A Report by the Chicago Taxi Drivers
Workers Rights Board

January 13, 2015

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I. Introduction

In the city of Chicago, 12,763 licensed taxi drivers provide daily transportation service to residents and visitors. ¹ Studies of the industry workforce have focused on driver nationalities, experience, earnings and expenses, working hours, lease arrangements, workplace violence, and regulatory enforcement. ² While reports have documented many driver concerns about trying to earn a living in a difficult industry, one of the most persistent and noxious sources of grievances is how a number of city agencies enforce the rules governing the terms and conditions of taxi service. Specifically, questions and complaints about how select city agencies impose a system of tickets, fines and licensure threats on drivers is at the root of an escalating amount of collective worker anger.

To address the myriad of problems that cab drivers have identified with the regulatory and enforcement process, the American Federation of State, County and Municipal Employees (AFSCME) Council 31 convened a Taxi Drivers’ Workers’ Rights Board (WRB.) The board consisted of five members who were each solicited by AFSCME to participate. The names, titles and affiliations of board members are identified on the cover page of this report.

In order to provide drivers with an opportunity to express their personal experiences and feelings about the way they are treated by city enforcement agencies, on November 10, 2014, the WRB held a public hearing at the Workers United Hall at 333 South Ashland

¹ Figure reported in AFSCME Council 31 Report, Run Off the Road, 2014 and taken from 2010 American Community Survey Public Use Microdata Sample (ACS PUMS) for Chicago Metropolitan Area taxicab drivers.
Avenue from 7 to 9 p.m. At this hearing, the WRB heard testimony from drivers about their experiences. All taxi drivers were invited by AFSCME to attend the hearing and provide verbal and/or written testimony. Drivers who could not be present at the panel hearing were offered an opportunity to submit written statements to AFSCME, which were then forwarded to the board chair.

Workers interested in testifying were required to first fill out a “request to testify” slip, which included their name and chauffer license number. All requests to testify were then submitted to the board chairman, who called on speakers in the order in which they were registered to speak. Drivers were limited to three minutes of testimony. Along with the in-person witnessing of drivers, board members also received written statements from both testifying drivers and cabbies unable to attend or speak at the hearing.

In addition to relevant background information and data previously made public, the WRB was charged with producing a report of the hearing. The report included below is solely focused on the law enforcement process as managed by authorized city agencies. While the report documents the voices of a sample of drivers, they are illustrative of the most serious areas of driver concerns. In taking testimony and writing a report, it is the intent of the WRB to document whether a large and critically important workforce is being denied the most basic rights of due process and fair treatment. Board members further expect that the city of Chicago will benefit from the findings of this panel and constructively use the information in its continuing pursuit of taxi industry reforms.3

The report is divided into six sections. Following the introduction, a brief description of the regulatory and administrative structure and process governing taxi drivers is presented. A third section introduces some demographic information about the drivers who presented testimony to the WRB. Findings from the hearing are presented in the

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fourth section. The information is arranged under two separate subheadings, according to how driver testimonies corresponded to the actions taken by city enforcement agencies. A review of the testimony identified concerns about the practices of the four following city units which enforce taxi code regulations: (1) Police Department, (2) Department of Business Affairs and Consumer Protections (BACP), (3) Department of Finance [previously Revenue], and (4) Department of Administrative Hearings (DOAH). Following a presentation of the findings, the report provides a brief conclusion and set of recommendations.

II. Regulatory and Administrative Process

The Police, BACP, and Finance Department enforce an expansive set of taxi regulations. A cab driver’s work life is tightly monitored and each of the three regulatory units has the power to issue costly citations for alleged driving and behavioral infractions. Citations can be issued for a wide range of regulatory reasons, including all state or city motor vehicle taxi code traffic violations, improper dress, incidents of “discourteous” behavior, failure to maintain the general upkeep of the cab, and any occurrence of unsafe driving. In reality, there is no aspect of driving a taxi in Chicago, which is not governed by a set of regulations overseen by the Police, BACP and Finance Departments.

Drivers are further subject to city oversight when they are issued a citation. No matter the agency source of the citation, if drivers choose to appeal the alleged infractions, the Department of Administrative Hearings (DOAH) adjudicates their cases. The process involves a driver first speaking with a designated city attorney who prosecutes only alleged taxi driver violations. Wielding broad, discretionary and seemingly unlimited power, the attorney stands as a gatekeeper to the hearing process. If, after meeting with the prosecutor, drivers wish to continue appealing their cases, they then go before a judge in a special courtroom reserved exclusively for taxi drivers. The court, located at and
referred to as “400 West Superior,” rules on cases twice a week and renders final judgment on drivers’ cases.

