

>> Abby Fitzsimmons: Thank you for joining this afternoon for the webinar regarding taxicabs and the ADA. We're going to wait just a minute or two until we have everyone with us, so just hold on shortly. Again, welcome and thank you for joining us for this afternoon's webinar. I'm Abby Fitzsimmons and I'll be moderating today's presentation. This webinar is one of several that the United Spinal Association and the United Spinal Cord Association will be hosting. All of our webinars are recorded and archived at our website at www.spinalcord.org. Today's webinar we'll discuss taxis and accessibility in New York City and around the country. Our speaker today is James Weisman, the senior vice-president and general counsel of the United Spinal Association. You'll have time at the end of today's presentation for questions. Please, at any time during the presentation, use the question window chat box on the right side of your screen to right in your question or comment. Hopefully we'll be able to get through all the questions. Without further ado, I'll turn it over to James Weisman.

>> James Weisman: Hi, everybody. This is Jim Weisman. I want to tell you a little bit about me and about United Spinal before we begin on taxis. I've been at United Spinal since 1979 as a lawyer. I was a lawyer for a couple years before that doing disability rights. The reason that's relevant is pre-ADA, that's pre-ADA we sued New York City and then Philadelphia, and in those cities, we were able to get all new buses being made accessible, key rail stations being accessible, and paratransit for those who couldn't use the accessible systems.

It sounds strangely like the ADA, and that's because in order to grandfather in, New York City and Philadelphia, the two oldest, largest rail cities in the United States, into the ADA's transportation provisions, they were modeled after the settlement agreements in Philadelphia and New York. United Spinal has been around since 1946. We were once Eastern Paralyzed Veterans Association and a regional association. Sorry. I didn't advance the slide. And the regional organization, and then we decided to be not just Veterans, disabled tremendous vets and people with spinal cord injury and disease are members and those interested in spinal cord injury and disease, we've merged with Spinal Cord Injury Association, which has given us 35,000 members, making us the largest spinal cord organization in the United States. We have chapters and support groups all over the country.

Remember to write in questions, please don't forget. United Spinal

has many programs.

If you look at the box of programs of United Spinal, you'll see we are all over the place. We run a travel agency. We have a lot of consumer empowerment organizations, like Users First for durable medical equipment and Vets First with disabled members. NSCIA, people with spinal cord injuries, Wheelchair Medic, people who need to repair chairs and want good prices. Accessibility Services, those consulting on barrier-free design. USA TechGuide I highly recommend for wheelchair users. It's consumers reviewed of mobility products. And spinal cord central, our on-line presence for people who write in questions about all kinds of disability and rights issues. And we have the appropriate staff to answer.

I'm going to start this presentation by talking about New York City, because it encapsulates what's wrong with everybody's approach. When I say everybody, I mean only in America. America's approach to taxis and people with disabilities. New York City ran a taxi of tomorrow competition. The taxi of tomorrow was supposed to last 10 years. The design for the next 10 years. When we talk about accessible taxis in people with disabilities, we're talking about a Civil Rights issue. I'm going to talk later about all the practical reasons to make taxis accessible, but right now I want to talk only about rights. When you talk about the taxi of tomorrow, you're looking 10 years into the future and deciding what taxis will look like, and when you're talking about the interior configuration of the taxi, you're talking about who's going to be able to use it. If you are a body of government like the City of New York or its taxi and limousine commission, you are a Title II community; that is, you're regulated by the Americans With Disabilities Act. And when and you're regulated by state and local Civil Rights laws, also.

When you decide, should we make a taxi accessible or shouldn't we? Should we allow all of the population to use New York City taxis for the next 10 years or should we ban, potentially, those who use wheelchairs from the taxi? And you decide, as this deliberative body, this Title II entity, you decide ban people with disabilities. You decide, let's keep taxis inaccessible. You are violating the rights of people with disabilities, and we know that. Innately, we know that. We'll talk about what courts later on, what courts have said about it, about that decision, but we know that when it's on the table in front of you and you're a public official and you have the choice and you make the choice to exclude people with disabilities, you're discriminating on the basis of disability. Whether

it's lawful or not is another question, but clearly, you've engaged in a discriminatory practice.

