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Dear New Yorkers,

I am pleased to share with you the Office of Inclusion’s first annual report. In New York City, it is illegal for a TLC-licensed driver to refuse service because of a passenger’s race, ethnicity, cultural background, religion, disability, sexual orientation, or other characteristics of a person’s background or identity. For too long, African Americans, other communities of color, and passengers with disabilities have been denied equitable taxi and for-hire vehicle service. All passengers have the right to travel with a service animal, and be driven to any destination in NYC, Westchester County, Nassau County, or Newark Airport.

Transportation is a fundamental right for all New Yorkers and visitors, especially when provided by drivers professionally licensed by our City. Bias and bigotry resulting in service refusal to People of Color, People with Disabilities, or the LGBTQ community cuts to the very heart of New York City’s welcoming embrace of all kinds of people. Bigotry is unacceptable and we encourage riders to report service refusals as soon as it happens so the TLC can take immediate action.

The Office of Inclusion has also ramped up outreach efforts to ensure that TLC drivers are aware of our service refusal rules and have resources to take action if they are discriminated against. If you are a driver, you can play a huge role in ending discrimination in our city by picking up everyone, and by encouraging your colleagues to join you in this. Drivers can report discrimination or harassment to the NYC Commission on Human Rights by calling 311 and saying, “human rights.”

TLC’s Office of Inclusion will continue working and focusing on promoting diversity and cultural sensitivity in the industry and protect all New Yorkers’ right to for-hire transportation throughout the City.

Sincerely,
Aloysee Heredia Jarmoszuk
TLC Commissioner
LC’s Office of Inclusion (OOI) was created on March 18, 2019 by City Council. The Office is focused on preventing service refusals and other discriminatory behavior in the taxi and for-hire vehicle sector through passenger outreach, driver engagement, and education. It also helps drivers who experience discrimination on or off the road, by connecting them with resources from the Commission on Human Rights (CCHR), which investigates and acts against such abuses.

The OOI team includes six members: A Director, an Accessibility Coordinator, Education Manager, Supervising Attorney, Multi-Media Coordinator, and two senior analysts dedicated to data analysis and outreach respectively.

In 2019, OOI has held twenty focus groups with drivers from all for-hire sectors to better understand the underlying reason why service refusals occur, and discuss the impacts on the riding public when a driver refuses. A recurring theme of the focus groups is that drivers refuse due to predispositions or previous negative passenger interactions such as fare evasion and assault. These focus groups are often held in collaboration with the New York Police Department’s (NYPD) Community Outreach Unit and CCHR who provide helpful tips, programming, and resources.

We’ve also had multiple discussions with civil rights organizations such as the Legal Defense Fund (LDF), National Action Network (NAN), and the National Association for the Advancement of Colored People (NAACP), as they are pioneers in fighting against discrimination and ensuring equality for all. They have provided invaluable insight on the passenger’s perspective and feedback on outreach strategies.

To ensure the riding public is aware of their rights as passengers, OOI has collaborated with various city agencies. We’ve mailed out 38,440 palm cards to New York City Housing Authority (NYCHA) buildings, elected officials’ district offices, the Parks Department’s recreation centers, etc. OOI has also presented at senior centers, NYCHA tenant association meetings, and community board meetings all over the five boroughs on how to report a service refusal. OOI has also had Days of Action, where TLC staff have visited transportation hubs and TLC driver hot spots to inform the public and drivers about the Office.

The Office of Inclusion has launched its citywide public awareness campaign to encourage members of the public to file 311 complaints when denied service or are subject to discrimination. To date, we have received 2,748 service refusal complaints. Additionally, we look forward to developing and implementing an implicit bias training for all TLC drivers. We also continue to work with agency partners to provide resources to our diverse driver population. Most of our drivers are excellent drivers and provide equitable service to all passengers.

The Office of Inclusion recognizes that New York City’s greatest attribute is its diversity (of residents and visitors alike) and is working to reduce and ultimately eliminate service refusals.