III. Witness Demographics

Interest in testifying was very high as evidenced by the 30 drivers who formally requested an opportunity to testify. In the roughly 90 minutes set aside for testimony, 16 drivers addressed the board. An additional six cabbies submitted written statements. Along with individual drivers, an AFSCME staff member offered testimony based on the labor organization’s research and interviews with drivers about taxi code violations processed at 400 W. Superior. Excerpts from these testimonies are included in the report.

Drivers who provided testimony had provided from two to 26 years of transportation service to the city of Chicago. Many of the drivers had more than 10 years of experience. With one exception, every testifying driver was male and the witnesses represented much of the well-documented racial and national origin diversity of the city’s taxicab drivers.

All but one of the witnesses was a leased driver and every one had been driving a cab prior to the city’s 2012 overhaul of the rules regulating cab drivers and cab owners. Without exception, cab drivers who testified acknowledged having more than one negative engagement with at least one (in most cases more than one) of the city agencies identified in this report.

IV. Findings

4 AFSCME Council 31 Report, Run Off the Road, 2014.
5 In order to preserve the anonymity of the witnesses’, driver testimony was assigned a random number and cited as Cab Driver number x.
Driver testimony revealed consistent frustrations with a common and diverse set of specific city agency practices. Before addressing these individual grievances, however, there was one general area, which every driver expressed serious discontent over. Drivers felt disrespected by a system that routinely ignored their collective right to participate in the development of procedures that govern their working lives. In 2012, the city significantly revised the rules and conditions for operating a cab in Chicago. The changes substantially increased the leasing costs for drivers without a corresponding fare increase. Along with the added lease expenses, drivers were subjected to higher fines for ticketing citations. All of these changes were imposed with little input from, and over the objections of, taxi drivers. Consider the experience of the following driver who relates a lack of “voice” to separate enforcement incidences:

“Like other drivers who have testified here tonight, I have experienced firsthand the no-win situation that all cab drivers face when we try to earn a living in this city. Just this month, I was hit with a fine of nearly $500 and denied the right to a hearing because the city claimed I missed the deadline to contest. Even though I had a receipt that proved I had requested a hearing date, they never sent me a notice about the hearing date. Instead, they just sent a judgment against me and told me it was too late to contest. Now, I have no recourse except to appeal the case to the circuit court and pay for a long legal fight that is nearly impossible to win. Why did this happen? In my case it was because somebody at the city made a mistake. Maybe they lost my appeal or maybe they sent my hearing date to the wrong address or maybe they just forgot to send the notice. But in any case, even though I followed all their procedures, their rules and timeframes and appeal process left me with no way to get justice when someone in their system made an error. Now I have to pay the price.”

In this case, the driver describes a situation where he/she is saddled with a steep fine without having any reasonable opportunity to appeal the citation. Despite having

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6 Testimony from Cab Driver 1.
Evidence of requesting an appeal, an apparent error by the agency issuing the citation forfeited the driver’s right to contest the judgment. While the substantive problem of not properly noticing the cab driver is the proximate cause of the witnesses’ predicament, it is actually only a proxy for a larger and more troubling aspect of the regulatory enforcement system. Notice how the speaker goes on to explain how a number of disparate city agency actions are emblematic of a system that disenfranchises all drivers.

“But whether it’s the rules about the notice and appeal process, or the rules about consumer complaint process or the rules about ‘discourteous conduct’ or any of the other thousands of rules that the city makes and enforces, we drivers have had no voice in any of it. We were not consulted when they raised the fines to $1,000. We were not consulted when they started forcing us to take credit cards no matter how small the fare. And we were not consulted when they passed the Rideshare ordinance, which allows drivers with no training or experience to flood the market.”

Here the speaker is expressing what driver after driver has learned about the system. The subject of the differential treatment between taxi chauffeurs, and Uber or Lyft drivers is the most recent example of how the collective voices of cabbies have been marginalized. While Uber and Lyft car owners/drivers can be cited by BACP for violations and required to use the hearing process at 400 W. Superior, the ordinance that established rideshare subjects drivers to very few regulations. For example, rideshare drivers are not regulated as licensed public chauffeurs and therefore, cannot be cited, as taxi drivers often are, for “discourteous” or “abusive behavior.” Additionally, while taxi drivers are required to post within and outside of their cars a 311-call number for complaints or compliments, the ride share drivers have no equivalent obligation. As questionable, unfair and costly as every incidental alleged rule violation might be, they are collectively understood as products of a dictatorial governing regime that denies workers a democratic voice. Decisions about