So the taxi of tomorrow gave design guidelines. One of the guidelines, a suggestion was that you make it accessible. There were three submissions. One was Karsan, a Turkish company, Ford, and Nissan, the Japanese company. Only the Karsan was accessible. It was beautiful. It had a glass roof and wheelchair users could enter from either side. It was a side entry from both sides so that no matter which side of the street the cab pulled up on, because there's many one way streets no, matter what side of the street the cab pulled up on, you'd be able to enter from the side. New York City had an on-line vote. It wasn't binding, but the public was invited to vote. The Karsan won the competition. Nevertheless, the City of New York picked the Nissan taxi to be the taxi of tomorrow. Where did we can? How did we get there? Well, if you think about the ADA for a minute, the ADA does address taxis. It actually exempts sedan-style taxis, but requires van-style taxis to be accessible. What do those things look like to you? They look a lot like vans to me.

I think all three should have been accessible under the requirement of ADA, that van-style taxis be accessible, but two are not. Right now there are Ford Transit Connect taxis operating in New York City that are inaccessible, even though they weren't selected as the taxi of tomorrow before they can approve the taxi of New York. That's probably illegal right now. So while the ADA prohibits discrimination on the basis of disability, it exempts sedans and requires van-style access says to be accessible. There are state and local nondiscrimination laws all over the United States. Many cities have their own. Many states have their own. They all prohibit discrimination in places of public accommodation; that is, you can't say, "I'm sorry. No disabled people are allowed in here or no wheelchairs or scooters are allowed in here or no service dogs are allowed in." And many jurisdictions, including New York City, prohibit denying rights to people in wheelchairs in taxis if they can get into the taxi; that is, they're in a manual chair. The chair folds. The driver treats it like luggage and puts it in the trunk or the driver puts it in the back seat, or they get in the front seat and put it in the back seat. Those of you in chairs know the routine. And it would be a discriminatory practice to try to flag down a taxi or call one and have them tell you, we don't take people in wheelchairs, assuming you could get into the cab.

The next step, however, designing cabs so that people in wheelchairs could use them, is a lot tougher to achieve than just discriminating on the basis of disability. Now, to put this into context, in the United States, we treat the accessible taxi like a rare bird. It's very unusual. You must be very progressive if you're a jurisdiction that's required it or is considering it. If you're a taxi operator that has bought them on your own, you're knowledgeable and right think and go must be a great champion of the rights of people with disabilities, but if you take a plane ride across the Atlantic and land in London, every new taxi has been accessible to wheelchair users since 1989. Since 1989. A year before the Americans With Disabilities Act passed, the City of London mandated that all new taxis be accessible so that right now, 100% of the London cabs are accessible. It wasn't rocket science or science fiction, and it's not another planet. It's right here on earth in a big city just like ours in the United States. And all their taxis are accessible. So we're not talking about an impossible goal here.

Well, why should we bother to do this? I put some quick points up on your screen. Clearly, accessible taxis would benefit both wheelchair users and government. I'll get into why, the obvious benefit to wheelchair users is that it permits spontaneous travel. And it allows wheelchair users to go places they couldn't go before. For example, suppose you can't get to the train or get to the bus to go intercity or intra-city? You could call a cab or wave down a cab, flag a cab or hail a cab. Get to the train, get to the buses, which is accessible, and get to where you want to go.

This changes the world for many people with disabilities. It makes mass transit, which is somewhat accessible to them, accessible to them. It gets you to the airport. It gets you to the ferry, et cetera, et cetera.

Now, why does it benefit government? It benefits government, because spontaneous travel by people in wheelchairs in taxis will reduce paratransit demand. Paratransit demand is overwhelming transit systems. People are aging. The overwhelming majority of paratransit users are not wheelchair users. They are frail people who can ambulate. Only about 20% of paratransit users nationally, according to the U.S. Department of Transportation, are wheelchair users. So paratransit rides, which are very expensive, over \$60 in subsidy, the mass transit fare is paid by the rider. It can be up to double the mass transit fare and still be ADA consistent, depending on what city you're in.

But then there's a huge subsidy paid by government to give that you paratransit ride. In New York City, over \$60 every time somebody takes a paratransit ride. That could be reduced dramatically just because people choose not to use a burdensome or cumbersome or restrictive advanced reservation system. Instead, they choose to travel and call a cab or hail a cab. And just stop calling paratransit for certain rides. Certainly shorter, cheaper trips would be ones that would be replaced quickly.

The other benefit to government is that ambulettes are privately operated and Medicaid and other benefits related travel; that is, vocational rehabilitation trips, medical trips by wheelchair users, sponsored by the Department of Veterans affairs, trips like that would be made by taxi instead of private ambulette. Way more expensive than taxis. You can see I have New York City non-emergency medical transportation study on this slide. There's material available at the end of the presentation that we'll show you where you can get it on our website, and you can see how much money is spent on some of these things. Just to give you an example, New York City currently spends \$500 million a year on paratransit. That is ADA paratransit. It's \$500 million in operating expenses a year. Half a billion dollars, only a few years ago it was in the 2 hundred million dollars mark. It keeps going up. People are living longer with disabilities, and as they age, they make demands on the system. There's no end in sight. About 20% of those riders are wheelchair users or scooter users. They could be redirected, and it would be emancipating for them to be redirected into taxis. MTA or your transit agency where you live could be giving people swipe cards and telling you to call a cab or SCRIP, some subsidy that the cab company would turn in to transit to be an ADA carrier.

