

*From: Bill Chener  
PAIR Program*

*3/19/10*



## Workers' Compensation Coverage

### Taxi Cabs – Most Taxi Cab Operators Are Considered Employees

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A taxi driver, operator or lessee is an employee unless such person is leasing a taxi from the owner of the taxi and the owner of the taxi personally, regularly drives the taxi an average of 40 or more hours a week. For the lessee to be considered an independent contractor, the owner-operator may not control, direct, supervise, or have the power to hire or fire such lessee.

## **New York State Rules for Employees or Independent Contractor**

On July 25, Governor David A. Paterson signed into law a bill (S. 8715 /A. 11759) that establishes rules meant to determine when livery drivers in New York City, Westchester, and Nassau County are considered employees or independent contractors of livery bases. It also calls for the creation of a fund that offers independent contractor livery drivers and their families "compensation" benefits in cases of severe injury or death.

The law, which saw opposition in recent weeks and spawned protests on the day of its signing, is set to go into effect on Jan. 1, 2009.

Skepticism over the bill came from as high up as TLC Commissioner, Matthew W. Daus, who stated, "While I support Governor Paterson and the Legislature for addressing this longstanding and complicated, yet important issue of providing Workers' Compensation protections for our drivers, I remain concerned that the coverage it prescribes is far more limited than plans for other similar industries. Also, the Fund's creation may have several unintended consequences, such as bases with existing Workers' Compensation Insurance changing the way they do business to qualify for the potentially less-costly Fund, resulting in a lower standard of protection for a wider number of drivers.

"While the Bloomberg Administration did not specifically object to the bill, we do look forward to working with the State government and the Legislature to ensure that this new law is implemented in a way that avoids any negative impact to the extent possible."

Supporters of the law say that a lack of a clear designation for livery drivers has historically jeopardized compensation for injured workers, led to extensive and costly litigation, and even affected compensation for other non-driver employees of livery companies. They claim that there was no system in place to clarify when livery bases should classify their drivers as employees or independent contractors. As a result, an injured driver could go years without receiving compensation because this lack of designation bounces drivers between the no-fault insurance and workers' compensation systems.

"[The law] will reform a system that has been bogged down by bureaucracy for too long by clearly designating whether a driver is independent or not, thereby delivering much-needed workers' benefits while protecting bases across the City and surrounding area," said Governor Paterson.

New York State Assemblyman Adriano Espaillat said: "This historic legislation will finally bring relief and much needed benefits to over 40,000 livery drivers and their families."

Fernando Mateo, Founder of the New York State Association of Taxi Drivers, said: "Unfortunately, for years these drivers had no coverage whatsoever, and many have suffered hardships due to injury, assaults, robberies and even murder on the job. We commend and applaud this initiative that we have so long awaited."

Critics of the new law continue to voice concerns that the new law does not accomplish what it was originally meant to accomplish.

“In reality, it does not provide workers’ compensation insurance and it does not clearly define whether a driver is an employee or an independent contractor, since the bases are responsible for collecting and paying fees to a newly-formed insurance board,” says Cira Angeles, President of LA Riverside Brokerage in New York City. “They are also throwing out numbers about how much it will cost, but they really don’t know. The studies thus far have been insufficient to determine real numbers.”

Livery industry advocate, Pedro Heredia is among a group of base owners complaining that the legislation passed without appropriate hearings to discuss its finer points. The group claims the new law will “decimate the industry and drive passenger fares through the roof.”

Heredia believes that the legislation began with good intentions, but got derailed along the way. “The industry supports the premise of providing benefits to the drivers, but not this way,” says Heredia. “This bill will hurt the drivers (because they will pay higher dispatch fees) and the riding public who will pay more to offset the new fees required by the fund.”

According to Wayne I. Baden, Senior Partner at Schlam Stone & Dolan LLP in New York City, the law makes a number of substantial legal changes to the relationship between livery drivers and livery dispatch bases seeking “independent” status. The law also establishes the Livery Drivers Benefit Fund (LDBF) to pay certain benefits to drivers affiliated with independent livery bases and permits drivers whose injuries are not covered by benefits provided by the LDBF to seek payment for their injuries under the no-fault provision of their vehicle liability policy without having to first seek workers’ compensation coverage.

“It should be noted that injuries suffered by drivers – such as back injuries that might be incurred while lifting a passenger’s luggage – will not be covered by either the LDBF or the no-fault provisions of the injured driver’s vehicle liability policy,” notes Baden.

Each livery base licensed in New York City, as well as Nassau and Westchester Counties will be required to be a member of the LDBF or present proof that it has secured a workers’ compensation policy that covers all livery drivers it dispatches.