Malcolm Cain Jr.
Director Inclusion & External Affairs
Meet the Team

Kala Wright
Acting Deputy Commissioner

Malcolm Cain
Director of Inclusion & External Affairs

Naomi Silkowitz
Supervising Attorney

Stephanie Toro
Senior Analyst

Yesenia Torres
Accessibility Outreach Coordinator

Elizabeth Major
Geo spatial Analyst & Open Data Coordinator

Katie Miller
Multi-Media Coordinator

Theadora Paulucci
Education & Inclusion Initiatives Manager
Driver & Passenger Engagement
Passenger Outreach

Passengers have the right to be driven to any destination in City, Westchester, Nassau or Newark Airport. They can’t be refused service based on race, ethnicity, cultural background, disability, gender, or sexual orientation.

TLC’s Office of Inclusion regularly attends events hosted by community-based organizations and city agencies to ensure the public is aware of the importance of filing a service refusal complaint. The team provides a short overview of the Office of Inclusion’s mission, defines a service refusal complaint and explains the various ways to report service refusals to 311. Staffers have presented at New York City Housing Authority (NYCHA) events, Community Board meetings, senior centers, Commission on Human Rights (CHCR), and resource fairs around the City.

Additionally, OOI’s brief public service announcement is running in Taxi TV, which is available in all yellow and green taxis to inform riders how to complain if they ever experience a service refusal. Information on how to report a service refusal is streaming on all Link NYC kiosks citywide.

In 2019 we mailed out over 38,000 palm cards

<table>
<thead>
<tr>
<th>Organization</th>
<th>Number of Palm Cards Mailed Out</th>
</tr>
</thead>
<tbody>
<tr>
<td>NYCHA Buildings</td>
<td>4,060</td>
</tr>
<tr>
<td>Public Libraries</td>
<td>8,625</td>
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<tr>
<td>Department of Education Centers</td>
<td>3,900</td>
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<tr>
<td>Elected Officials’ District Offices</td>
<td>21,855</td>
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</tbody>
</table>

Office of Inclusion has attended over 100 events throughout New York City to inform the public and TLC drivers about the office’s mission.
Driver Outreach

The Office of Inclusion has met with yellow taxi, green taxi, livery and black car stakeholders to discuss the Office’s mission and goals.

We’ve held twenty focus groups with drivers from different sectors and cultural backgrounds, where we have delved into the reasoning behind service refusals as well as the discrimination and trauma that drivers face daily behind the wheel. The focus groups are held in partnership with the Commission on Human Rights who can investigate and act against cases of discrimination. Often, Thrive and the New York Police Department (NYPD) attend to provide programming and resources to drivers.

“We’ve held 20 focus groups with drivers from different sectors and cultural backgrounds.”

In addition to holding focus groups and meeting with industry stakeholders, the Office has provided its “Protect Your License” palm cards at over forty-five TLC driver facing events. OOI routinely shares driver tips through email and TLC’s newsletter Keys to the City. The tips are to help equip drivers with the tools they may need to provide a pleasant trip experience to all passengers.

OOI held a Town Hall on December 11, 2019 in partnership with the Manhattan Borough President Gale Brewer’s Northern Manhattan office. Members of the public and TLC drivers and bases were in attendance. We screened our public service announcement and had in-depth discussion about why service refusals occur.

Malcolm Cain, Office of Inclusion director, conducts a focus group for Chinese drivers.

Stephanie Toro meets with green taxi drivers to talk about the Office of Inclusion.
People with Disabilities
In 2019 TLC appointed an Accessibility Outreach Coordinator to head our accessibility initiatives and to monitor and create resources for persons with disabilities.

Our Accessibility Outreach Coordinator is also responsible for ensuring the agency is in compliance with Title II and Title I of the ADA — both titles built on the principles of equal opportunity, full participation, independent living, and economic self-sufficiency. It is important to ensure our agency investigates any complaints and recommends resolutions to grievances, provides technical information and advice to staff, and develops and maintains relationships with local disability advocacy groups and the local disability community.

The office recently launched a Disability Etiquette and Awareness Training mandated for all TLC staff. The goal of the training is to facilitate effective interaction with people with disabilities and help develop better customer service for the disability community. This training fosters sensitivity and understanding toward the disability community and provides proper language, and address etiquette considerations.

Throughout this year, we also arranged meetings with several disability leaders, advocates and community groups that represent the needs of their community.

In our effort to communicate and share information with the community we have presented at several events for people with disabilities on:

**FHV Accessibility** rules requiring all car service bases doing business in NYC (including apps like Uber, Lyft, & Via) to provide wheelchair accessible service.