The same thing is true for Medicaid carriers. And they currently use taxis for frail people, people who can't use mass transit. They use sedan-style taxis all the time, so this is not new to them. It's only the ambulette issue that would be eliminated. They would not need to use ambulettes for people in wheelchairs and would save quite a bit of money.

Back to New York City to show what you occurred here. 15 years ago, a group of disabled consumers formed a group called Taxis For All Campaign. They fought for 15 years to make taxis accessible in New York City. 11 of those 15 years we've had one

mayor: Michael Bloomberg. During his tenure, every single taxi in New York has turned over, that is, they've been replaced. Nobody is driving an 11-year-old taxi in New York City. There's 13,000 Yellow Cabs, but only 232 are accessible. The mayor keeps talking about his commitment to people with disabilities and how he's going to do something for them regarding the Yellow Cab system, but 232 over 13,000 is about 1.8%, and it's disgraceful and that shows you the extent of the commitment.

The Yellow Cabs, however, only operate in Manhattan and at the airports. In the other four boroughs, Queens, Brooklyn, the Bronx, Staten Island, there are 30,000 livery cabs. Maybe 20,000 of those are accessible. Every one of those livery companies is supposed to have the capacity if you call them. Yellow Cabs are all hail. You can't call them. But the livery cabs are all dispatched. You can call them. Every one of these livery companies is supposed to have the capacity to provide a wheelchair rider a ride. The law is 10 or 15 years old in New York City. There's virtually no ability to get a livery cab to be accessible. You can't get them. The Taxi and Limousine Commission of New York City ceased enforce that go law when they realized it was impossible.

There's initiatives to change things, but right now status quo is terrible. To show you where the mayor is coming from -- I love this graph. That shows you the 232 out of 13,000. But to show you where the mayor is coming from, take a look at these quotes from the mayor. It will show you, this is how city policy has been formed, based on thinking like this. My favorite is the one in the middle, when the cabs are picking up for a wheelchair. Cab drivers say that the passengers sit farther away and they can't establish a dialogue and they get lower tips. Establishing a dialogue is very low on the priority list of both the passenger and the cab driver. People want to get in the cab. If the driver does it efficiently, they get a decent tip. So it's clearly silly.

If you look at the third one, the mayor is being patronizing. He's saying it's dangerous for people to hail cabs. However, it's already a violation of the Human Rights law of the City of New York for a cab driver to pass a person hailing, in a wheelchair hailing a taxi. So the mayor did not know that, apparently.

And of course people in wheelchairs and scooters are traveling all over New York City everyday. Every month in New York City, 100,000 trips are taken on lift-equipped buses just in the five

boroughs of New York City, and most of those trips are peak hour trips, which would indicate that those people are going to work. If they're going to work, they're earning a living, and if they're earning a living, they have discretionary money to spend on things like taxis, like everybody else who works. If there are this many taxis in New York City, they must be vital to everyone, everyone's transportation needs in the city. And why would people with disabilities be any different?

The mayor also has talked about the suspension of the taxis and how the able bodied riders will find accessible taxis uncomfortable. It's clearly an uninformed opinion by someone who hasn't really investigated this. Unlike his staff, which had known better. New York City Taxi and Limousine Commission is very familiar with the hardware out there, the access vehicles, the accessible models, and the needs and desires of people with disabilities. They're not meeting them, they're not getting there. They're slowly but surely coming around, and you know, the mayor only has a year left. I think the next mayor will be the mayor who makes taxis accessible in New York City, but there are people in the city. It's not just -- the mayor has made this policy, unfortunately, and we're living with it, but there's Plenty of experts that work with the city who know the real solutions to these problems.

Well, prior to the selection of the inaccessible taxi of tomorrow, disability groups had had enough, and many of you may know Sid Wolinski from Berkley, California, who runs disability advocates. He opened up a small New York office and we met with him and convinced disability rights advocates to represent a number of disability groups and individuals with disabilities in a suit against the city, based on the Americans With Disabilities Act.

Basically, the suit said that New York City regulates taxis and licenses taxis. And based on its regulation and licensing requirements, presides over a system that's virtually unusable. We're talking now only about Yellow Cabs, which are 98.2% accessible. Liveries are even less accessible, but they were not the subject of the lawsuit. Only the Yellow Cabs were.

