



# New York Taxi Workers Alliance

National TWA, AFL-CIO, Intl. Transport Workers' Federation

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## NYTWA's TAXI / FHV SECTOR CIVIL RIGHTS INITIATIVE

The New York Taxi Workers Alliance (NYTWA), established in 1998, today has over 21,000 registered Taxi and For Hire driver members. We represent yellow, black, green, livery and app-dispatched drivers. Our members speak hundreds of languages and come from every corner of the globe. We make up one of the largest majority Muslim and Sikh workforces in the country and are primarily immigrants of color. We are committed to addressing race-based refusals head on and furthering a civil rights program to overcome entrenched anti-black racism as well as to support professional drivers as members of marginalized communities themselves who are frequently the victims of racial bias, Islamophobia and discrimination.

Fighting back against hatred and oppression is part of who we are as a union. In January 2017 we held the first ever strike against Trump's Muslim Ban and we continue to organize around Islamophobia and racism.

As far back as in 1999, in an initiative supported by Danny Glover, we worked closely with then Manhattan Borough President C. Virginia Fields to complete a report and hold three public hearings in neighborhoods of mostly people of color to facilitate dialogue between drivers and the community. In 2017, we held brainstorming sessions with the TLC to partner on an industry-wide initiative and met with members of several mosques and gurdwaras across the city to create a community taskforce for the partnership. Through the years, we have been active allies of *Taxis for All* who spearheaded the campaign to turn 50% of the Yellow Taxi Fleet into accessible vehicles by 2020. In 2011, we publicly championed the chartering of the green cab sector to address service shortages particularly in the outer boroughs. Over the past two decades, we have examined refusal data provided by the TLC to shape our internal policies on driver engagement, including addressing the issue of race-based refusals at general membership meetings and during outreach (flyering campaigns.)

While we are proud of our accomplishments as a workers organization, we acknowledge that far more must be done to end race-based refusals. The proposals below are solutions which we as drivers and driver advocates believe will transform an issue important to the city we serve and to our own values as people and workers.

## **Initiative Overview**

App-dispatch technology may help to reduce incidents of race-based refusals by limiting individual bias in passenger pickups. We support expanding app-dispatch technology. But that technology need not go hand-in-hand with the business model of app-dispatch companies like Uber and Lyft which has created devastating conditions for drivers, eroding worker standards and oversaturating our city streets. Further, technology itself is not enough to erase social bias. Technology is also itself not bias free, as there are material interests of those programming the algorithms. We believe the approach must balance driver trainings, punitive measures, and changes in the structure of taxi and for-hire service.

## **PROPOSALS**

### **1. Driver Licensing Renewal Trainings with Civil Rights curriculum informed by racial justice and civil rights activist organizations**

The TLC passed a requirement for a Renewal Course every three years as part of continued licensure, but the requirement has not been implemented yet. All drivers, regardless of which sector they work, are required to meet the same licensing requirements. We propose anti-racism training as the focus of the course and having racial justice and civil rights organizations draft the curriculum and train the teachers. The methodology should include videos, as well as heavily facilitated discussion, rather than straight lecture. The curriculum should include a historical context on the importance of transportation in the development of communities and cities, as well as the role of transportation workers and unions in the US and the global civil rights movement. The organization selected for curriculum development should be required to show partnership with a workers' organization or a labor union. The basic requirements should include identifying the different actions that constitute a refusal and the penalties.

An additional part of the training should be to arm drivers with ways to safely handle situations when they themselves are the victims of racial harassment and violence. Through the years, we have obtained counseling services for members who were experiencing trauma from a hate crime or racist policing. We have also documented drivers' own experiences with racism through surveys and interviews which we can share with the city today in shaping a RFP and also with the curriculum developers.