7 Testimony from Cab Driver 1.
the rules governing and determining the working conditions for cabbies are made without their input. As bad as any particular infraction may be, the impact of the charge is aggravated when it is thought to be the outcome of a capricious and indifferent arbiter. Individual rules and their enforcement may or not be reasonable, but when they are imposed on a subjected party then every citation becomes arbitrary. The cumulative effect of having to work within a set of rules that have not been designed to reflect the views of those subjected to the rules, produces an inevitable “we drivers have had no voice in any of it” consciousness. Under this rubric, every rule is suspect, each citation is questionable, all fines are forms of theft, and no enforcement action should escape challenge. It is a logical and practical response to an illogical situation, and a toxic recipe for administrative inefficiency.

**Ticketing, Fines, and Revocation of Chauffer Licenses**

The mechanism for throwing drivers into the enforcement machinery that concludes with adjudication of all cases at 400 W. Superior is the ticketing and citation practices of the Police, BACP and Finance departments. In addition to laws that apply to parking, red light observance and speeding enforced by the Department of Finance, taxi drivers are subjected to special regulations that apply uniquely and only to cabs. Chicago Municipal Code, Chapter 9-112 regulates taxicabs and Chapter 9-104 governs drivers. Both sets of rules are primarily enforced by the BACP, Finance and Police Departments. Drivers testified about the types and costs of tickets that they receive, as well as the conditions in which they are routinely cited. Witnesses also stressed how debilitating the ticketing regiment is to a driver’s efforts to earn a living wage.

Taxi drivers report being charged with numerous infractions, including parking tickets, traffic tickets, or tickets issued for an assortment of reasons by the BACP. A 2010 study
found that nearly 86% of cab drivers had been ticketed by a city agency.⁸ Over the past
four years, according to research done by AFSCME, the BACP alone “has issued close to
110,000 citations.”⁹ In 2013, the Department of Finance issued 34,508 tickets to taxis;
three percent were for speeding, while the most common citation (17%) was for
“parking/standing prohibited.” This violation occurs when drivers are trying to load and
unload passengers where no cabstand, or legal parking space is available. Once a
common fixture of Chicago’s streetscape, over the past decade 18 cabstands have been
eliminated or reduced in size, restricting the legal spaces available for drivers.¹⁰

Tickets were also issued for violating the city code against parking on residential streets.
A 2009 study found that almost half (47.7 percent) of drivers have to park their cars at a
distant location and walk home at the end of their taxi shift. In that year, 46 of the 50
Chicago Aldermanic wards prevented taxicab drivers from parking in residential areas,
“for a longer period than is necessary for the reasonably expeditious loading or unloading
of such vehicle.”¹¹ In the remaining four wards, taxicab drivers were only allowed to park
overnight in residential areas if they owned their medallion, and applied for a permit. At
that time, the Chicago Municipal Code also stated that in 49 of the 50 wards, “It shall be
unlawful to park any taxicab on any business street in the city for a period longer than
two hours between the hours of 2:00 A.M. and 7:00 A.M.” ¹² Residential parking
prohibitions are important because they are related to driver safety. Approximately, 6.1
percent of the drivers in the 2009 study who had to walk one or more residential blocks
home were “physically attacked while walking home from [his/her] parked taxicab.”¹³

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⁸ Robert Bruno and Rachel Hewitt, Driven Into Poverty: A Comprehensive Study of the
Chicago Taxicab Industry, Report IV-Law Enforcement, University of Illinois, School of
⁹ Data from Chicago Taxi Drivers’ Rights Board Hearing: Background, AFSCME.
¹⁰ AFSCME report, Run Off the Road, p. 5.
A 2010 study found that drivers received an average of 6 parking tickets per year, and that the average cost of parking violations per driver, minus any court fees if the citation was appealed, was $395.67. In 2013, over 5,000 citations for residential parking were given out. One witness explained that the ubiquitous use of parking tickets has resulted in his/her being “unable to renew my chauffer’s license since January 30, 2011,” because the fines had reached into the thousands of dollars. Other witnesses concurred and research shows that parking fines alone can amount to hundreds or even thousands of dollars each year for individual drivers. It is important to note that all ticket violation fees double in cost if unpaid within a set time period. The problem of paying fines on time is particularly problematic and will be addressed below.