The city argues back. We just license and regulate. We do not control what kind of taxis they buy. That's not true. They specify you have to buy this taxi or that taxi or that taxi, and there's a number of approved models. And they all have to be painted a certain shade of yellow and they all have to operate certain hours

and they have to have certain equipment and every day there's another requirement imposed on them. The drivers have to be trained and there's quite a bit of regulation by the city

When the suit was filed, the plaintiff sought meaningful access to the system. The Department of Justice, in an unusual procedure, instead of intervening in the case, which required the Court's permission, the Department of Justice filed what's called a statement of interest. And the statement of interest said, among other things, that the city so regulates this system, this is not just a license. This is comprehensive regulation. That it's like they operate the system. So even though these are Title III entities, that is, private cars, they really should be treated like local government would be treated under Title II and, therefore, either they have to provide equivalent alternative service, which they don't do for people with disabilities who use wheelchairs and scooters, or require only accessible taxis.

This was, I thought, an amazing statement from the Department of Justice. Here is the United States Department of Justice telling a Federal District Court judge, we think every taxi in New York City should be accessible, and we think the ADA requires it. The plaintiffs did not even ask for that. It asked for meaningful access to the taxi system and indicated that clearly, 1.8% wasn't meaningful access.

The Court decided the case in late December. And the Court said that the TLC needs to do a plan, and the plan has to include stakeholders like people, disability advocates and taxi companies and livery companies, and that until the plan is approved by the Court, submitted and approved by the court, every new taxi medallion sold, which is the right to operate a Yellow Cab, or they would create a new problem for street hail liveries in the four boroughs, has to be for accessible vehicles. This was a huge development. This was groundbreaking and made a lot of news. It was a big loss for the city. The Justice Department, you'll notice, lost, also. It didn't say every new cab forever has to be accessible. It says meaningful access. It said TLC must propose a comprehensive plan to provide meaningful access.

Well, the city should have been chastened. The city should have said to people with disabilities, we're sorry, but they didn't. They appealed. And the Court of Appeals decided a few weeks ago that the taxi and limousine commission, that is, the City of New York,

doesn't violate the ADA by license and go regulating the private taxi industry, because their Title III entities and each purchase is a purchase by a private company, and the city has such an arm's length relationship with them that they have no duty to make sure the private taxis are accessible to people with disabilities.

This is a big loss for people with disabilities. Disability rights advocates has filed for what's called an *en banc* hearing of this case, and that would be at the Court of Appeals level again, not at the United States Supreme Court, which looks like the next level of appeal, but an *en banc* hearing will put together a panel of 12 judges and they can hear and three judges decided against people with disabilities. Now it's a question of important public interest. Maybe they would hear it. It's discretionary with the Court of Appeals. We don't know what they're going to do, if they're going to agree to an *en banc* hearing, but it's not a terrific situation the way things are now.

Let me tell you a little bit about what brought this court decision on, first the District Court decision. Four days prior to the District Court decision, a deal was struck in Albany, New York, between governor Andrew Cuomo, the disability community in New York City, and Mayor Bloomberg. Bloomberg, who had opposed the accessible taxis, desperately needed money to close a hole in the city budget. So the state was going to give the mayor the right to issue new medallions. The city wanted to sell 1500 medallions. Believe it or not, a medallion sells for, at auction, if you were going to sell a New York City taxi medallion, you could get a million dollars for it. The right to operate a Yellow Cab, it lasts forever that, medallion, the right to operate a Yellow Cab in the City of New York will cost you a million dollars. So the city wanted 1500 of these medallions. They would be sold by the city. They thought they could get a half a million apiece for them. The governor upped it to 2000 medallions, which would have raised a billion dollars. And then, of course, they could have been auctioned after that for even more if they were worth it to people who wanted to buy them. And that raised a billion dollars for the mayor.