Livery bases participating in the program are required to make payments into the LDBF, but the details in the law remain a little vague. According to the law, the payments will be assessed annually and are designed to cover assets equal to 150% of the cost of an insurance policy that provides the coverage, plus the administrative expenses of the LDBF. An individual base’s share of the cost will be based on the number of livery vehicles affiliated with it. The LDBF may require additional payments to be made by livery bases during the year if it needs additional funds.

The LDBF will be run by a board of directors consisting of nine Governor-appointed individuals. One will be appointed on nomination by the temporary president of the Senate, one by the speaker of the assembly, one by the chair of the WCB, one by the superintendent of insurance, one by the AFL-CIO, and four will be appointed without prior nomination. At least two of these nominations will be a livery driver, or the owner, officer, or director of a livery base.

A livery base's designation as "independent" will be made by the Workers Compensation Board (WCB) upon the submission of an affirmation (sworn by an officer or director) that verifies the following information:

- The base is not, directly or indirectly, the owner or registrant of any livery vehicle dispatched by the base
- All livery drivers dispatched by the base provide and select their own clothing
- All livery drivers dispatched by the base set their own hours and days of work
- All livery drivers choose which dispatches or fares to accept, and no livery driver suffers any consequences by the livery base for failing to respond to its dispatch
- Livery drivers dispatched by the base may enter into a contractual relationship with one or more other bases
- No livery driver dispatched by the base receives an Internal Revenue Service form W-2 from such base, or is subject to withholding of any federal income taxes by the base
- The base does not pay for the fuel or maintenance of any livery vehicles
- The base does not impose any fines and penalties on any livery drivers, except that it may decline to provide further dispatches for misconduct during any dispatch
- No livery driver is subject to being fired or discharged by the livery base.

The Chair of the WCB may by regulation set other criteria. Livery bases that do not meet the above criteria will be considered the employers of their affiliated drivers for the purposes of workers compensation law and benefits.

"There are substantial penalties for knowingly submitting a materially false statement and for failing to make required payments to the LDBF," explains Baden. Violations can lead to felony charges, fines up to \$5,000 and the revocation of a livery base's operating license for a period of up to two years. Suspended bases will also have to acquire a workers' compensation policy covering its affiliated drivers as employees in order to stay in business during the period of its revoked membership in the LDBF.

The LDBF will purchase an insurance policy from the New York State Insurance Fund or another carrier properly licensed in New York (the LDBF cannot self-insure). It will provide benefits to livery drivers for certain kinds of injuries arising out of and in the course of providing covered services (all dispatches from a livery base, regardless of where the pick-up or discharge occurs) under the workers' compensation law. The covered injuries are:

- Death
- Injuries resulting from a crime against a claiming livery driver as evidenced by a police report
- Amputation or loss of an arm, leg, hand, foot, multiple fingers, index finger, multiple toes, ear, or nose
- Paraplegia or quadriplegia
- Total and permanent blindness or deafness

"The end result of this is that it will most likely switch all of the drivers' accident claims to no-fault – including ones that aren't covered under the law," notes Neil Greenbaum, President of Hereford Insurance Company in Long Island City. Greenbaum believes that while the new law ensures that more drivers have coverage, it will reduce the amount of their claims, as compared



to current standards. He also expects insurance rates to increase.

In a letter to Governor Paterson, a consortium of bases and livery drivers (led by Mr. Heredia) noted that the law, "while laudable, fails to classify the many facets of the industry and simply categorizes every driver without regard to corporate structure, relationship to corporation or status as an independent contractor. That is because most bases do not own vehicles, they only provide dispatching services. Most drivers are independent as they work when they want to and where they want to. In addition, the majority of drivers pay their own insurance, registration and maintenance cost for their vehicles – that's what makes them independent."

"We feel that the new requirements will serve to drive many bases out of business, as well as leave scores of drivers without local base affiliations," says Heredia. "But even more troubling is the fact that the fund is merely a substitute for actual Workers' Compensation insurance and does not offer the benefits of Workers' Compensation. I think the drivers will not be happy when they realize that they are not entitled to the benefits provided by the more popular Workers' Compensation Fund."

According to Heredia, the Governor agreed to meet with his group to discuss ways to fix the problems outlined in the group's correspondence.

San Francisco

the conduct of any business enterprise other than the business of the Color Scheme. If a change occurs in the name of the company or telephone number under which taxi service is provided the Color Scheme shall promptly request to change the listing in the Yellow Pages section of the San Francisco telephone directory. During those times when the current listing in the Yellow Pages section of the San Francisco telephone directory is incorrect or when a new listing cannot be made until the next printed copy is published, the Color Scheme shall maintain a current listing, including the name of the company and telephone number, with the San Francisco directory assistance (411) and the City's 311 system.