In addition to parking tickets, witnesses complained about being cited for “obstructing traffic,” “unsafe driving,” “unsafe conditions (of the car),” “unclean conditions (of the car),” “improper dress,” and “discourteous conduct.” Drivers were perplexed over how city Police, BACP and Finance officers defined infractions under each of these labels. For example, one witness explained that the responsibility for fixing any car problem is handled by the mechanics working for the cab affiliate’s garage: “As a lease driver I am not responsible for maintenance.” But too often the garage only “patches the problem” and the driver is “forced to put the car on the road when it is not fully repaired.” While the garage mechanic has not found the car to be unsafe to operate, police officers will “randomly check cabs,” and issue a ticket for “unsafe conditions.” The cab companies bear the financial exposure for repairing the mechanical problems experienced by lease drivers, but the drivers are responsible for paying the fine for operating an “unsafe” vehicle. Aggravating the situation and expense for the driver, if he or she questions the officer’s judgment about the safety of the vehicle, the cabbie risks getting additional tickets for having a “dirty car” and being “discourteous.” A single stop can then produce

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15 Testimony from Cab Driver 9.
16 Testimony from Cab Driver 2.
17 Testimony from Cab Driver 2.
sizeable fines.

Indeed, one of the two most common types of tickets reported by AFCME, is for having an “unsafe or unclean vehicle.”\textsuperscript{18} In the 2009 study, 43.1\% of drivers had been cited for this violation. It is also pertinent to note that periodic inspections of all cabs are required by the City of Chicago Municipal Code, and that if cars are not “in safe and clean condition” owners can face suspension of their medallions. Additionally, a leased driver’s failure to bring in a vehicle for inspection will result in a fine, and a possible two-day license suspension. Inspection failure will also incur a $50 re-inspection fee for the car owner.

In addition to “unsafe” citations, drivers were frustrated over being charged with “obstructing traffic.” Witnesses found this infraction particularly unwarranted because in most circumstances, they are not responsible for the alleged obstruction. One driver, who was “stopped by an officer, while a customer was processing a credit card” presents an example.\textsuperscript{19} As the processing took a bit longer than expected, the driver was presented with a ticket. When the driver attempted to explain the reason for the delay, the officer threatened to write a second ticket that would have resulted in a much larger fine. Another witness testified that he/she was given a ticket for “obstructing traffic” after stopping the cab to assist a customer.

“One year ago I picked up two women from New York at the airport and brought them to a hotel downtown. I was stopped in front of the hotel helping them unload their luggage and a car behind me started honking. An officer driving by used his microphone and started saying ‘Move Your Cab!’ Even the doorman was shocked by how aggressive he was. I was in the back of my cab, trying to unload their suitcases so it took me a minute to get back to the driver’s seat and I tried to pull up a little. By

\textsuperscript{18} Chicago Taxi Drivers’ Rights Board Hearing: Background, AFSCME.
\textsuperscript{19} Testimony from Cab Driver 10.
that time the cop had stopped and demanded my license. He gave me a ticket for ‘obstructing traffic.’”

While citations that drivers get for incidences that they can neither always control, or that grow out of their own customer service were hard to accept, the most disturbing form of citation was for something called “discourteous conduct.” As determined by BACP, the definition of being discourteous is to “insult, provoke, interfere with, impede, obstruct or use obscene language or obscene gestures around” not just a passenger but “any person” at all “in connection with operation of their vehicles.”

Drivers can be confronted with a discourteous citation in two ways. One can occur when a police officer cites a driver for alleged bad behavior during a stop. The other originates from a customer complaint, which is interpreted by BACP as meeting the regulatory definition of “discourteous conduct” or “abusive behavior.” Passengers who for example, accused a driver of “verbal assault,” or being “rude,” or “reckless driving,” or said the “cab is dirty,” could trigger a finding of “discourteous conduct.”

In these cases, BACP has the discretion to bundle any combination of complaints into an omnibus “discourtesy,” “abusive behavior,” or “reckless driving,” charge and send a citation to the driver.

The definition of “discourteous” (or “abusive”) behavior raises the obvious question of in whose interpretation is a driver’s behavior discourteous? Courteous behavior is a reasonable job requirement, and few reasonable people would disagree on the most obvious forms of insulting, provoking, impeding and obscene behavior. But testimony by witnesses strongly suggests that it is not the clear unquestionable acts of bad behavior

\[\textbf{20} \text{ Testimony from Cab Driver 5.}\]
\[\textbf{21} \text{ City of Chicago, Department of Business Affairs and Consumer Protection, “Public Chauffeurs Rules And Regulations Discourtesy; Assault, Abusive Behavior; Operating Under the Influence; Reckless Driving, Rule Ch., 5.08,” p. 20.}\]
\[\textbf{22} \text{ According to the city’s database, since 2009, out of 51,010 customer complaints, 41% were for “reckless driving” (by far the most of any category), 10.6% for “cab is dirty,” 10.2% for “driver was rude,” and 3% for “verbal assault” (City of Chicago, Cab Complaints Data Base, 2009-2014/April).}\]
that are subjecting drivers to charges of rudeness and harsh penalties. Instead, as revealed below, drivers are too often being charged with “discourteous conduct” not for doing anything discourteous, but because of how city enforcement agents and customers feel about the cabbie and taxi experience.