### **2. Peer-to-Peer Education**

The TLC has informed us that prosecutors were told by driver respondents facing refusal violations that they felt encouraged by older drivers to engage in refusals. While we have not experienced or observed that in our organizing, we take TLC's report seriously and recognize that we must stop such a culture from spreading among drivers. On the other hand, a positive peer-to-peer program could be instrumental in developing a driver culture that confronts these issues and is transformative. Drivers who do not refuse and are conscious about the prevalence of refusals often express anger and embarrassment when they see it on the streets. A peer-to-peer program would involve videos and poster campaigns featuring drivers in their own words addressing refusals, as well as their own experiences of racism on the job. The TLC has an annual Honor Roll where they identify drivers who have not been involved in an accident, moving violations and or refusals. Drivers from this group could be engaged to act as ambassadors for a peer-to-peer program.

### **3. Provide Trainings as part of successive penalties program**

In lieu of or in addition to financial penalties, the city could require additional trainings after a second refusal violation. The training could be more one-on-one, rather than a group lecture. It could also consist of a few hours placement with a civil rights organization.

Penalties for refusal are established by the City Council. The TLC cannot reduce or increase them without legislative direction. While the TLC has authority to offer settlements on penalties, race-based refusal is among the handful of violations for which the TLC does not offer settlements. Drivers must appear at the hearing and are subject to City Council set penalties if found guilty. Unlike with other refusals, on bias-based refusals, the TLC also charges drivers with willful acts of commission \$350, and 5-30 days suspension, and often even refers to the OATH Trials Division for a longer suspension or revocation. And then, after TLC prosecution, they get referred, additionally for subsequent prosecution at OATH by the city's Human Rights Commission which sets fines at much higher levels and orders restitution to the individual complainants. Drivers have had to pay as much as \$20,000. (We believe that at such times, the agencies should coordinate prosecution from the beginning so drivers know what the stakes are.)

More could be done to publicize existing penalties, both listing out all the possibilities, as well as contextualizing refusal penalties within the list of overall TLC penalties to show the priority of the city to address these specific violations. Penalties are always pointed to as an important deterrent. It is also important to note, however, studies show that after a certain level, economic penalties don't actually increase deterrence. As such, we propose community service as a form of training and mediation as two alternatives to be explored.

#### **4. Explore mediation for interested parties**

We propose exploring the use of mediation for complainants who may be interested in dialoguing with the respondent driver against whom they have filed a complaint. The mediation is not meant to be in lieu of a hearing. We understand that it is the city's responsibility to punish behavior it deems unfit for licensure, and that it is important to do so. But we have also engaged with people through the years who have talked about wanting a mutual conversation with drivers as a means to challenge or clarify the refusal or perceived refusal. The possibility of mediation would also serve as a reminder that the city's interest is to transform driver behavior, not merely punish it for the sake of generating revenue or exercising labor control. The city could engage in a short-term study on the costs and benefits and engage in a limited pilot program.

#### **5. Strengthen E-hail Apps to serve more outer borough fares**

There are financial consequences for yellow cab drivers of dead heading or cruising for long periods of time for street hails in non-street hail clusters in the city. Green cabs were chartered to allow for both dispatch and street hails in the outer boroughs so that communities slowly transitioning to street hails could have a viable option and drivers would still have access to dispatched fares which remain more prevalent through a transition to greater street hails. Against this context, the city allowed Uber and Lyft, etc. to proliferate, overtaking many of the pre-existing dispatch services, decimating the green cab sector which was legislated to have up to 18,000 cars and now stands frozen at 4,000, and replacing street hails with electronic hails.

Taxi drivers reliant only on street hails have historically not cruised in neighborhoods without a high volume of street hails. However, several neighborhoods and thoroughfares remained popular for taxis. Yellow cab drivers relied on fares on Clinton Street, parts of Williamsburg, and Queens Boulevard, during weekday morning rush hour, throughout the day to the airports and weekend nights. Those trips have now been mostly taken over by green cabs or App dispatch services. The taxi industry has to have a robust e-hail option available, a development that would give the public more options in less saturated zones and of course help drivers earn more.

Besides championing the green cab initiative, NYTWA also championed the TLC's 2013 e-hail rules, and prior to them, in 2012/2013, we helped organize a pilot program with a major technology vendor which included electronic payments, pre-payments, mid-trip payments, a processing fee of only 2.75%, a smaller and less expensive screen in the front and back. The program was highly popular among drivers but was abruptly shut down by the TLC. So much opportunity has been missed over the past eleven years. In 2007, for example, though the city required all medallion taxicabs install GPS-tracking technology, it was used only to further monitor and summons drivers and collect data for

the city and the corporate sector. Something as simple as navigation was never included despite our advocacy.