**Accessible Dispatch** program that is providing yellow and green taxi services throughout the five boroughs with accessible taxis.

**Service Refusal Campaign** to inform passengers about their rights, how to make a complaint, and what they can do if a taxi or app driver refuse to pick them up and take them where they want to go.

Our outreach has been targeted to passengers, drivers, and the disability community in order to educate and expand awareness.

We continue to reach out to consumers, drivers and stakeholders throughout annual events, conferences, fairs, NYCHA Tenant association meetings and emails to over 72 local organizations.
Statistics
§ 2305. Office of Inclusion.
c. The Director shall have the power and duty to:
“2. Compile and report statistics relating to discrimination against passengers or prospective passengers on the basis of ethnicity or race, gender, disability and other categories as appropriate;”

<table>
<thead>
<tr>
<th>Month</th>
<th>Number of Inclusion Complaints</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan</td>
<td>109</td>
</tr>
<tr>
<td>Feb</td>
<td>78</td>
</tr>
<tr>
<td>Mar</td>
<td>190</td>
</tr>
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<td>Apr</td>
<td>296</td>
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<td>Oct</td>
<td>354</td>
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<tr>
<td>Nov</td>
<td>291</td>
</tr>
<tr>
<td>Dec</td>
<td>368</td>
</tr>
<tr>
<td>Grand Total</td>
<td>3,266</td>
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</tbody>
</table>

*These are complaints that allege a service refusal and/or act of discrimination by a TLC licensee. Whether or not a violation has been committed is determined after a complete investigation has been conducted by a TLC prosecutor.

What is a Consumer Complaint?

Simply put, a consumer complaint is a complaint made by anyone against a TLC licensee.

Who can file a Consumer Complaint?

Anyone can file a consumer complaint against a TLC licensee by reporting the complaint to 311. Passengers, pedestrians, motorists, cyclists, tourists, and native New Yorkers (including TLC licensed drivers) all file consumer complaints.

What can you file a Consumer Complaint about?

In 2019, the TLC received 26,889 consumer complaints. These complaints encompass a wide variety of issues including, but not limited to:

- Using a cell phone while driving, even if it’s a hands-free headset
- Overcharging or demanding tips
- Refusing to accept a credit card, demanding an extra fee to use a card, or requesting that a card be swiped again after payment was confirmed
- Not using E-Z Pass for tolls
- Refusing to pick you up
- Refusing your request to change how the radio, air conditioner, or heater is set
- Unsafe driving
- Route complaints
- Being discourteous or rude
- Not displaying a license, or displaying someone else’s license
- A dirty condition or bad odor in the vehicle, including cigarette smoke and body odor
- Broken or missing air conditioner, heater, credit card machine, information screen, lights, windows, or seatbelts
- Acts of discrimination*   
- Parking and traffic violations

What is an Inclusion Complaint?

A specific type of consumer complaint that alleges a service refusal and/or act of discrimination by a TLC licensee.
INCIDENT
A person, passenger, cyclist or pedestrian (Complaining Witness) files 311 Complaint online, via App or by calling 311. Complaints are imported into TLC’s system and all refusals and any allegations concerning race or protected class are identified as Inclusion cases.

INVESTIGATION
- Identify TLC licensee operating vehicle.
- Locate vehicle on date/time of incident.
- Contact Complaining Witness to confirm and clarify incident details, request additional information and explain the complaint process.

If unavailable, prosecuting attorney emails Complaining Witness with contact information. If no response in 15 days, case is closed.

SETTLEMENT OFFER MAILED TO DRIVER
- Issued when Settlement Offer is rejected or ignored.
- Immediately issued when complaint is egregious and/or driver is up for revocation (Straight to Summons).

SETTLEMENT ACCEPTED
- Driver pleads guilty to violation and pays a fine.
- This is on driver’s permanent record.
- Additional violations include increased penalties.

SUMMONS
- TLC prosecutor presents case in front of Hearing Officer at Office of Administrative Trials and Hearings (OATH).
- Driver must appear in person and Complaining Witness must testify (over the phone or in person).
- OATH Hearing Officer decides whether driver is guilty or not guilty of various TLC violations.
Driver Statistics

Most Common Driver Language Preference, 2019

The graph reflects the most common languages that current licensed TLC drivers selected as their preferred language during the application process. The seven most common languages other than English—Spanish, Bengali, Chinese (Cantonese, Mandarin, and Formosan), Russian, Arabic, Urdu, and French—are all included in the City of New York’s ten designated citywide languages. By law, all official TLC communications to drivers are translated to those languages.