“We can be cited for ‘discourteous conduct’ when we tell a passenger we cannot drop them off in a no stopping zone.”

“One driver I know was cited because he was asked to show his lease and accidentally handed the officer a copy of the lease that belonged to the night driver. When he went to 400 W. Superior he ended up having his offense ‘amended’ to discourtesy.”

“And it’s not just discourtesy to a passenger that drivers get cited for. You can get cited for ‘discourtesy’ because you asked a question when a police officer stops you, you can get cited because a pedestrian complains that your wheels were an inch past the white line.”

“My friend and fellow driver was pulled over for running a red light. He did not run the light and asked the officer to explain what happened. The officer wrote him a ticket and he reported to 400 W. Superior. There, they dismissed the red light charge because video shows he did not run it, but they gave him a $250 fine for discourtesy. Because he simply asked why he was being pulled over, they gave him this charge for challenging the officer.”

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23 Testimony from Cab Driver 3.
24 Testimony from Cab Driver 2.
25 Testimony from Cab Driver 2.
26 Testimony from Cab Driver 11.
As reflected in the comments above, city enforcement officers or passengers are typically the source of citations for discourtesy. To the drivers, the source of the compliant raises particular due process challenges. Drivers express frustration with their inability to counter or confront either source. Agency officials appear to use the discourtesy charge in two ways. One approach is to deter any driver from ever questioning a Police or BACP officer. In a situation where a driver offers a non-obscene comment or poses a question, his or her actions are assumed to be disrespectful of the ticketing agent and evidence of another separate violation. But taxi drivers are well aware that in a civil traffic stop a person is permitted to ask an officer why he or she was stopped.

A second way that discourtesy infractions are utilized is as part of a “kitchen sink” strategy. During any single stop or incident, drivers are often charged with more than one taxi code violation. The charges can vary in severity and “discourtesy” seems to be added on to allow the city prosecutor to offer drivers a less punitive penalty. In this way discourtesy is not a real behavioral phenomena. It is actually a negotiating gambit used by the city to maneuver ill informed and often unrepresented drivers into a “liable” settlement. While data on the actual number of stand alone “discourtesy” citations originating from city agents was not available at the time this report was being prepared, it appears that the charge is often used for strategic purposes to insure that fines are imposed and to avoid hearing proceedings. This negotiating move also badly undermines the reasonable understanding that cab drivers have about what behaviors constitute discourtesy. “One of the biggest problems is the vague definition of violations,” a witness notes. “The city rules prohibit discourteous conduct, but the police and the city prosecutor at 400 W. Superior can define just about anything as ‘discourtesy.’”

Complaints from customers present their own confounding reality. Included in the 2012 rule revisions was a concerted effort to promote Chicago’s 311-call line as a means of lodging complaints against drivers. Taxis are required to post the complaint line in several

27 Testimony from Cab Driver 2.
prominent locations inside and outside of the cab. After the city’s aggressive marketing of the 311-service, there was a surge of complaints filed. In 2011, there were 7,067 complaints, but that number nearly doubled to 13,445 in 2012. While the increase is noticeable, what it signifies is unclear. No one has contended that drivers were twice as discourteous in 2012 than they were one year earlier. Another interpretation is that drivers were just as discourteous in 2012 as they were in 2011, but that passengers are now more actively filing concerns. But it is also possible that in 2012, drivers were being accused of a host of discourteous acts that had previously never been defined as uncivil. Perhaps the city’s 311-campaign had empowered passengers to more indiscriminately use the call-line to make their displeasure known. In an attempt to polish up the taxi industry’s customer service reputation, the city may have sensitized passengers to feel mistreated and to act affirmatively on their discontent. One WRB witness made a very interesting analysis, and offered some historical context about the customer complaints system.

“I’ve been driving a taxi for 24 years. I started in March 1990 at the Elston Garage, for Checker Taxi. The garage changed over to Yellow Taxi around 1994. Back then, most taxi’s had two call-in numbers on the back of the seat for passengers to see.”