**(g) Designated Manager**

(1) All Color Schemes shall designate a natural person as a manager who shall serve as the central point of contact for all matters of regulatory compliance. This manager shall be an individual who has not had Motor Vehicle for Hire Permit issued by the SFMTA suspended or revoked in the past five years, except as otherwise approved in writing by the SFMTA. A Color Scheme may designate additional managers for specialized matters subject to the prior written approval of the SFMTA.

(2) The designated manager of a Color Scheme shall be the agent for service of process for the Color Scheme.

(3) Designation of a manager for purposes of this subsection 1106(g)(3) does not qualify the manager as Key Personnel for the Color Scheme.

**(h) Staffing Requirements**

Every Color Scheme shall employ some combination of qualified staff, contracted services and/or automated devices adequate to perform at least the following functions and provide the following capabilities:

- (1) Receive and dispatch requests for service in a timely fashion.
- (2) Receive inquiries about Found Property on a 24-hour basis.
- (3) Receive and respond to communications and information requests from the SFMTA.
- (4) Document and track all Found Property and turn it over to the Color Scheme's Dispatch Service for processing.
- (5) Comply with all state laws regarding Found Property.

**(i) Workers' Compensation Requirements**

Color Scheme Permit Holders shall comply with all applicable state laws and regulations concerning Workers' Compensation.

**(j) Participation in Paratransit Program**

Color Schemes qualifying for the Paratransit Program must execute a contract with the Paratransit Broker defining the rights and obligations of the parties. Thereafter, each such Color Scheme shall operate at all times subject to the rules and regulations of the Paratransit Program, and every contract entered into between a participating Color Scheme and a Driver affiliated with that Color Scheme shall require the Driver to operate at all times subject to the rules and regulations of the Paratransit Program.

## **Tracy v. Yellow Cab Co-Operative, Inc. (San Francisco Superior Court No. 938786)**

<http://www.las-etc.org/origin.html>

**Tracy v. Yellow Cab Co-Operative, Inc.:** The LAS-ELC filed this case in 1991 against the major taxicab companies in San Francisco, in a challenge to their decades-old practice of misclassifying their drivers as "independent contractors" as a way of avoiding liability for such statutory employment benefits as unemployment insurance and workers' compensation benefits, or to evade complying with sections of the California Labor Code. Because of this misclassification strategy, thousands of taxicab drivers had systematically been denied urgently needed financial coverage for serious injuries suffered on the job, or the security of an unemployment check when they fell out of work. After years of litigation, Judge William Cahill of the San Francisco Superior Court agreed with the Tracy plaintiffs that the companies' "independent contractor" fiction was an unlawful and unfair business practice under the California Business and Professions Code. Accordingly, the Court ordered the defendants to provide restitution to the class of their former and current drivers, and imposed a permanent injunction against their misclassification practices.

Although *Tracy* did not involve a claim of national origin discrimination, a very large proportion of the taxicab drivers subjected to the companies' misclassification was comprised of recent immigrants. As is commonly known, the taxicab industry has historically served as an important and accessible way of making a living (albeit often at a subsistence level) for newcomers to this country. The outcome in *Tracy* is additionally important to the work of the National Origin Program because the same "independent contractor" fiction is widely used by employers to escape liability for their workplace violations in low-wage jobs most frequently occupied by immigrant workers - such as garment and electronics "sweatshops," and in the janitorial industry. The legal arguments used in *Tracy* will have great applicability to other such cases where immigrant worker communities are particularly affected.

# Cab company driver ruled an employee despite method of compensation

By Renau, Donald I

Publication: American Agent & Broker

Date: Tuesday, October 1 2002

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## Down To Cases

A South Carolina cab driver was murdered while driving his cab. His estate filed for workers compensation benefits. A lone workers compensation commissioner hearing the matter ruled that the driver was an independent contractor and thus not entitled to benefits; the full commission reversed, finding

the driver was an employee of the cab company. A circuit court reversed the full commission, and a state Court of Appeals reversed the circuit court. The case was then appealed to the state Supreme Court.

## IMAGE PHOTOGRAPH 2

The murdered man joined the cab company in 1995 as a part-time taxi driver. Gradually, the company increased the number of shifts he worked. On Jan. 6, 1998, the driver was dispatched to pick up a passenger, who apparently murdered him.

The cab company required drivers to file an application for employment. It read in part: "This is to certify that although I drive a taxicab owned and/or operated by (the cab company), I am in no way employed by the company. I receive [sic] no salary or other compensation from the company, and my only financial relationship with the company is to pay rent on the cab I drive, to pay for the gasoline used by me on my shift, and to return the cab with all keys and equipment in good condition at the end of my shift." All drivers had to sign the application before working for the cab company.

In conflict with the independent contractor relationship expressed in the application form, the cab company exercised control over a driver's behavior while in the taxi, and the manner in which drivers performed their jobs. The cab company's "Drivers Information and Training Package" included numerous rules and regulations governing the drivers.