Driver Languages
The most prevalent driver-identified country of birth for current licensees was Bangladesh, with the Dominican Republic as a close second.

Most Prevalent Driver Countries of Birth, 2019
Driver Population

This map shows the number of current TLC licensed drivers by zip code, based on the driver’s primary address. The zip code with the most drivers is in Woodside, Queens, but we see large populations of drivers throughout Queens, in the Bronx and in South Brooklyn. Drivers who live outside NYC are not represented in this map, although a significant number live in Westchester County, Nassau County, and New Jersey.
The overwhelming majority of current licensed TLC drivers are male.

The histogram below shows the distribution of ages for current TLC licensed drivers. The most common age for drivers is 33, but most drivers are older than that. The median driver age is 42 years old.

**Driver Age & Gender**

The histogram below shows the distribution of ages for current TLC licensed drivers. The most common age for drivers is 33, but most drivers are older than that. The median driver age is 42 years old.

**Driver Gender Balance, 2019**

- Male, (97%)
- Female, (3%)
Complaint Statistics

TLC’s Office of Inclusion began tracking discriminatory complaints in January of 2019, in which we saw 108 complaints industry-wide. There were slightly fewer complaints in February because the month is shorter and there are relatively fewer trips in the winter months. After February, we saw a large increase in complaint volume and from April on, every month had at least 250 inclusion-related complaints.

Inclusion Complaints Per Month By Industry, 2019

- Green Taxi (63)
- FHV (868)
- Yellow Taxi (2328)
When the Office of Inclusion receives a discriminatory complaint, it assigns that complaint a category based on the narrative that the complainant provided to 311—either Refusal, Threats/Harassment/Abuse (THA), or Courtesy, which pertains to a driver’s attitude when accommodating a disabled passenger. The most common category of complaint handled by the Office is a yellow taxi refusal, with 2,012 total complaints in 2019. However, we have seen increases in the number of refusals in for-hire vehicles as app-based services have become more popular.

Complaints by Industry

Of the complaints received in 2019 that were flagged for the Office of Inclusion, 84% have been closed or completed as of Jan 28, 2020. Cases are closed after a settlement is reached or a hearing is held, or if TLC’s prosecutors are unable to proceed with the case.

Initial Complaint Type By Industry, 2019
The Office of Inclusion also uses the complaint narrative to flag the type of discrimination that the complainant experienced in order to plan outreach initiatives to drivers. While we cannot always determine the reason for the refusal based on the narrative provided, the complainant often states if they believe they were refused or mistreated because of their destination, because of their race, or for other reasons. Most refusals the Office of Inclusion has reviewed have been related to the destination the passenger specified, although other types of discrimination are often revealed as the case proceeds.
Discrimination Refusals

Among the Threats/Harassment/Abuse complaints that the Office of Inclusion reviewed, the threat or harassment was most commonly related to the complainant’s race (168 complaints for 2019).

**Initial Reason Type:** Upon receipt, each complaint is subject to a cursory review and categorized based upon the complaint allegations. Complaints that are labeled “Threats, Harassment & Discrimination” are sub-categorized by “Initial Reason Type” including race, disability, no reason provided, sexual orientation, ethnicity, gender, destination, AAR (Access-A-Ride), religion, or service animal. The sub-category answers the question, “Why was this complainant subject to discrimination?”

**Included Reason Type (Verified Reason Type):** After a prosecutor has spoken to the complainant and verified the allegations of the original complaint, the complaint may be re-categorized if a prosecutor evaluates that the “Initial Reason Type” is inaccurate.

**Example:**

Original Complaint states, “Driver saw me with my partner and called me an offensive name.”

**Initial Reason Type:** Sexual Orientation

Upon speaking with Complainant, Complainant states that the driver used a racial slur.

**Included/Verified Reason Type:** Race
The majority of refusals that the TLC reviewed involved requested trips to somewhere in Manhattan. This tracks with taxi trip trends, as most taxi trips start and end in Manhattan. In these cases, a driver likely refused the complainant based on the neighborhood in Manhattan to which the passenger stated they wanted to be taken.
Hearings & Outcomes

Among complaints that went to a hearing, the driver was found guilty roughly half of the time.

