

May 8, 2024

Via New York City Public Hearing and Comment Portal

Taxi & Limousine Commission
Office of Legal Affairs
33 Beaver Street-22nd floor
New York, NY 10004

Re: Proposed Rule Amendments Regarding Wheelchair Accessible Service, Taxicab Improvement Fund and Flex Fare

To the Office of Legal Affairs:

I am counsel to Big Apple Taxi Management. We submit these comments with reference to the proposed regulations concerning proposed Miscellaneous Rule Amendments.

We have highlighted some of our comments below which are then more fully set forth in the body of this letter.

- **We fully support the expansion of wheelchair accessible taxi service and generally agree with the rule amendments; however, we believe the operational TIF payments should not be limited to 7 years, the up front payment should be given to all owners up front to help offset the burden of purchasing and converting a WAV and that in addition to FHVs being required to adhere to the same ADA requirements that taxi vehicles are subject to, the FHV fleet should also be required to be 50% WAV.**
- **We propose that the minimum trip threshold for eligibility to receive TIF operational payments remain at 250 absent a data backed showing that this is attainable for the majority of taxi drivers, and that certain exceptions be made at defined times when the threshold has not been met due to circumstances outside of the drivers control.**
- **While we support the Flex Fare program and up front pricing for Taxi Trips, we believe further analysis needs to be completed to ensure that taxi is receiving a fair financial model in light of the various entities involved in providing this service. Further, taxi should be its own pricing model within up front pricing, adhering as closely to the meter as possible, with drivers not losing a significant amount to service charges taken by Flex Fare providers. Lastly, we believe that airport trips must be added to the Flex Fare program and up front pricing to create true parity with FHV in this sector for taxi.**

Limitation of TIF Operational Payments to 7 Years and Up Front Payments

While we support the increase in the up front payment of TIF to vehicle owners, we do not believe that it makes sense to limit the payment of the operational payments to 7 years, especially in light of the newly proposed retirement standards, or repeal of such time limits, as it pertains to WAVs. The operational payments were originally designed to help offset the increased costs associated with the repair and upkeep of WAVs and the installed systems, hopefully helping to incentivize owners and drivers into placing WAVs on the road. This is especially important as the vehicle ages and becomes more regularly in need of upkeep. Given that the proposal is to longer impose a retirement date on WAVs, as long as they can pass inspection, the need for these ongoing operational payments becomes more and more important. Additionally, the cost to purchase a WAV and make the necessary conversion is substantial. Many cannot afford to purchase such a vehicle and cover the cost of conversion, even if they own more than two medallions. To ensure that we are getting more WAVs into service, the payment should be made up front to all WAV applicants, regardless of number, to incentivize owners to go to WAV vehicles, and remove as many barriers to entry as possible. As such, we propose that the operational payments continue as long as the WAV remains in service and passes inspection and that the up front payment be given to all WAV applicants prior to purchase regardless of number.

ADA Requirements

We applaud the Commission for proposing to require FHV WAVs to meet the same ADA vehicle standards as taxi. This is an important step in ensuring that the industry can not only provide more WAV access, but also proper WAV access to the community that needs it. However, it begs the question that if our collective goal is to increase and improve WAV access and service, then why is FHV not held to the same standards as taxi in regard to the percentage of the fleet being accessible. If taxi is required to be 50% WAV, then so should the FHV fleet. Otherwise, the taxi sector is being treated disparately for no rational reason and we miss an opportunity to ensure additional WAV options for the community. As such, we propose that the TLC require the FHV fleet to be 50% WAV.

Trip Minimums for TIF Operational Payments

The increased trip requirement from 250 to 500 must be backed by data collected by the TLC and should not be a threshold that makes it impossible for owners to qualify for the ongoing TIF payments. Additionally, amendments should be made to the allow for exemptions for times when the vehicle is out-of-service due to accidents or other events out of the control of the owner or manager. Further, this mark does not account for those drivers who focus mainly on airport runs. As such, the mark should remain at 250.

Flex Fare

While we fully support the conversion of the Flex Fare up front pricing Pilot for taxis to a permanent program, we believe there is still a significant amount of work to be done. Drivers continue to report, in contradiction to the TLCs presented data, that they do not earn as much when conducting Flex Fare trips as they do on the meter. Additionally they do not have transparency from their receipts or reports as to why. Further analysis needs to be completed to make sure that monies that should be going to the driver in fact are, and that what is being taken off the top by providers is not onerous to the driver. As such, taxi should be its own pricing

model within ride providers, and commissions or fees should be limited to ensure that the driver is earning as much on up front trips as they would on the meter. Lastly, there continues to be no rational basis that we can agree with that supports FHV being able to conduct app and technology based up front pricing trips to and from the major regional airports, while taxi cannot. Such trips should be permitted for taxi to allow for taxi drivers to compete for those rides. As such, we propose that further analysis be done regarding the up front pricing model for taxis and that taxis be permitted to conduct Flex Fare trips to and from the airports in the region.

We urge this Commission to re-write these regulations to account for the challenges and questions presented herein. Thank you for your time and attention to our comments and concerns. We look forward to continuing to work together to arrive at the best result.

Very truly yours,

Robert Bedford
General Counsel