

## Taxis For All PART 2

BY WARREN SHAW

Under pressure, on Dec. 20, 2011, Cuomo and the Bloomberg Administration announced a deal under which a new green cab fleet would be created, designated for for-hail service in the outer boroughs and northern Manhattan — up to eighteen thousand new cabs, of which 20 percent would be accessible. Additionally, 200 accessible yellow medallions would be sold, supported by a loan or subsidy program to encourage sales.

It was the the Taxi For All Campaign's biggest victory so far.



**Taxis For All holds a “roll in” demonstration against Uber in 2015.**

Amazingly, just three days later came final judgment in the ADA class action — and the ruling was in favor of the plaintiffs. As District Court Judge George Daniels put it, “meaningful access for the disabled to public transportation is not a utopian goal or political promise. It is a basic civil right. . . The TLC must propose a comprehensive plan to provide meaningful access to taxicab service for disabled wheelchair bound passengers...Until such a plan is proposed and approved by this Court, all new taxi medallions sold or new street-hail livery licenses or permits issued by the TLC must be for wheelchair accessible vehicles.”

In the span of a week the trajectory of Taxis For All had completely turned around.

Not to say that opposition had been entirely quelled. Mayor Michael Bloomberg, for example, commented that “You just cannot generally take a wheelchair into the street and hail a cab. It’s dangerous and a lot of the cab drivers would pretend they didn’t see you.”

The year 2012 was decidedly mixed for Taxis For All. It was good news for the campaign when the City’s Comptroller John Liu rejected the contract for the Taxi of Tomorrow. Although the new cab would have passenger airbags, sliding doors, USB ports, a sunroof, even a “low annoyance” car horn, Liu stated that “City Hall’s refusal to provide wheelchair-accessible cabs to people with disabilities is inexplicable, and we believe it violates the ADA. We should not go ahead with a so-called Taxi of Tomorrow that perpetuates a shamefully separate and unequal cab fleet for another decade.”

But in June came a shattering disappointment -- the victory in the ADA class action was reversed on appeal. The Second Circuit Court of Appeals held that “T.L.C.’s failure to use its regulatory authority [to require accessibility] does not amount to discrimination within the meaning of the A.D.A.” Plaintiffs appealed to the US Supreme Court.

The uneven news continued into 2013. The City Council declined to vote on a proposal to require a 100 percent accessible taxi fleet. Instead it went forward with a bill that would nullify the accessibility requirement if the cost of running an accessible taxi was 5 percent or more above a non-accessible taxi. “That’s a loophole big enough to drive a fleet of cabs through,” commented Taxis For All.

The City then floated a proposal for an accessible dispatch

system for the 233 accessible yellow cabs. The proposal was limited to rides that began in Manhattan. Nonetheless, TLC argued that this proposal constituted equivalent access for passengers with disabilities, even assuming that the ADA applied to taxis. Taxis For All representatives Edith Prentiss and Jim Weisman denounced the proposal as “second class,” “segregated,” and “Jim Crow.”

Finally, in December 2013 came a settlement of the ADA class action, and the upshot was that the taxi fleet had to be 50 percent accessible by 2020. It was precisely half a loaf, but it meant that people with disabilities would have a decent shot at being able to flag down a cab. After thirty years of fighting, the community hailed it as the important victory that it in fact was. Indeed, it was the first comprehensive accessible taxi agreement in the nation.

Since then, the taxi dispatch service (known as e-hail) has been extended to include outer borough pickups, but with a capacity of 1200 rides a day, it is tiny compared to Access-A-Ride’s daily total of thirty thousand rides. Other lawsuits over the Taxi of Tomorrow were resolved, and the Nissan car began appearing on the City’s streets, only to have its exclusive role abandoned in 2018, after numerous issues arose with the design.

Over the past few years the taxi industry, and the accessible taxi campaign, has been upended by the sudden rise of app-based cab companies like Uber and Lyft. With a fleet comprised exclusively of independent contractors driving their own vehi-



**Taxis For All Members at “roll in” demonstration**

cles, they are not medallion-based and their regulatory status was an open question. The Brooklyn Center for Independence of the Disabled (BCID) brought an ADA lawsuit against the companies, but it was unsuccessful. In 2018 TLC adopted a rule requiring that Uber, Lyft and the like had to have 25 percent of their fleets accessible by 2022. Uber brought a lawsuit, which was settled on terms that gave it the option of meeting a wait-time requirement instead of a numerical accessibility requirement, namely, that by mid-2021, the companies must service at least 80 percent of requests for wheelchair-accessible vehicles in under 10 minutes and 90 percent in under 15 minutes, or they must associate with a company that does the same.

The pandemic has delayed some of the milestone dates. As of early 2021, just thirty percent of the yellow fleet was accessible.

Forty years of organizing, lobbying, suing and bargaining across opposing interests, discrimination, recessions, pandemics and technological changes, to get a third of the way towards Sandra Schnur’s dream.

Pull this tale out of your pocket the next time someone needs educating about why the Disability Rights Movement isn’t done yet.