The drivers leased their taxis from the company, paying for either 12- or 24-hour shifts. The murdered driver leased his taxi for 24-hour shifts at \$79 per day. The taxis were painted yellow and identified as the cab company's vehicles. The company furnished the cabs' radios and dispatch service. It also paid for insurance, a portion of which was collected from the drivers, and for repairs on the vehicles.

Whether a worker is an employee or independent contractor is a fact-specific issue resolved by applying certain established principles. "The general test applied is that of control by the employer. It is not the actual control then exercised, but whether there exists the right and authority to control and direct the particular work or undertaking, as to the manner or means of its accomplishment." *Young vs. Warr*, 252 S.C. 179, 189, 165 S.E.2d 797, 802 (1969).

Applicable cases established that four elements determined the right of control: 1) direct evidence of the right or exercise of control, 2) the furnishing of equipment, 3) the right to fire, and 4) the method of payment.

The Supreme Court mentioned that the Court of Appeals noted that there

The Supreme Court mentioned that the Court of Appeals noted that there is a split of authority concerning whether a taxi driver who leases a taxicab under a per-diem payment agreement and keeps his fares and tips as compensation is an employee or independent contractor. The majority of cases held that under such circumstances, the cab driver is an employee by virtue of the cab company's exercise of control.

The Supreme Court then noted that the cabs were furnished by the company. The court also noted that the company had the power to fire the driver for a number of reasons, to wit: drinking and driving, too many accidents, failure to deliver packages, failure to comport with the dress code, and for providing any false or incomplete information on the company's application.

However, the court noted that the method of payment, under which the driver was entitled to keep all fares earned during a day after paying \$79 for the cab, was more in keeping with an independent contractor relationship than an employee relationship. Nevertheless, even in regard to payment, the cab company exercised some control, inasmuch as it dictated the fares the driver could charge and required him to use a meter. The Supreme Court affirmed the Court of Appeals ruling that the driver was the cab company's employee.

## NYSIF QUOTE CALCULATION REPORT

Quote No. 0      Quote Version No. -875539      RB File No.      Group Number 90

Employer

### INTERNET USER PROFILE INFORMATION

Name:      Title:  
 Company:      Address:  
 City,State,Zip: , , N/A      Telephone: N/A      Fax: N/A      E-mail: @

### EMPLOYER INFORMATION

Address:  
 City,State,Zip: , , N/A      Telephone: N/A      Fax: N/A      E-mail:

### REPRESENTATIVE INFORMATION

Name:  
 Address:  
 City,State,Zip: , , N/A      Telephone: N/A      Fax: N/A      E-mail:

Policy Start Date: 09/09/2009      Policy End Date: 09/09/2010      Rating Date: None  
 Period Start Date: 09/09/2009      Period End Date: 09/09/2010      Billing Plan: NON-Provisional

| CODE | DESCRIPTION  | PAYROLL  | RATE   | RB | MAN. PREM. |
|------|--|----------|--------|----|------------|
| 7368 | TAXICAB OR PUBLIC LIVERY OPER--U                     | \$25,000 | \$6.34 | 1  | \$1,585.00 |
|      | 1. SIF MANUAL RATE PREMIUM                           |          |        |    | \$1,585.00 |
|      | 2. EXPENSE CONSTANT                                  |          |        |    | \$200.00   |
|      | 3. SIF BASE PREMIUM                                  |          |        |    | \$1,785.00 |
|      | 4. TERRORISM PREMIUM                                 |          |        |    | \$12.75    |
|      | 5. NATURAL DISASTER AND CATASTROPHE PREMIUM          |          |        |    | \$2.75     |
|      | 6. TOTAL TERRORISM PREMIUM(TERRORISM + DISASTER)     |          |        |    | \$15.50    |
|      | 7. EST. ANNUAL SIF PREMIUM + TOTAL TERRORISM PREMIUM |          |        |    | \$1,800.50 |
|      | 8. ASSESSMENT CHARGE 5.5% OF ITEM 7 LESS ITEM 2      |          |        |    | \$88.03    |
|      | 9. EST. ANN SIF PREM + TOTAL TERRORISM PREM & ASSMT  |          |        |    | \$1,888.53 |
|      | 10. DEPOSIT REQUIRED 100% OF ITEM 9                  |          |        |    | \$1,888.53 |

Applicants' Description of Operations:

Memo Informations:

Calculation Prepared By: GRUBER,PAUL; User Code: 6307

Calculation Date: 09/09/2009 10:38:38

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# Risk Factors and Protective Measures for Taxi and Livery Drivers



U. S. Department of Labor  
May 2000

Occupational Safety and Health Administration

## The Problem

Taxi and livery drivers are 60 times more likely than other workers to be murdered while on the job, according to the National Institute for Occupational Safety and Health (NIOSH).<sup>1</sup> In 1998, 48 taxi and livery drivers were murdered while attempting to earn a living.<sup>2</sup> Although this number has decreased from previous years, these drivers are still at high risk for becoming victims of homicide.