The witness reveals that at some point before the 311 line, there were actually two numbers available to passengers. Why? “One,” the witness explains, “was for compliments, the other for complaints.” When customers entered a cab they used to see the following:

For compliments, call (312) 942-1893
For complaints, call (312) 747-4300

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28 AFSCME, *Run Off the Road*, p. 4.
29 Testimony from Cab Driver 12.
30 Testimony from Cab Driver 12.
Under this approach, taxi affiliates and medallion owners would have the means to develop something like a performance record for at least those drivers who either triggered negative or positive calls. Drivers were apparently made aware of not just complaints, but also affirmative notices. When paying his/her lease, the witness approvingly noted, that the "company would always let me know, whenever I received a compliment."31 Positive records, the witness contends, "would have been useful in court, had I ever been called in to defend myself against a complaint from an unsatisfied passenger."32 The speaker goes on to reveal that he/she no longer gets notices of compliments, and laments the passing of the separate compliment number.

"The compliment number has been gone for many years now. The only information Public Vehicle is interested in collecting about drivers, now, is complaints. The fines are much higher now, and in court you’ve got nothing to defend yourself with."33

Having separate, dedicated comment lines seemed to signal to passengers that both complaints and compliments were equally welcome. As a result, customers made both kinds of calls. While the practice of dual lines and sharing compliments appears to pre-date the 311 system, the witness pointed out, that in 2014 passengers read something different when they climb into the back seat of a taxi.

\begin{flushleft}
THIS IS Cab #
ALL COMPLEMENTS OR COMPLAINTS SHOULD BE DIRECTED TO THE DEPT. OF
\end{flushleft}

31 Testimony from Cab Driver 12.
32 Testimony from Cab Driver 12.
33 Testimony from Cab Driver 12.
The witness claimed that the lack of a distinct compliment number discouraged positive comments. From the data available to the WRB, there was no way to make a determination about the impact of the 311-system. However, we are curious about the city’s recording and reporting of complimentary calls. No driver who testified recounted receiving any 311-compliments, and no WRB member had heard of a record of compliments being shared with cab drivers. According to a city commissioned study of approximately half of city taxi drivers, in just an eight-month period there were 10.6 million individual cab rides.\textsuperscript{34} Despite the large volume of service, in 2012 only 19,000 taxi code violations were processed at 400 W. Superior, and only 2,000 of those cases originated from consumer complaints. If we equated each violation with an individual ride, the percentage of fares, which are below an acceptable standard of service, is .001.

In a city with nearly 13,000 taxi drivers and well over 14 million cab rides a year, it is impossible that there are not thousands, if not millions, of very satisfied customers. Are they calling 311 and complimenting their drivers? If satisfied customers are not calling to compliment, why not? Perhaps, unsatisfied customers are simply more motivated to complain than satisfied passengers are to praise. Consequently, the lack of a compliment line further discourages the satisfied passengers from complimenting, while the easy three-digit number (instead of a 10-digit number) and the city’s campaign to bring attention to poor taxi service, further incentivizes already dissatisfied customers to call in a complaint. For our purposes here, the increase in complaints may be signifying passengers who are complaining about driver actions that are not in fact discourteous. Drivers interviewed by AFSCME recounted that they had received complaints for not

\textsuperscript{34} \textit{Taxi Fare Rate Study Final Report}, City of Chicago, Business Affairs and Consumer Protection by Nelson\-Nygaard Consulting Associates in association with Demand Trans Solutions and Taxi Research Partners with supporting contributions provided by C.S Carthan and Associates, August 2014.
playing the passengers preferred radio station, refusing to permit alcohol or smoking in the cab, or refusing to exceed the cab’s capacity. 35 It is also not uncommon for passengers to accuse drivers of running up the fare by taking a circuitous route to the requested destination. 36

It is important to be aware that customer complaints that produce citations are assumed to be legitimate by DOAH. BACP does include written notes of a passenger’s complaint on the notice of violation, but the person making the complaint has no obligation to appear at a hearing. It is, therefore, a revealing statement about the validity of ticketing drivers for violations, such as discourtesy or abusive behavior, that in 2012, BACP only issued a “notice of violation” for 2,000 total consumer complaints out of over 13,000 received. 37

While charges of discourtesy are often puzzling to untangle and difficult to refute, drivers also testified that they have been unjustifiably cited by the police during accidents. The following witness, a driver for 25 years in the city of Chicago, testified about being cited for using a cell phone when he/she called-in an incident.

