer was no again, Weiner staff terminated the call.
- (4) If the answer to question 1 was yes: Do they cost more than regular cabs?
- (5) If no, the call was terminated. If the answer was yes: we gave a set departure point and destination and asked how much it cost in an accessible vehicle vs. a standard cab.

Weiner staff also noted any other special circumstances surrounding the reservation of a cab for wheelchair passengers, like delayed pick up time or the need for reservations.

Raw numbers contained in the study are based on the 415 contacts made. Percentages are extrapolations, based on the 415 contact sample set.

Legal Framework

There are three types of cab companies in New York City:

- Yellow Cabs - The kind you hail on the street. They are not radio dispatched.
- Black Cars - Primarily non-cash, with a corporate clientele. For example, if an employee of a corporation needs a car, he or she can call a black car company with which the corporation has an account, pay the driver with a voucher which is billed to the corporate account.
- Radio Dispatched Car Service - Livery car services, and the focus of this report. These cabs cannot be hailed; you must call the livery car base and have them dispatch a car.

In 2001, the Taxi and Limousine Commission (TLC) issued a regulation requiring all For-Hire Vehicles (FHV) to make wheelchair accessible vehicles available, upon request. The TLC regulation, For-Hire Vehicle Rule 6-07 (f), defines an "accessible vehicle" as "a vehicle capable of transporting individuals who use wheelchairs or other mobility aids, and that complies with the accessibility requirements of the Americans With Disabilities Act (ADA) of 1990, as amended, and the Regulations promulgated thereunder." According to the TLC Office of Legal Affairs, this provision of the regulation refers to sections 49 CFR 37.29 and 49 CFR 37.105 of the Americans with Disabilities Act, which specify the technical requirements of an accessible vehicles.

Under sections 49 CFR 37.29 and 49 CFR 37.105, wheelchair accessible vehicles must allow the passenger to ride in the car while sitting in the wheelchair. Among the technical specifications: the doors must be large enough for the passenger to enter without dismantling the wheelchair; there must be enough vertical clearance for the passenger to sit in his wheelchair without having to slouch to avoid the ceiling; the vehicle must be equipped with tie downs to prevent the wheelchair from moving during transit; and the vehicle must have a ramp or a lift which meet specified design requirements such as design load, ramp angle and size, and safety factor.

The For-Hire Vehicle Rule further requires that accessible vehicles available provide equivalent service to all passengers with disabilities in the following six areas:

- a. Response time to requests for service;
- b. Fares charged
- c. Hours and days of service and availability
- d. Ability to accept reservations
- e. Restrictions based upon trip purpose
- f. Other limitations on capacity or service availability

The regulation went into effect on October 31, 2001. However, after 9/11, the TLC suspended the *enforcement* of the regulation until further notice. The TLC began to enforce the regulation, for black cars only, on September 3, 2002, stating that "enforcement of the wheelchair accessible transportation requirements for the remaining segments of the FHV industry will commence at a later date to be announced by the Commission." No date has been yet announced.

The Americans with Disabilities Act (ADA), a Federal law, prohibits discrimination in the taxi industry against disabled persons, including those in wheelchairs. If a cab company provides a ride to a wheelchair passenger in a regular car, with the chair stashed in the trunk, the company is in compliance with the ADA. However, the ADA does require cab companies that purchase vans to make them wheelchair accessible. The TLC regulation goes a step beyond the ADA by requiring companies to purchase vans.

Findings: An Overview

Of the 415 companies contacted, 132 companies, or 31.81%, refused to pick up wheelchair bound passengers.

Of the 283 companies who would pick up wheelchair passengers, only 47 (11.33%) offered transportation that was generally wheelchair accessible. However, 30 of these charged more than the fare for a regular car to the same destination.

For the 30 that charged more, the average increase, based on requests for rides of equivalent distances in both regular taxis and accessible vans, was 191.41%. Some of the most egregious increases include a Brooklyn company that charged \$20 for a ride to JFK airport in a regular taxi, but \$250 in an accessible vehicle; a Flushing company that charged \$150 instead of \$22 to JFK, and two Bronx companies that charged \$80 instead of \$35 to LaGuardia Airport.

Of the 17 who did not charge a higher fare, three required a reservation with advance

notice to make the vehicle available, two reported that their car was being repaired and therefore unavailable, and one reported that the car was unavailable, but would not specify why.

In total, that leaves 11 companies out of the original 415 respondents (2.65%) who were able to offer a wheelchair accessible cab, as specified by the Americans With Disabilities Act, with equivalent service to regular cabs, as delineated by the list of 6 conditions in the TLC regulation.

The full findings of the Weiner wheelchair study are contained in the following appendix.

Appendix A:
Full Findings of the Weiner Study

(Note: findings are broken down by car service name, location, whether they provide wheelchair accessible vans, whether accessible vans cost more, how much more, and whether in the absence of vans the company would instead pick up in a car.)

Appendix B:
Findings By Borough

Congressman Anthony D. Weiner

Reports List