And this great deal was struck. There would be 2000 new accessible cabs. The legislation also required about 20% of the cabs in another four boroughs to be accessible and they would have street hail rights. They would be able to pick people up in the four boroughs without being dispatched if you flagged them down, which they're prohibited from doing now, and there would be all of

these accessible Yellow Cabs in New York and all of these accessible livery cabs in the boroughs and people with disabilities had a great Christmas present, because this was right before Christmas, and then the Court decided their case in favor of them right before Christmas, which is in Noel et al. v. New York City TLC case. And the state legislation happened four days earlier and clearly guided the judge's opinion. And we might have even gotten every Yellow Cab accessible in the City of New York, because somebody might have realized when we sat down to do the plan that it would be much easier to have one type of cab and not try to keep people, you know, one in five cabs when you're trying to hail a cab is difficult. In the boroughs where you can dispatch, it's not so difficult if one in five are accessible, but on New York City streets, hard to tell which is the accessible cab. They're all yellow. It's very, very difficult. Right now there's 232 out of 13,000. It's even more difficult, but even one in five would be difficult. And if you were going to run a dispatch program that takes labor and labor gets paid and labor retires and gets pensions and has health plans, if you just washed your hands it have and said every cab will be accessible from now on and made it a private sector issue and not a city issue, we were hoping the city would realize that into the deal as we started doing this.

So in addition to that, the New York City Council, there was a bit introduced. It had enough cosponsors to override a veto by the mayor if the mayor were to veto legislation, which said that any new model of taxi coming in to service in New York had to be accessible. The problem is we can't get a hearing on that bill, despite the overwhelming number of sponsors, and the reason we can't get a hearing is that the mayor is opposed to the legislation. The city council speaker, which is a Civil Rights activist, especially a gay activist, she's gay, was a gay marriage proponent and a champion of Civil Rights in all other respects, has been trying to avoid confrontation with the disability community and will not meet with us, but has bottled up this legislation in city council.

Now, in addition to that, the Metropolitan Taxi Board of Trade brought litigation, which said that dumping all of these new medallions into service reduces the value of the medallions they already have and allowing the borough taxis to pick up street hails reduces their right to which they paid exorbitant amounts for these medallions.

So the state law was enjoined, that is, it isn't be enforced, and the

lawsuit victory was reversed, leaving us in a horrible place if you're a disability advocate or a wheelchair or scooter user looking to take a cab. For me, the smell test is you substitute another minority group for this protected class. Instead of disability, put your other minority group in there. Put women. Put Asian Americans, put blacks, put Jews, put people from Italy. Nothing works. You can't -- would the mayor say that people with foreign accents couldn't establish a dialogue with a driver and wouldn't be big tippers? I don't think so. Would they say that we're going to design our taxi program, but it won't go to black neighborhoods? Or blacks could only use dispatched taxis? They couldn't hail them? Or woman wouldn't be good tippers? It just doesn't work.

But no one, including the city council speaker, who is a Civil Rights advocate, has any problem restricting the rights of people with disabilities, especially those who use wheelchairs and scooters, to taxis, despite the fact that the technology is available to make all taxis accessible and that every tax any London has been accessible at least when you bought them, since 1989. Every new taxi since 1989. No one has any trouble deny this go right to wheelchair and scooter users in the United States. And considering it kind of like a dessert request instead of the plain course request. Even though it's vital in New York and in many other cities, New York is currently testing a dispatch program. It just started for Yellow Cabs in Manhattan. The guy who is running the dispatch program is a good person. He runs an accessible taxi company in Connecticut and is very committed to providing meaningful service to people with disabilities and any service is better than none. And so there will be some people with disabilities that receive service this way and are happy, and others who want to be able to flag down a cab on the street and are unable to. And of course, if you live in the other four boroughs, there's no program for you yet.

It's unfortunate that it's come up like this, but the cities that I have on the screen in front of you now: New York City, Washington, Philadelphia, New York, everybody's local government, and we've gotten calls from all over the country, especially when we won the lawsuit in the lower court from local costs, everybody wants to know about accessible taxis, but nobody in any of these cities has any problem redistricting it to percentages. 10%. Chicago is 5% with incentives to buy more accessible taxis. Washington, D.C. is 20% of one-third of the cabs. I don't know how that's figured. One-third are affected, and it's 20% of those. You do the math. I'm not going to. Philadelphia is 10%. New York City has

legislation requiring all new cabs there. It's all proposed. New York City requiring all new cabs, but the mayor and city council speaker won't let it happen.

But the role of local government is really important here, because it's local government's budgets that are affected by paratransit expenditures, and it's local government's budgets that are affected by unnecessary subsidy on Medicaid ambulettes, and it's local government's budgets that are affected when people with disabilities are unemployed or underemployed or are homebound or neighborhood bound because of lack of transportation alternatives.

Local government could solve this problem for us. If a few cities required taxis to be accessible, the picture would change completely. It wouldn't be unusual to see accessible taxis on the road. It would become part of the fabric over our lives, just like accessible buses are now.

When we talk about a bus en masse transit in the United States, we do not even say the word accessible in front of it anymore. We tell people with disabilities, take the bus, because we know it's going to be there and it's going to be accessible. Taxi could be an accessible taxi, and I think will one day. It's just a question of time. We have to get there. We're not all on the same team. We're not all on the same page yet.