“Recently I picked up a passenger who accidentally struck a bicyclist opening the door. While the passenger took off to have dinner at a high-end restaurant, I called 911 and waited for police and paramedics. The police officer who arrived, asked if I had been the person who called 911 and gave me a ticket for cell phone use. When I objected, the officer said ‘If you talk to me one more time I will tow your cab and take you in to the police station.’ At 400 W. Superior, the city attorney told me I would have to pay $160 (plus court costs) to settle. I refused to settle and pay when I had done nothing wrong. The passenger who struck the bicyclist

35 AFSCME, Run Off the Road, p. 4.
36 2% or 1,028 of all complaints (City of Chicago, Cab Complaints Data Base, 2009-2014/April).
37 Data from AFSCME provided to them in response to a Freedom of Information Act request by the Chicago Department of Administrative Hearings.
with the door was not required to show up to court. I paid $700 in repair costs and missed several days of work while the cab was being repaired. I still had to pay the lease even though I couldn’t drive.”

Taxi drivers have a unique relationship with their customers that are fraught with ambivalence. On one hand, as Professor Tracy Luedke of Northeastern Illinois University notes, “drivers relish their interactions with customers, and often mention this as the component that makes the work enjoyable and worthwhile.” And yet, Luedke explains, “Drivers also speak of the troubling and threatening side of interactions with their customers.” According to the Bureau of Labor Statistics, taxi driving is one of the most dangerous professions in the country. Previous research on Chicago drivers revealed that threats or experiences of physical violence are common. Nonetheless, driver efforts to increase their safety have often been met with city resistance. It took concerted effort, in the aftermath of a brutal physical attack on a Chicago taxi driver a few years ago, to pass an ordinance requiring that placards be placed in cabs warning that battery of an on-duty taxi driver is a Class 3 felony. More mundane threats to a driver’s wellbeing and working conditions, such as verbal and physical belligerence, characterize their customer relationships.

Despite the occasional confrontation, drivers’ recognize that they are in a personal service business and that each ride is an opportunity to make a genuine human connection. Professor Luedke describes the potential moment nicely: “A taxi driver providing transportation at the end of a long night can feel not unlike the act of a friend seeing one

38 Testimony from Cab Driver 13.
Taxicabs blur the lines between “private and public space,” and “engender both heightened intimacy and, at times, a readier effacement or dehumanization of drivers.” Her research underscores the complicated relationship that drivers and passengers have. More importantly for the WRB report, any system of penalties or rewards that flows out of that relationship needs to be very finely calibrated and crafted with care.

Instead, drivers explained that ticketing, whether from city agents or from customer complaints, have become a perverse part of doing business in Chicago. They are so common, drivers often refer to them as being “like a bill,” something they are accustomed to dealing with on a fairly regular basis. And the “bill” has gone up. According to AFSCME’s analysis, the average per driver annual cost of all fines from ticketing is $721. Additionally, in the two-year period since the 2012 rules took effect, the average dollar amount of a taxi code fine, has increased by 41%. The escalating use of ever more costly fines explains why Luedke found the following driver attitudes:

“Drivers suggested that they have been turned into pure money-makers for the cab companies, who extract escalating lease fees from drivers who increasingly can not find enough fares to make a living, and the city, which has intensified the stringency of its rules and regulations and the magnitude of fines for their transgression. ‘Cabdrivers,’ one driver said, ‘are like an ATM machine for the city, whenever they need money they just go and get it.’”

Drivers testifying at the Chicago WRB also expressed similar sentiments. “The fines are out of control and place invisible handcuffs on drivers which then work simply to feed the

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44 AFSCME, Run Off the Road, p. 7.
45 Testimony from AFSCME representative.
46 Luedke, “Chicago’s Taxi Drivers: Working the Global City,” p. 5.
city, not their families.” 47 A driver proudly asserted the he/she was a “legitimate businessman who was being treated like a criminal.”48 Another witness questioned why drivers are “being treated as criminals for simply picking up and dropping off our passengers.”49 One witness viewed the imposition of fines as the “city of Chicago making money off of the poor.”50 Yet another felt so beaten down by the regulatory regime that he/she alarmingly stated that, “We feel like they (the city) are chasing us down.”51

As oppressive as the citations are, drivers also held great distain for one particular way that they are charged with a taxi code violation. Drivers testified that they are often “virtually” given tickets, for example, for parking or taking too long to drop off a customer, without actually ever being handed the ticket. Instead, the ticket is sent to the taxi affiliate, which in turn is responsible for sending the lease number and the address of the driver to the city. The city then mails out the ticket to the driver. But costly delays are built into the notification system. First, the companies routinely delay forwarding the driver information to the city. Further restricting the drivers’ right to appeal the charge, the government agency, which issued the ticket, often fails to immediately mail the citation to the drivers. Drivers testified to 30 to 60 day delays. This odd form of leveling infractions, apparently popular with the Department of Finance, is derisively referred to by the drivers as, “fly ticketing.” By getting the citation from “a far,” drivers are often notified months after the alleged offence. By the time a driver receives the ticket, the delay has caused the possible fines to double, and more unjustly, the “window to contest” the charge has closed. Here is how one driver explains his/her understanding of the process.