The TLC’s Prosecution Unit flags NYC 311 complaints that would be of interest to the Office of Inclusion based on the narrative provided by the complainant. However, when the Office of Inclusion contacts the complainant, they often wish not to proceed, do not respond, or do not have enough information to positively identify the driver they filed the complaint against. These are categorized as “Unable to prosecute” in the graph above, and comprise 70% of the complaints the Office received this year. Of the cases that the Office is able to prosecute, the case goes to hearing one third of the time, and the rest are settled out of court.

Investigation Resolutions, 2019

- Unable to Prosecute, 1906 (70%)
- Settlement, 611 (22%)
- Hearing Held, 206 (8%)
- Suspension/Revocation, 6 (0%)

Inclusion Case Hearing Dispositions, 2019

- Dismissed, 99 (49%)
- Guilty, 95 (47%)
- Withdrawn, 9 (4%)

Inclusion Violation Fine Amounts, 2019
Public Awareness Campaign

In February 2020, the Office of Inclusion launched a citywide campaign on buses, the subway & the Staten Island Ferry to combat service refusals in the taxi and for-hire vehicle industry.
WHY DOES MY DESTINATION MATTER?
I JUST WANT TO GET ACROSS TOWN.

SERVICE REFUSAL.
IF YOU REPORT IT, WE CAN STOP IT.

CALL 311 OR DOWNLOAD THE 311 APP TODAY.

Yellow cab, green cab, livery, Uber, Lyft, or Via, it is illegal for TLC-licensed drivers to refuse to drive passengers based on their race, gender, sexual orientation, religion, disability, or destination.

NYC Taxi & Limousine Commission

WHY DOES MY RACE MATTER?
I JUST WANT TO GET ACROSS TOWN.

SERVICE REFUSAL.
IF YOU REPORT IT, WE CAN STOP IT.

CALL 311 OR DOWNLOAD THE 311 APP TODAY.

Yellow cab, green cab, livery, Uber, Lyft, or Via, it is illegal for TLC-licensed drivers to refuse to drive passengers based on their race, gender, sexual orientation, religion, disability, or destination.

NYC Taxi & Limousine Commission
Education
In 2018, TLC’s Education Unit developed new standards for its 24-Hour Driver Education Course. The course, which is taught by TLC-Authorized education providers, is a requirement for anyone that seeks a TLC Driver License. TLC required all approved existing education providers to reapply for authorization by writing lesson plans and creating new training materials to comply with the new standards.

TLC also required providers to give a teaching demonstration as part of the evaluation process. Updating standards and requiring education providers to re-apply for authorization has resulted in higher quality education for drivers and higher pass rates on the TLC driver license exam.

In 2019, TLC took the same approach in redeveloping its Passenger Assistance and Wheelchair Accessible Vehicle (WAV) Training, which has been a requirement for TLC Licensure since 2011 for yellow medallion drivers, and since 2014 for all TLC driver license holders. TLC established new curriculum content, essential technical skills, and instructional standards with associated rubrics to measure provider quality. Seven training modules were developed to ensure consistent training across providers. TLC is also adding in-vehicle training in addition to classroom instruction.

TLC created a brand-new video on the WAV securement process using a TLC vehicle that covers each critical step of the process. There is also a new colorful, step-by-step instruction guide on the securement process, complete with helpful tips for drivers on providing good customer service to passengers that use wheelchairs. The new guide will also be available in a digital version, easily accessible by phone. TLC expects to launch the new course in summer of 2020.

Implicit Bias Training

As a part of the new TLC Office of Inclusion, the Education Unit is developing an Implicit Bias Course Training for drivers. The Education Unit is currently researching recent Implicit Bias Training case studies and subject matter experts who provide training across the United States. TLC is also developing focus-group questions, so TLC may better understand the attitudes of drivers towards passengers of different races.

The course seeks to educate drivers on biases, explore their own biases and how their biases influence their behavior, as well as tools and methods to mitigate racially-charged behavior as a result of these biases. The course will be culturally-sensitive, with universal content so it may reach the unique and diverse group that makes up over 200,000 TLC-Licensed drivers.