This works in all communities, not just urban communities. Urban, there's different kind of taxi systems. There's hail-only systems. They only exist in urban areas where you have to go out on the street and wave your arms at the cab to hail them. People in wheelchairs now how to do this. The mayor thinks cabs will pass them by, and maybe they will, but you know if you're in a chair what you do, you say, Mr., can you hail that cab for me? Or your friend runs out in the street and hails a cab. You open the door, and while it's open, you start getting in, and that's the end of it, if your chair can be sod. So hail-only systems work that way.

But very quickly, hail-only systems are going to change to virtual hail systems, as well as street-hail. Those of you who don't know what this is, these are applications for smart phones. Soon the word phone will mean smart phone, just like bus means accessible bus, and you can hail a cab on your phone and you can even watch using, if you have the app, you can even watch, you can see where the cab that answers you is and watch it on a GPS coming to you.

In dispatch-only systems, which exist in suburban areas and rural areas, and some urban areas, dispatch-only, all taxis might not have to be accessible to provide meaningful service, but a significant percentage would have to be accessible, so there wouldn't be undue waiting time for people with disabilities. And of course, there's by or combination ever both. Like Washington, D.C. comes to mind where you can get a dispatched cab, but you can also go out on the street and hail the same type of cab. Those people in those cities, like Washington, D.C., they want hail rides. Why should only able-bodied people have hail rides? But you need enough vehicles to make it meaningful.

Why does it work in every community? It works, because in a suburban or rural community, taxis sit still more than they do in urban areas. They're waiting for a call. If they were accessible -- by the way, many rural and suburban taxis are providing Medicaid rides right now to frail people or people with disabilities, cognitive impairment, employment who can't use mass transit. Haven't been trained to use mass transit or mass transit doesn't exist where they are, but taxis do. Medicaid pays for those rides. If those taxis were accessible, they would be getting the ambulette business, too, in the suburban areas. I recently was in a taxi on Long Island, and I ask the driver if he was a Medicaid carrier. And he showed me a rubberband around his sunvisor with five or six receipts just from that day, he said, which were Medicaid vouchers that he had to turn in to get paid.

By the way, the report that you're going to see if you gets to the website at the end of this on non-emergency medical transportation, will tell that you Medicaid reimbursement is cumbersome and burdensome for taxis and the process should be streamlined and that would get more taxis into the Medicaid carrier business and save money on the ambulette business. Something for you to been on your state government, your State Department of Social Services and Health Department budgets when we're talking about non-emergency medical transportation.

There are several vehicle types. There are going to be many more. What happened is most accessible taxis were van-style, and they required vehicle conversion. One of the things the mayor of New York has said about vehicle conversion, which is unfortunate is that you have to cut the chassis of the cab and it undermines the useful life and it requires more maintenance. And then they picked

average inaccessible cab as the taxi of tomorrow. Now the inaccessible cab, at least some of them, will be converted by Braun, an excellent company, that has come up with an accessibility solution for the Nissan 200, which unlike the taxis that you're looking at will reduce the capacity of the taxi if a wheelchair user is in it to two: One wheelchair user and one passenger in the front seat next to the driver. It's not a very practical thing, and for those of you in wheelchairs with families, you are thinking about taking a taxi, the taxi of tomorrow is not your answer in New York City unless you want to take two cabs. There are side entry cabs and there are rear entry cabs. Side entry, I keep hearing from wheelchair users, is preferred, because you don't have to go in the street, but there are many one-way streets, and if the side entry is on the right, like in the illustration, and you can only board from the left-hand side of the street, you will have to go out and into the street and the ramp will have to be deployed and it will be dangerous and difficult.

Rear entry, which you see in the bottom picture, obviously you can board from either side, but you have to go in the street. You have to go in the street to do it.

This is the first purpose-built accessible taxi; that is, it's designed and built to be an accessible car. It's its own company called Vehicle Production Group, VPG. This is the MV-1, their accessible car. It's spacious. You can even get two wheelchairs in it. There's no passenger seat next to the driver, so the wheelchair user pulls up in front next to the driver and the other passengers are in the back. It's very spacious.

The cost of these conversions and the government of the MV-1 built new, they're all within a ballpark in the forties, thousands of dollars. An inaccessible car would be cheaper. There are tax incentives created locally. There is some dispute, which we have to get to the bottom of, with the Internal Revenue Service over whether the provisions that make ADA expenses tax creditable for small businesses, and they gave you related expenses, tax creditable, are covered by that provision in the Internal Revenue code. I would have said yes off the top of my head, but I was told by the general council of the New York City Taxi and Limousine Commission just last week made a call to the Internal Revenue Service. When they made a call to the Internal Revenue Service, they were told no, that it's not a contemplated expenditure that would be covered by that provision. That makes no sense.

