

Bronx Independent Living Services (BILS) • Brooklyn Center for Independence of the Disabled (BCID) • Center for Independence of the Disabled, NY (CIDNY) • Disabled In Action of Metropolitan New York (DIA) • Downstate New York ADAPT • Harlem Independent Living Center (HILC) • New York Lawyers for the Public Interest (NYLPI) • Riders Alliance • Staten Island Center for Independent Living (SICIL) • Tri-State Transportation Campaign • New York City Chapter, United Spinal Association

September 19, 2023

Mayor Eric Adams
City Hall
New York, NY 10007

David Do
Chair, New York City Taxi and Limousine Commission
33 Beaver Street
New York, NY 10004

Re: Comments on proposed rules for TLC's Green Rides Initiative

Dear Mayor Adams and Commissioner Do:

We write to demand that you amend your Green Rides Initiative proposal so that every for-hire vehicle in New York City is both electric and wheelchair-accessible by 2030. We also insist that you work to reach 100% accessibility in the medallion yellow-taxi fleets at the same time.

If you take this new approach, you have the potential to revolutionize the nature of the for-hire industry, not only in New York City but across the country, by making accessible, electric vehicles the norm. With more than 100,000 for-hire vehicles on city streets, the time is ripe for the City to assert its influence so that vehicle manufacturers have a strong incentive to produce accessible electric vehicles.

Our groups – disability, transportation and other civil rights organizations alike – applaud the proposal to move toward a zero-emission fleet. We all breathe, so cleaner air through the increased use of electric vehicles will benefit everyone. And cleaner air is of particular importance for the many disabled people who have conditions that are exacerbated by particulate pollution. Since for-hire vehicles make up a significant

portion of the city's traffic, with former DOT Commissioner Lou Riccio estimating that for-hire vehicles make up nearly 50% of midtown traffic alone (not including yellow taxis), a transition to electric vehicles has the potential to make a real difference in reducing pollution here.

But all our groups agree that the right to breathe clean air must not limit the civil rights of disabled people, who have fought hard for decades for more accessibility in the city's medallion and other for-hire services that the TLC regulates.

In its proposal, the TLC notes that the Green Rides Initiative "will not interfere with or change TLC's WAV requirements." But that is hardly reassuring, since the proposal will not increase the requirements and, in fact, makes it more likely that drivers will seek to put electric vehicles on the road rather than accessible, electric vehicles.

The TLC's recent record is weak on the accessibility front, in spite of advances made during the previous mayoral administration. While the TLC continues to highlight its commitment to accessibility, its actions sadly reflect a much different approach. For example:

- The TLC approved the licensing of as many as 1,000 electric Revel for-hire vehicles this year without any accessibility requirement whatsoever. Not one Revel vehicle already in service here is accessible.
- The TLC's legal commitment to a fleet of 50% wheelchair-accessible yellow taxis is seriously behind schedule, even with a more than reasonable extension agreed to in 2021 by the plaintiffs in Taxis For All Campaign v. TLC, settled in 2013. Currently, 32% of all medallion vehicles are accessible, while 42% of yellow taxis in revenue service are accessible. The original agreement called for 50% accessibility by 2020.
- The TLC has made no commitment to increase the number of accessible yellow taxis beyond the 50% requirement in the 10-year-old federal court agreement, or to increase the number of accessible FHV vehicles beyond the commitment made five years ago.

This proposal continues that lack of commitment in spite of the fact that more, not fewer, wheelchair-accessible vehicles are needed here, especially since the MTA's Access-A-Ride program is using FHVs for 70% of its rides and riders still encounter long waits for accessible FHV service.