Drivers Murdered: 1992-98<sup>3</sup>

| '92 | '93 | '94 | '95 | '96 | '97 | '98 |
|-----|-----|-----|-----|-----|-----|-----|
| 86  | 97  | 87  | 68  | 50  | 74  | 48  |

Taxi and livery drivers are also among those with the highest rates of nonfatal assault—183.8 per 1,000—exceeded only by police (306.0 per 1,000) and private security guards (217.8 per 1,000).<sup>3</sup>

The Occupational Safety and Health Administration (OSHA) is concerned about violence against taxi and livery drivers and is issuing this fact sheet to give drivers and their employers information that may help make their jobs safer. This fact sheet identifies risk factors that taxi and livery drivers face along with a list of potential safety measures that might help protect them. It also describes employer responsibilities and employee rights under the *Occupational Safety and Health Act (OSH Act)*.<sup>4</sup>

## Risk Factors

A number of factors put drivers at risk, as identified by NIOSH:

- working with the public
- working with cash
- working alone
- working at night
- working in high-crime areas.

There is no “one-size-fits-all” solution. A number of measures may help reduce the risks encountered by taxi and livery drivers. Improving safety for drivers will require the efforts and commitments of vehicle owners, drivers, service providers, law enforcement agencies, regulatory officials, and local government regulators. A number of strategies are being tried, but the deterrent effect of many of these is unknown. Some may not prevent injury but may speed response time when an incident occurs.

## Safety Measures

Potential safety measures include, but are not limited to, the following items:

- automatic vehicle location or global positioning systems (GPS) to locate drivers in distress;
- caller ID to help trace location of fares;
- first-aid kits for use in emergencies;
- in-car surveillance cameras to aid in apprehending perpetrators;

<sup>1</sup> U.S. Department of Health and Human Services, National Institute for Occupational Safety and Health, *Current Intelligence Bulletin 57: Violence in the Workplace—Risk Factors and Prevention Strategies*, Publication No. 96-100, Cincinnati, OH, 1996.

<sup>2</sup> U.S. Department of Labor, Bureau of Labor Statistics, *National Census of Fatal Occupational Injuries, 1998*, News Bulletin USDL-99-208, Washington, DC, 1999.

<sup>3</sup> Greg Warchol, Ph.D., “Workplace Violence, 1992-96,” in *Bureau of Justice Statistics Special Report*, U.S. Department of Justice, Office of Justice Programs, Washington, DC, July 1998, p. 3.

<sup>4</sup> P.L. 91-596, December 29, 1970; as amended by P.L. 101-552, 3101, November 5, 1990.

## Names of Taxi Drivers Slain in Pennsylvania

Alise Diallo 03/13/10 , Philadelphia, Pennsylvania USA  
Joseph Franya, 04/27/94, Allentown, Pennsylvania USA  
Charles S. Piccione, 12/03/03, Easton, Pennsylvania USA  
Donald Wargo, 01/01/95, Erie, Pennsylvania USA  
Moses Dia Gaye, 04/10/03, Norristown, Pennsylvania USA  
Benjamin Elder, 04/20/08, Philadelphia, Pennsylvania USA  
Leis Desir, 07/17/06, Philadelphia, Pennsylvania USA  
Maninovsky Lubin, 05/10/04, Philadelphia, Pennsylvania USA  
Armel Patrick Dorchery, 06/13/03, Philadelphia, Pennsylvania USA  
Aliu Ajoa Ajetunmobi, 04/02/03, Philadelphia, Pennsylvania USA  
Leonsitos Santos, 10/27/02, Philadelphia, Pennsylvania USA  
Mamadou Gackou, 07/31/01, Philadelphia, Pennsylvania USA  
Jamie Aponte, 12/13/00, Philadelphia, Pennsylvania USA  
Robert Selby Sr., 07/06/97, Philadelphia, Pennsylvania USA  
Darryl White, 07/02/97, Philadelphia, Pennsylvania USA  
Nazeed Iqbal, 12/31/95, Philadelphia, Pennsylvania USA  
Purshottam Agarwal, 07/09/95, Philadelphia, Pennsylvania USA  
Kenneth Bellamy, 03/01/92, Philadelphia, Pennsylvania USA  
William Jones, 11/10/88, Philadelphia, Pennsylvania USA  
Leroy Thompson, 10/18/87, Philadelphia, Pennsylvania USA  
John T. Weldon, 01/01/19, Philadelphia, Pennsylvania USA  
Nzubamunu Mitete, 12/20/05, Pittsburgh, Pennsylvania USA  
Mark Stultz, 06/05/03, Pittsburgh, Pennsylvania USA  
Joseph Looney, 09/18/00, Pittsburgh, Pennsylvania USA  
Curtis Cox, 03/19/60, Pittsburgh, Pennsylvania USA  
John Frank Dean, 01/21/60, Pittsburgh, Pennsylvania USA  
William H. Allen, 01/01/60, Pittsburgh, Pennsylvania USA  
Bernard Oliver, 01/01/60, Pittsburgh, Pennsylvania USA  
Gregory Cunningham, 12/24/07, Upper Darby, Pennsylvania USA [Source](#)