Remember, consumable services like interpreter services, one-time only, you can get that credit for. And architectural expenses, you can get that credit for. Why not for the conversion costs or the difference in cost for an accessible cab? If IRS is saying no to that, which is kind of like an official response, but if they are, we should be talking to the Obama Administration and fixing that.

There's lots of opportunity here. First of all, carriers will get into the Medicaid business. Tourism will benefit dramatically. People call us all the time. How do we get here from the airport to this place or that place and this city or that city? And it's very, very difficult for wheelchair users. Wheelchair users all have loved ones and families and travel, and this would really be a business opportunity. And of course, the Medicaid and paratransit subcontractor type opportunity is there for the taxi companies. So it reduces cost to government and creates demand for accessible vehicles. So there would be all kinds of new innovation and research and development, which is not going on now, because they don't believe there's a market for it, with the exception of the MV-1 people.

And lastly and most importantly, the availability of used accessible vehicles would start to happen, and they could get out into the hinterlands. New York City has rules about new taxis. Your taxi can only be so many years old, and all the cities are starting to adopt those rules instead of using all used cars for taxi service. Now, I'm pretty much done. I want you to be sending in your questions or comments and I would like to tell you what they are and respond to them. I also want to point out what additional materials are on our website. And the next slide will show you how to get to it.

You can see the complaint and the lawsuit. You can see DOJ's whole statement of interest requiring where they think all taxis should be accessible in New York City. And you can read their reasoning. You can read the wonderful decision by Judge Daniels from Federal District Court last December. You can see its horrible reversal by the U.S. Court of Appeals. You can see the deal, Senate Bill 6118A is the deal that was struck in Albany last winter between governor Cuomo and Mayor Bloomberg and people with disabilities in New York City, which has also been stopped by a different court. And you can see the report on non-emergency medical transportation in New York. And here's the way you can get to that material. And of course, you can reach me at

jweisman@unitedspinal.org

And I guess -- whoops. I have to go back. And now we're ready for questions.

>> Abby Fitzsimmons: We have several questions, Jim. The first one, is there attention being given to people with disabilities who are not in wheelchairs in the fight for accessible taxis?

>> James Weisman: Actually, there is. I skipped that portion, and I should not have, because I was talking about wheelchair accessibility. There's quite a bit going on about people with hearing impairments and loop systems in taxis. Many taxi systems are requiring it now and therefore people who are hard of hearing, so that's one. I know that all of these touch screen things are frustrating that are coming into taxis. They're frustrating. People with visual impairments, like people with visual impairment, to make credit card payment systems and GPS information type systems as available to people on the back seats of taxis accessible to them as well.

>> Abby Fitzsimmons: Okay. The next question, what is the disabled community in New York City planning in response to the setbacks in court?

>> James Weisman: Well, this is an interesting thing. Right before this meeting, right before this webinar, I got on a telephone meeting of people with disabilities. I think there's going to be demonstrations. I think they're going to try to call out politicians who are on the wrong side of this issue, like the mayor and the speaker of the city council. I think there are other avenues to pursue. There are a thousand Toyota Sienna cabs which are inaccessible, Yellow Cabs in New York City. Every one of them should have been accessible. That could be additional litigation. The United States Department of Transportation will be asked by politicians who agree with us whether or not the taxi of tomorrow, the MV200 is a van and the Ford transit connect is a van and get a definitive answer out of the United States Department of Transportation, requiring every one of those things to be accessible.

At that point, since there's nothing compelling anybody to buying van-style taxis, they could choose and the city could even promote them choosing sedan-style taxis, but that would be war. That would be like saying, we're going to forever ban people with disabilities, and we're consciously doing it, which would galvanize people with disabilities and help them organize and mobilize, much

like 30 years ago when we were involved in the fight to make buses accessible. As far as mayor Koch said it would be cheaper to take everybody by limousine, people with disabilities banded together and fought the mayor and won. And I think that should there be that type of recalcitrant, horrible behavior by government in response to a D.O.T. letter that said the taxi of stole a van and should be accessible, I think that we would win anyway. I think the Court of public opinion will be on our side.

By the way, when the New York Daily News has completely adopted our position. The New York Times has been silent about accessible taxis on its editorial page, but the New York Daily News has completely adopted the position of people with disabilities and thinks that the mayor is prehistoric on his attitude about people with disabilities, a neanderthal, and that's the way they treated him.