We have several specific objections to this proposal:

- As we've noted, requiring FHV fleets to be all electric *or* all wheelchair accessible by 2030 sets up a false dichotomy between accessibility and cleaner air, needlessly pitting environmental goals and disability goals against each other. Instead, the TLC should pass rules that require a 100% accessible electric FHV fleet, which would have a significant influence on the trajectory of the availability of such vehicles in the U.S.
- The current proposal offers incentives to convert to electric vehicles but no incentives to make the fleet wheelchair accessible. This will make it likely that the number of wheelchair-accessible FHV's will remain stagnant, while the number of non-accessible FHV's will increase significantly. In addition, there is unlikely to be an increase in the number of FHV's that are *both* wheelchair accessible *and* electric under the current proposal.
- While the proposal would not invalidate the requirement that FHV's dispatch 25% of their trips in accessible vehicles or meet time requirements on dispatching WAVs (a standard FHV's currently do not meet consistently), it would not increase those requirements. We are concerned that the FHV industry may pressure the TLC to reduce the 25% mandate, since electric vehicles may cost less to operate than current models.
- The proposal also does not increase the percentage of wheelchair-accessible yellow taxis. While we understand that this proposal covers the FHV industry only, it is time for the TLC to explore innovative solutions, including using direct cash payments to medallion vehicle purchasers, to increase the number of accessible yellow cabs. The TLC also should pass new rules to increase the percentage of accessible yellow cabs significantly, with a goal of 100% accessibility.

The TLC must amend the Green Rides Initiative to require all fleets to be both wheelchair accessible AND electric, and renamed the Green and Accessible Rides Initiative.

While wheelchair-accessible electric vehicles are not on the market in the U.S., they are available [in the U.K. and other countries](#). Their lack of availability here cannot be a justification for violating the civil rights of disabled people to travel freely around town.

A revised rule would give FHV companies, drivers and the City plenty of time to explore different options. In the meantime, the hybrid [Toyota Sienna Northstar](#) is an affordable eco-friendly, wheelchair-accessible option.

Green Rides letter, September 19, 2023

History has shown that if a demand for an accessible vehicle is created, a product will be manufactured to satisfy the demand. That is what happened in New York City when the MTA settled a lawsuit over bus accessibility in spite of their claims that adequate vehicles did not exist. Manufacturers quickly stepped up, produced accessible buses and eventually developed low-floor buses that are now standard across the country. More recently, Cruise, an autonomous vehicle company, developed a wheelchair-accessible autonomous vehicle because it has recognized the potential market for accessible for-hire vehicles.

The TLC's proposal doesn't need to be an either-or proposal that violates the civil rights of New Yorkers with disabilities. The City can and must use its regulatory power to make sure all for-hire vehicles are both 100% accessible and 100% electric by 2030.

Anything less is discriminatory and counters the accessibility goals the City itself claims continuously that it has set. As disability, transportation, and other civil rights advocates who are also environmentalists, we call on you to introduce rules that will make New York City cleaner *and* fully accessible for all.

Yours truly,

Joseph G. Rappaport
Executive Director
Brooklyn Center for Independence of
the Disabled (BCID)

Yaw Appiadu, MPH
Executive Director
Bronx Independent Living Services
(BILS)

Sharon McLennon Wier, Ph.D., MEd.,
CRC, LMHC
Executive Director
Center for Independence of the
Disabled, New York (CIDNY)

Gina Barbara, Brandon Heinrich, Anne-
Elizabeth Straub and Marilyn Tucci
Transportation Equity Working Group
Downstate New York ADAPT

Jean Ryan
President, Disabled In Action of
Metropolitan New York (DIA)

Betsy Plum
Executive Director
Riders Alliance

Michelle Sabatino
Executive Director
Staten Island Center for Independent
Living (SICIL)

Rena Reynolds
Executive Director
Tri-State Transportation Campaign

Green Rides letter, September 19, 2023

Yonette Lewis
Executive Director
Harlem Independent Living Center
(HILC)

Jose Hernandez
President
New York City Chapter, United Spinal
Association

Ruth Lowenkron
Director, Disability Justice Program
New York Lawyers for the Public
Interest (NYLPI)

Please respond to BCID, 25 Elm Place, 5th floor, Brooklyn, NY 11201 and
jrappaport@bcid.org.