



Press Conference and Rally at City Hall

City Council Bill Drafting Secrecy led by Speaker Melissa Mark- Viverito Supports Discrimination against the Disabled and Immigrant Medallion Owners.

When: Wednesday, March the 1st at 1 PM

Where: City Hall steps

On July 18th, 2015 Mayor de Blasio said the following:

“Uber is welcome in New York City. But no company's multi-billion-dollar political war chest gives it a blank check to skirt vital protections and oversight for New Yorkers. We wouldn't let ExxonMobil or Wal-Mart or any other corporate giant operate in New York City without basic rules in place to protect the public. And no number of lobbyists or ad campaigns will change that.”

<http://www.nydailynews.com/opinion/bill-de-blasio-fair-ride-new-yorkers-article-1.2296041>

Those are nice sentiments, but unfortunately, that's all they are: and the Mayor, while talking the talk, has been unwilling and unable to walk the walk. Ever since he proposed a cap on the number of e-hail vehicles and was soundly beaten by Uber's slick lobbying campaign, the mayor has managed to completely abstain from any effort to craft “basic rules” to protect the public and create regulatory fairness.

He is, however, not alone-his own dereliction of duty and acquiescence in the face of the \$70 billion corporate predator, is more than matched by the actions and inactions of the City Council and its Speaker Melissa-Mark Viverito. In the three years since the Uber invasion-one that saw the number of e-hail vehicles increase to over 60,000! (while taxis are capped at a bit over 13,000) the city council has refused to address the regulatory inequities that the mayor so eloquently stated.

Through her inaction-what the lawyers call “constructive refusal”-Uber has been allowed to continue its blatant discrimination against people with disabilities and the hard working immigrant medallion owners who are facing bankruptcy because of the city's unwillingness to regulate the industry with any degree of fairness.

In fact the Speaker, who has made a huge effort to cast herself as a Super Hero in defense of immigrants from Somalia and Libya, has shown a callous disregard against actual NYC immigrants who played by the city's rules only to discover that the New York was willing to keep two sets of books to protect the Uber

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behemoth. As she said about these medallion owners two years ago, when the council was debating a cap on Uber:

"Not of primary concern...is the value of city-issued cab medallions...To me the concern of the value of the taxi medallions is not what's at issue here..." <http://observer.com/2015/07/council-speaker-insists-uber-regulation-bill-not-about-taxi-medallions/>

Council violates its own rule

The extent to which the Speaker is willing to go to protect the corporate predator is underscored by the way she has violated the council's new improved rules that were unveiled with much applause in 2014. (<http://www.gothamgazette.com/government/5587-new-city-council-bill-drafting-unit-up-and-running-lander-mark-viverito>)

The key regulation here is the following:

*"The Speaker shall ensure that the Council central staff provides legislative drafting services to all members on an equitable and confidential basis. **Confidentiality precludes Council central staff from refusing to provide legislative drafting services to any member on the basis that similar legislation is currently being drafted.**"* (Emphasis added)

Here's what has actually happened in the case of two bills to stop discrimination against the disabled; and to prevent the abuse of (mostly female) passengers.

(1) Wheelchair accessibility

The first bill deals with a proposed 50% accessibility mandate for all e-hail vehicles from companies like Uber and Lyft. Currently, all taxis must be 50% accessible by 2020, and the imposition of the same mandate for taxi competitors will not only level the playing field and instill fairness, it will also provide better transportation options for people in the disability community.

When Council Member Johnson asked council leadership to become a sponsor of this accessibility mandate bill, he was informed that another member had already been designated as a potential sponsor. That member remains anonymous to not only the petitioners of the government who represent the constituents affected by the proposal, but to all of the other 49 council members as well. (The Speaker being the exception)

Bills to mandate accessible vehicles for e-hail companies that have been drafted need to be introduced and hearings need to be held and until it does, leadership is allowing an out-of-town \$64 billion company get away with violating the civil rights of the city's own residents.

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(2) T-PEP: Passenger Efficiency Program

NYETA has been proposing legislation that would mandate that all e-hail cars for hire-such as those operating under the Uber and Lyft banner-be required to be equipped with the Taxicab Passenger Efficiency Program technology (T-PEP) that is currently required for all taxis in NYC.

((http://www.nyc.gov/html/tlc/html/industry/taxicab_serv_enh_archive.shtml)

The purpose of the T-PEP technology is to enhance passenger safety and promote the efficient regulation of the industry. T-PEP was introduced in 2014 to address some major obstacles that the NYC Taxi and Limousine Commission found when trying to gather information from its licensees for enforcement and monitoring purposes.

In essence, the new technology has been a boon for monitoring taxis for passenger efficiency and safety. Unfortunately-and in spite of the fact that e-hail companies such as Uber and Lyft have arguably at least three times as many vehicles for hire on city streets-T-PEP has not been mandated for these for hire vehicles. (http://www.nyc.gov/html/tlc/downloads/pdf/rule_book_current_chapter_67.pdf)

NYC-owing to the sheer volume of new Uber drivers (40,000 and counting)-has been a prime location for incidents involving not only harm to passengers, but also to ensuing difficulties for the victims in getting Uber and Lyft to help identify the drivers and also to take responsibility for their behavior.

NYETA approached CM Torres who was enthusiastic about the bill and the need to protect public safety. He submitted a request to sponsor the bill and was initially designated. However, a few weeks later he was told that a mistake had been made-some other member was designated for the bill-and, as was the case with the accessibility bill, the new sponsor's name has been withheld from both Torres and NYETA's team that had actually drafted a model T-PEP bill for the council member.

Why is this wrong with this process? The Need for Freedom of Information

This opaque, non-transparent process is a direct threat to government accountability. Under this anti-democratic system, leadership-or a single opposed member-can hold a bill indefinitely in abeyance and thwart the interests of petitioners without any explanation.

It also allows a single member-in this case the Speaker-to to effectively stifle democratic debate and the democratic process itself. In addition, secrecy will prevent petitioners of the government from knowing if proposed legislation that they support is being stymied by a legislator inimical to their interests.

Our FOIA request seeks to terminate this process and open up the city council's legislative procedures to greater transparency and accountability. We are planning a press conference and are inviting all council

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members who believe in greater transparency to join with us and stand for fairer democratic procedures.

Campaign demand: Let the bills out!

Talking Points on Council bill Drafting Procedures

- (1) New Council rules promulgated in 2014 to much fanfare and support from good government groups: Sponsors touted greater transparency and enhanced democratic procedures;
- (2) Key bill drafting feature in the new rules: **“Council central staff from refusing to provide legislative drafting services to any member on the basis that similar legislation is currently being drafted.”**
- (3) NYETA proposes two bills: One on wheelchair accessibility for E-hail vehicles; and the other mandating GPS tracking for these vehicles;
- (4) 2 council members agree to sponsor these bills and submit a request to council drafting services;
- (5) Both are told that another member has the designation but are not told because of “confidentiality of lawyer/client privilege;” even though the speaker-a member of the council is apprised of all proposed bills;
- (6) NYETA submits a FOIL request to obtain all the information on our bill requests.

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