When you listen to man on the street interviews on the news about this issue, everyone is supportive of people with disabilities. This is a different world. People with disabilities are out there. If 100,000 people on the bus every month, they're being seen by millions of disabled New Yorkers. They're going to school with their kids and they're the parents, when they pick the kids up, and they're your boss and they're your coworker, and it seems silly that you can go to the Yankee game or the met game, but you can't grab a cab. And it's the same all over the United States. People with disabilities are out there and people's consciousness levels have been raised about this issue and it's just a question of time before we pull this off.

>> Abby Fitzsimmons: Okay. Quickly, can you provide an update to the Philadelphia taxies? How many taxis they have? Is there an agreement?

>> James Weisman: I believe a statute passed, and I believe it was a bass one, requiring only 10% access, but that's all I know. And they have virtually no accessible taxis now, nothing to speak of.

For those of you wondering, how is this paid for? This is something that's really been bothering me. When Washington, D.C. was considering its taxi legislation, right now cab drivers in Washington, D.C. get paid if they drive the cab. Even if they own the cab, the only way they make money is by leasing the cab to somebody to drive it or driving it themselves. However f a city like Washington, D.C. permitted, licensed, issued medallions or taxis and restricted the number of medallions, permits, licenses, whatever you want to

call them, for taxis, immediately the medallion, permits, license, whatever, has value. That value turns a cab driver into a small businessman who can leverage that value. Excel it. He can borrow against it and buy another car. Buy another permit. He can make his system -- he can make his car into a business. There is where there's room to pay for access in those cities. But Washington, D.C.'s most liberal city council people thought that requiring them to buy medallions, even if you gave them an insider price and a very low price, which would escalate in value quickly, because they had the first medallions and the number of medallions, they thought that that would be restrictive and mean to do to cab drivers and cab owners, but it keeps the system second class and limping along. No pun intended. And of course keeps the system inaccessible: Washington has 23 accessible taxis out of all of their taxis, and it's nowhere near enough, considering it's probably one of most popular tourist destinations and convention destinations in the United States. So the idea of permitting or licensing or issuing medallions is a way to get this stuff financed. Of course, there's all kinds of tax incentives as well.

In Philadelphia, I was contacted by a group, a lawyer for a group that represented 10% of the taxis that are non-medallion taxis in Philadelphia. The rest are medallion taxis. They wanted the right to buy medallions and were willing to buy 100% accessible cabs by all their owners, at their own expense if they were able to purchase medallions. So contrary to Washington city council member's belief, this is a desirable thing and it gives people equity and the ability to operate a small business instead of just drive. Their medallion is escalating and increasing in value, even when they're sitting home watching television. And it's an investment, not a license. It's an investment, and that's the way it has to be treated.

Any more questions?

>> Abby Fitzsimmons: Just one. Can you tell our listeners how they can advocate for this issue?

>> James Weisman: Well, it depends on where you live. If you live in a place that does not regulate taxis at all, that is, you just throw a sign on your car and call it a taxi, which much of the United States is like that, let's face it, the only way you can advocate for this issue is by educating the taxi company itself. And the education that's available is they can become a Medicaid carrier or a voc rehab carrier or a carrier for the Department of Veterans Affairs for wheelchair users. And of course they can be your taxi company, too. But there is other business opportunity available to

them that they may not be aware of.

If you're in a city that regulates taxis, you have to get to the regulators if you're in that kind of locale. It has to become a political issue. It has to be on the table at your city council. When the guy is running for mayor, he has to have a position on accessible taxis. He's either for us or against us. And it's got to be one of those kind of issues. Like all disability advocates.

The thing to know is that there's no logical other side. There's no point to excluding disabled people. Ultimately, this will seem like, how could this have been an issue? Do you think it is people in London everyday walk outside and say, isn't it remarkable taxis are accessible? Of course they don't. It's part of the fabric of their city, and they don't think about it. I'm honing when we watch the Paralympics right after the Olympics, I've heard that they're using the taxi system to transport athletes, wheelchair using athletes. I hope that's true and I hope we get to see it and I hope our politicians and taxi regulators get to see it, too.

>> Abby Fitzsimmons: Okay. Well, that's all the time we have for today. Thank you so much for participating in our webinar this A just a reminder, the webinar will be archived on our website, which is www.spinalcord.org. We also have previous webinars available there. And all the additional materials that Jim mentioned today will be available at that site, also. If you didn't get to your question this affect, we will contact you directly. And fill free to e-mail Jim with any questions at jweisman@unitedspinal.org. Thank you so much.

(End of event.)

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