# FIRST KEYSTONE RISK RETENTION GROUP, INC.

4421 Aramingo Avenue Philadelphia, PA 19124 Telephone: 215-235-1697 Facsimile: 215-235-5582

## SPECIFICALLY EXCLUDED DRIVER

February 08, 2010

VIA CERTIFIED & REGULAR MAIL

**RE: SPECIFICALLY EXCLUDED DRIVER**

**Driver's Name and D.L.N: Michael Nwabudike 25822391 PA**

**DATE OF LOSS: January 04, 2010**

Dear \_\_\_\_\_

This letter is to serve as notice to you that the above captioned driver is being **SPECIFICALLY EXCLUDED** from the above captioned policy, **FKPA09-00719** and **MAY NOT OPERATE ANY MOTOR VEHICLE INSURED BY US** under this or any other policy number, at any time, or place, or for any reason.

The reason for this exclusion is:

- Operating a motor vehicle insured by us, while being an unscheduled non-approved driver under the above captioned policy's requirements.
- Non-Reporting of the above captioned loss, as obligated by one or more parts of the above captioned liability policy contract.
- For posing an unacceptable risk under our company's applicable guidelines and standards.
- Because the above captioned driver was reported to have been injured on the above date of loss and is being excluded in accordance with applicable policy contract provisions.

**This exclusion is effective upon receipt of this notice, or five U.S. Postal Service Business days from the date that this notice was mailed, whichever happens first.**

**NOTE: LOSSES CAUSED BY THE ABOVE CAPTIONED DRIVER WILL NOT BE COVERED.**

Should you have any questions or concerns, please do not hesitate to contact us.

Cordially,

First Keystone, Risk Management Department

## Occupational Employment Statistics (OES)

OES FONT SIZE:

### Occupational Employment Statistics [\(For more information or help\)](#)

**Occupation: Taxi Drivers and Chauffeurs (SOC code 533041)**

**Period: May 2008**

| Area name                              | Annual mean wage(2) |
|--|---------------------|
| Philadelphia, PA Metropolitan Division | 22810               |

**Footnotes:**

(2) Annual wages have been calculated by multiplying the hourly mean wage by 2,080 hours; where an hourly mean wage is not published, the annual wage has been directly calculated from the reported survey data.

SOC code: Standard Occupational Classification code -- see <http://www.bls.gov/soc/home.htm>

Data extracted on March 16, 2010

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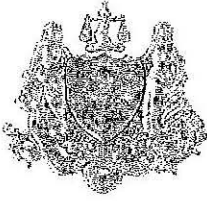
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CITY OF PHILADELPHIA

BLONDELL REYNOLDS BROWN  
ROOM 581 CITY HALL  
PHILADELPHIA, PA 19107  
(215) 686-3438 or 3439  
Fax No. (215) 686-1926

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Legislative Oversight

L&I

December 16, 2009

The Honorable Mark Cohen  
P.O. Box 202202  
Harrisburg, PA 17120-2202

Dear Representative Cohen:

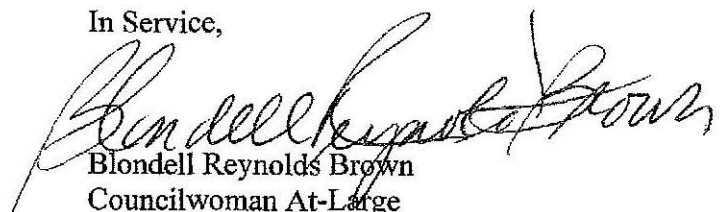
I write today in support of Bill 1914 which would provide workers compensation for taxi drivers.

Taxi drivers provide an important service to the citizens and visitors of Philadelphia. The streets of our City are often not the safest part of our municipality, and by being on the streets day in and day out, drivers of taxis are put in the way of greater harm than most other job classifications.

Philadelphia, it is my understanding, is one of the few major cities who do not have a workers compensation requirement for medallion owners. At a cost of approximately \$4 per cab per day, it is my humble opinion that these are costs that should be borne by the owner of the cab on behalf of the driver. It really is the fair and just thing to do.

Please know that the Worker Compensation portion of Bill 1914 has my full support and I hope you will be kind enough to enter this letter into the record when the hearing is held before the Committee on Urban Affairs.