The core features which taxi e-hail services must be mandated to adopt, are:

1. Fare Pre-payment
2. Navigation
3. Automatic updates on airport lines when the taxi is near either NYC airport
4. Cancellation fees for passengers

#### **6. Special Initiative To Recruit New License Holders From Under-Served/Represented Communities**

We believe a long-term approach to issues of race-based refusals and geographic-based refusals which disproportionately affect people of color is to build a strong community of drivers from within under-served and under-represented communities. Having such a community creates conditions of internal organic sensitivity to civil rights issues. There is only a small community of African-Americans among drivers today – the result of a dramatic demographic shift that began in the 1980's. Having a strong African-American presence in the workforce would fundamentally change the relationship between the current mostly immigrant workforce and African-American communities.

#### **7. 100 New Taxi Stands In CBD, Subway Stations And Under-Served Areas**

Often drivers are forced to cruise empty (and add to congestion) and every additional minute of empty cruising builds pressure on drivers. Strategically-located taxi stands can create a win-win situation on many counts. Our leadership has long noted that refusals are the fewest when a driver is hailed at a stand. In addition, such stands would have a positive impact on driver well-being, in reducing congestion, and in overall taxi availability. We are aware that creating new taxi stands, especially in the CBD, is not without challenges. We have in the past proposed similar solutions to the TLC but found that such an initiative requires more concerted action from higher up in the Mayor's office.

#### **8. Data Collection And Creating A Benchmark Assessment**

As mentioned above, NYTWA has examined TLC refusal data consistently for the last decade or more to strengthen our internal practices of leadership development and broader driver engagement. We can now firmly assert that while refusal continues to be an issue of critical importance, the yellow sector has made considerable strides in the right direction. However, there is a significant lack of data on these issues in the non-yellow sectors. It is crucial that the equivalent data for the app-based sector – neighborhood-wise total calls and call cancellation data, etc. - be collected. As the app-

based sector becomes market dominant, this is the crucial time to ensure that features are put in place to monitor refusal or unequal service. Such data for all sectors must not just remain the privy of the city or the industry, but must be made public, as only active and informed discussion in civil society will ensure long-term reform. We have found that numbers and clear targets are key to creating change.

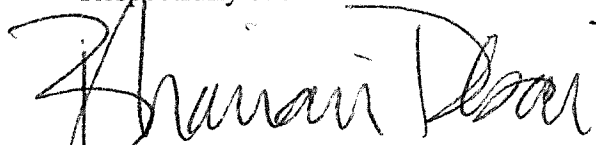
Our work in the conversion of the yellow taxi fleet to 50% accessible vehicles by 2020 is one example of working toward a clearly measurable goal. We propose an assessment survey in a sample of city neighborhoods (in 2019) to create benchmark data from where we can build new policy initiatives and evaluate progress and the impact of the current round of initiatives.

**9. Hire an Officer at the TLC to oversee the program**

We propose the creation of a special office at the TLC or jointly with another agency, directed by a person with a professional history committed to civil rights and worker rights. The office would oversee both the implementation of these programs, and work to develop resources for drivers who face discrimination themselves.

We look forward to working with the City Council, the Mayor and the Taxi and Limousine Commission, along with civil rights, labor, anti-poverty, immigrant rights, and community based organizations to inform and implement a robust program. Drivers collectively serve over a million people every single day. We are the ambassadors of this city, and operate its iconic symbol. We don't want to be alienated from discussions of justice and fairness in our city. More importantly, we want to be contributors to move us forward as a community, never backwards. We hope you will afford us the opportunity to seriously engage and lead together.

Respectfully submitted:

A handwritten signature in black ink, appearing to read "Bhairavi Desai". The signature is fluid and cursive, with a large initial "B".

Bhairavi Desai, Executive Director  
New York Taxi Workers Alliance