

GOTHAM

GOVERNMENT RELATIONS & COMMUNICATIONS

February 8, 2017

**First Class Mail &
Email to dbarbato@council.nyc.gov**

Danielle Barbato
NYC Council Records Access Officer
The City of New York
Office of the General Counsel
250 Broadway, 15th Floor
New York, NY 10007

Re: FOIL Request for Records & Information from the New York City Council

Dear Ms. Barbato:

This request for information and records is made pursuant to New York State Freedom of Information Law (FOIL). Subject to specifically delineated exceptions, FOIL requires that agencies “make available for public inspection and copying all [requested] records.” N.Y. PUB. OFF. LAW § 87(2) (McKinney 2017). The New York City Council is an “agency” under the Public Officer’s Law. *See* N.Y. PUB. OFF. LAW § 86 (defining “agency” as any “council, office or other governmental entity performing a governmental or proprietary function...except the judiciary or the state legislature.”). It therefore falls under the auspices of FOIL.

We represent New Yorkers for Equal Transportation Access (NYETA), which has been advocating both for the adoption of a T-PEP-type system and mandatory 50% accessibility requirements for all for-hire vehicles—such as those operated by Uber—in New York City. Specifically, all for-hire vehicles in New York City should be required to comply with all of the same T-PEP requirements to which traditional medallion yellow taxicabs are subjected. And—just like taxicabs—half of all for-hire vehicles in New York City should be accessible to people with disabilities.

When we discussed our above-mentioned proposals with members of the City Council, there was immediate interest from potential sponsors of such legislation. Unfortunately, when these potential sponsors approached the Council staff, they were all informed that they would not be permitted to sponsor such legislation because another member of the Council had already introduced a similar bill. Unfortunately, NYETA has been informed that the Council staff has refused to reveal which Council Members are sponsoring this legislation. We have therefore been unable to meet with the sponsors who reserved the right to introduce this legislation to discuss their proposal, and interested sponsors of our proposal have been unable to introduce their own version of these two proposed bills.

It is a shame when democracy is hampered in such a fashion. It is a shame that even members of the Council itself have not been able to discover who amongst their ranks has introduced legislation while at the same time being forbidden from sponsoring legislation that can increase accountability and accessibility of for-hire vehicles.





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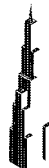
As a result of this lack of access, we write to respectfully request the following information and records (preferably in electronic (.PDF) format):

1. Please provide the names of the City Council Members who will sponsor/introduce or are in the process of sponsoring/introducing legislation to the City Council concerning or relating to the implementation of a T-PEP or other data-collecting system to be required on for-hire vehicles in New York City.
2. Please provide the names of the City Council Members who will sponsor/introduce or are in the process of sponsoring/introducing legislation to the City Council concerning or relating to the adoption of accessibility requirements for for-hire vehicles in New York City.
3. Please provide any drafts, memoranda, reports, messages (including emails), and any other available documents (electronic or otherwise) that were generated between January 1, 2016, and the present which pertain to the adoption or implementation of a T-PEP or other data-collecting system to be required on for-hire vehicles in New York City.
4. Please provide any drafts, memoranda, reports, messages (including emails), and any other available documents (electronic or otherwise) that were generated between January 1, 2016, and the present which pertain to the adoption or implementation of accessibility requirements for for-hire vehicles in New York City.
5. Please provide the legal authority and formal or informal rule, practice, policy, or custom that supports the Council's refusal to reveal which City Council Members will sponsor or are in the process of sponsoring legislation to the City Council.

Thank you for your attention to this matter.

Respectfully Submitted,

Bradley Gerstman, Esq.
Gotham Government Relations
On Behalf of NYETA
1399 Franklin Ave., Suite 200
Garden City, New York 11530
(516) 880-8170



Memorandum

NYETA Calls on City Council to Release Crucial Public Information

To all council members and concerned media

New Yorkers for Equal Transportation Access is filing a freedom of information request with the NYC Council that will be asking that the legislature release information about key potential sponsors of legislation impacting the lives and livelihoods of people with disabilities and taxi medallion owners.

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 a council member asked council leadership to become a sponsor of this accessibility mandate bill, the member was informed that another member had already been designate 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 50 council members as well.

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?

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

Press conference

We are holding a press conference on