In Service,

  
Blondell Reynolds Brown  
Councilwoman At-Large

BRB/dlf



# More accessible cabs hit cities

Posted 12/20/2009 7:58 PM

By Greg Latshaw, USA TODAY



Bobby Coward, left, enters a wheelchair-accessible taxi as he speaks with Jeffrey Schaeffer, president of District Cab, ahead of a sensitivity training session for the company's phone operators.

By Melissa Golden for USA TODAY

Traveling around Washington, D.C., is a challenge for Bobby Coward, a quadriplegic, who in his job for DIRECT Action, a non-profit organization advocating rights for the disabled, frequently has to go to conferences and counseling sessions.

Coward, 45, of Washington, uses a motorized wheelchair and says he often relies on public transportation. Broken elevators have stopped him from reaching the subway, and crowds and out-of-order lift devices have kept him off the bus, he says.

"I've missed flights because of the service," Coward says.

For years, Coward has wanted wheelchair-accessible taxis to be available in Washington. He'll get his wish in January, when a fleet of 20 Toyota Sienna minivans retrofitted for wheelchair use is expected to go into full service, says Wendy Klancher, the senior transportation manager for the Metropolitan Washington Council of Governments.

Washington is one of a growing number of local governments across the USA tapping into Federal Transit Administration funds to jump-start accessible taxi services in their area, says Alfred LaGasse, chief executive officer of the Taxicab, Limousine & Paratransit Association in Rockville, Md.

The federal funds, known as New Freedom grants, give taxi companies the incentive to run an accessible cab service, for which start-up costs are high and profit potential is unproven, LaGasse says. The grants have spurred companies to invest in the service in cities including Pensacola, Fla.; Mobile, Ala.; Houston; Coos Bay, Ore. and New Haven, Conn., he says.

The grants, first made available in 2005, are for boosting transportation services above what's required by the American with Disabilities Act (ADA) of 1990, says Paul Griffo, a spokesman for the Federal Transit Administration. Griffo says \$100 million in New Freedom funds were made available in 2009, up from \$87.5 million in 2008.

Wheelchair users can ride a limited number of accessible taxis in large cities such as New York, Chicago and Los Angeles, but nationally the taxis continue to be "not very widespread," says Jim Weisman, co-founder of the American Association of People with Disabilities.

The shortage is bad both for the disabled community and the more than 400 cities with transit

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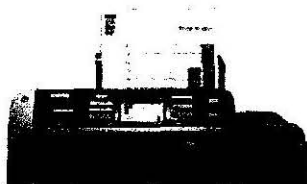


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services, Weisman says. Those cities are required by the ADA to offer the disabled a shared ride service for which riders must typically reserve a ride a day in advance, he says.

"The best thing about accessible taxis that isn't talked about is that it could replace the huge paratransit cost for most of the U.S.," Weisman says.

In Washington, the 20 accessible cabs are part of a \$1.2 million pilot program, of which \$1 million has been paid for by federal funds, Klancher says.

"I think there is a demand for it," says Jeffrey Schaeffer, vice president of Liberty Transportation, the parent company of a Washington cab company that will operate 10 of the accessible cabs.

Elsewhere:

• **Pensacola, Fla.:** In April, Yellow Cab of Pensacola added three accessible cabs, boosting its fleet to eight accessible vehicles, says Karen Locklear, the company's general manager. The grant paid for each of the vehicles, which cost about \$35,700 a piece, says Julia Pearsall, a transportation planner with the Florida-Alabama Transportation Planning Organization. "It's not a large amount of money. But it's making a big difference," she says.

• **Memphis:** Since July, Yellow Cab and Checker Cab have operated eight accessible taxis among its fleet of 75 vehicles, says W. Hamilton Smythe IV, president of Premier Transportation Services, which owns both companies. He says a \$276,000 grant helped finance 80% of the project.

• **Boise:** Valley Regional Transit, which serves two counties, has received federal funds totaling \$1.4 million that it will use to purchase up to four accessible taxis and fund five other projects, says Gloria Chigbrow, the service development manager for mobility. The goal is to have the taxis running before next September, she says. Despite the federal grants, LaGasse says costs remain an issue.

Buying a retrofitted van costs more than \$30,000 — far more than it costs to purchase a used sedan for a traditional taxi, he says. Drivers often make less money when picking up disabled passengers, as it takes longer to load them into the vehicle. Also, he says, companies with the accessible cabs have often found the cabs don't generate as much business among wheelchair users as expected.

"Let's say 4% of a fleet is (wheelchair) accessible. Only 1% of the trips are for wheelchairs. The rest are regular trips," LaGasse says.

*Latshaw reports for The (Salisbury, Md.) Daily Times*

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## **New Taxi Medallions Sold, No Access Achieved**

Despite a new law requiring new accessible cabs, and in face of a civil action calling attention to the problem, New York City has yet to make available taxis for all.

On April 16 and 23, the New York City Taxi and Limousine Commission (TLC) opened some 664 bids for a total of 300 new yellow taxi medallions being auctioned by the city.

A law passed by the City Council last year required the TLC to set aside 9%, or 27, of these medallions as restricted to wheelchair accessible taxi vehicles; however, this law further stated that if the bids on medallions for accessible cabs were less than 90% of the average of the bids for unrestricted medallions, then the medallions set aside for wheelchair accessible vehicles would revert back to being unrestricted medallions.

That is exactly what happened. On April 16, bids for 174 medallions from corporations (medallion and/or fleet owners) were accepted. The average successful bid for a single medallion worked out to slightly more than \$344,000, or about \$80,000 per medallion more than what the city council had anticipated.



**Ligia Lopez demonstrates the impossibility of getting her power chair into a typical New York City cab. Only five cabs in the city can accommodate riders like Lopez.**

There was one corporation that submitted six bids for the restricted medallions for wheelchair accessible cabs. Had these bids been successful, they would have resulted in 12 accessible taxis, since corporations are required to submit bids for two medallions at one time. Unfortunately, they were much less than 90% of the average successful bid, so they were not winning bids.

On April 23, 126 more new medallions were sold at a second bid opening for individuals, but at this part of the medallion auction, there were no bids whatsoever for the restricted accessible vehicle medallions.

The grand total is 300 new yellow taxi medallions sold, and not one new wheelchair accessible taxi vehicle will be added to service on the streets of New York as a result of this sale.

### **The Struggle Continues**

Shall we throw in the towel on the accessible cab issue? We think not. A few new approaches are already underway.

First, several days after the initial part of the medallion sale, when it became clear that no new accessible taxis would result from it, we were invited to a meeting with Council Member John Liu, Chairman of the Transportation Committee, which took place on April 26. Mr. Liu has agreed to work with the disability community and he has asked us to draft a new bill about accessible taxis. As I write this article, a short and simple accessible taxi proposal, which would essentially require access only when new cabs are placed into service, has been drafted and sent along to Mr. Liu and to Council Member Margarita Lopez, Chairwoman of the Disability Services Committee.

Ms. Lopez has played an important role in the accessible taxi issue over the past nine months or so. She was irate at the 9% law, at one point calling it "a token gesture" to the disability community from the Mayor and the Council Speaker. Ms. Lopez took action, introducing a bill to require all the medallions sold to be placed on accessible cabs, and to require accessibility when cabs are replaced. Although there were 38 of 51 Council Members sponsoring Ms. Lopez' bill right before the medallion bids were opened, the Transportation Committee never even held a hearing on her bill.

We don't have a reaction to our new proposed bill from these two Council Members yet, but we anticipate a response soon. We plan to remain in regular contact with Council Members Liu and Lopez, and we also hope to meet with Council Speaker Gifford Miller and NYC Department of Transportation head Iris Weinshall, two more important players in the accessible cab issue.

### **Roll-in for Access**

A second aspect of our new strategy is to heighten public awareness about the city selling new taxi medallions without requiring them to be on accessible cabs. On Thursday, April 22, we participated in a "roll-in" at a cabstand on 7th Avenue directly in front of Penn Station. What's a roll-in? There is a taxi dispatcher at this location, so about one dozen of us who use wheelchairs got in the taxi line and when it was our turn to get in a cab, it was an inaccessible sedan, SUV, or minivan. Of course, the television cameras were rolling and the newspaper photographers were snapping away. Stories about the roll-in appeared on three local television stations, three radio stations, and thanks to the Associated Press wire service, in *Newsday*, *The New York Post*, and even as far away as a Rochester daily newspaper.

We plan on holding a few more roll-ins in the months ahead in strategic New York City neighborhoods.

A third strategy change is to work hard to expand our base of support. Right now, we would say that seven other disability groups participate actively with United Spinal Association in the Taxis For All Campaign coalition. We have also enjoyed the assistance of former NYC TLC Chairperson Diane McGrath-McKechnie. But to put it simply, we need the active involvement of more city disability organizations as well as non-disability entities that are concerned about transportation and environmental issues.

For instance, we have already captured the support of a taxicab drivers association called the Taxi Workers Alliance. A representative of this federation was present at our April 22 Penn Station roll-in. This group worked extremely hard to achieve a reasonable taxi fare increase for its members and other cab drivers. Their backing could help us achieve our goal.

In some ways, the taxi industry in this city got its way in the recent medallion sale, since there was no expansion of accessible service. On the other hand, they may have awakened a sleeping dog. The initial anger from the failure of the 9% law to result in any new wheelchair accessible cabs has re-energized the resolve of the disability community to achieve our goal through a different strategy that keeps this issue before the public eye while we try to expand our base of support.