47 Testimony from Cab Driver 6.
48 Testimony from Cab Driver 14.
49 Testimony from Cab Driver 11.
50 Testimony from Cab Driver 15.
51 Testimony from Cab Driver 9.
“Another major problem for drivers is ‘fly ticketing.’ The city sends the ticket to the cab company. Then the company sends the ticket back to the city with the name of the lease driver. Then the city sends the ticket to the drivers’ home address. By the time they go through all this the ticket has doubled and the deadline to contest is past. Many drivers end up with thousands in fines this way.”52

Another witness also spoke on the subject of “fly ticketing.”

“The city targets cab drivers with tickets for any minor infraction. Just for doing your job - dropping off passengers, picking up passengers, helping passengers with luggage - drivers end up with multiple tickets. Often we get no notice or late notice because they are sent to the cab companies and the fines double.”53

Any interruption in the ability of the drivers to work further aggravates the problems caused by the delay in notification. As the witness below recounts, fines are increasing with every day that the driver is either unaware of the charge or unable to earn a living.

“At one point when I couldn’t work because I was sick, the balance I owed doubled, and the total of fines for routine tickets as well. When I tried to renew my chauffeur’s license they said I had to pay half the debt in a lump sum or else my license wouldn’t be renewed and I would be out of work.”54

The witness also mentioned another serious concern that handicaps, and can cripple a driver’s ability to earn a living. Drivers must annually renew their chauffeur’s license. Without the license, they cannot work. Testimony and extensive interviews with drivers

52 Testimony from Cab Driver 2.
53 Testimony from Cab Driver 6.
54 Testimony from Cab Driver 6.
reveals that the city liberally utilizes its authority to revoke or suspend a driver’s license. One method for benching a driver is for the city prosecutor to use his authority to impose the maximum amount for a multitude of offenses. When the driver cannot pay the full amount, his or her license is suspended until the debt is paid. Contrary to the city’s interest in seeing that all fines are paid in full, suspending the ability to drive only insures that the driver will struggle to get free of the debt. And while the driver is not earning fares, the fines are accruing penalties. Witnesses told stories of drivers with upwards of $19,000 in fines who had been without their chauffer license for two years or more. One witness explained that when owner-operator drivers (non-lease drivers) are not able to drive, and their expenses accumulate they often miss car or medallion payments and risk having their “cars impounded.”

The other way that drivers are prevented from renewing their license is if they get at least three charges in a year, and the BACP Commissioner determines that they are no longer fit to drive a cab. As proscribed by BACP’s, “At the discretion of the Commissioner, an applicant may be denied renewal of the applicant's Chauffeur license if the applicant has within the twelve months preceding his renewal application date received three (3) or more complaints and/or citations of abusive behavior and/or unsafe driving which demonstrate the applicant's inability to comply with these Rules, the Municipal Code of Chicago, and the Taxicab Medallion License Holders Rules and Regulations.”

The “3-strike rule” could be violated in an assortment of ways, but one that drivers feared the most was one that made them feel the most vulnerable. It is not uncommon for drivers to receive a single “notice of violation” issued by BACP iterating that chauffeurs “shall be courteous,” “may not engage in abusive behavior,” and “shall operate vehicles

55 Testimony from Cab Driver 16.
56 Public Chauffeurs Rules and Regulations, Section III, Renewals of License, Department of Business Affairs and Consumer Protection, City of Chicago, “Rules for Public Chauffeurs,” Rule Ch. 3.05, p. 12.
in safe and courteous manner.” On any routine stop, a driver could be issued multiple tickets, including the standby “discourteous conduct” charge. In effect, one random stop by an officer could turn into a “1-strike” and “you’re out!” situation. A witness explained how it nearly happened.

“I was legally parked one afternoon cleaning the inside of my cab, when an enforcement authority pulled up behind me and asked me to produce my lease. Because I was in the middle of some housekeeping, my lease was not where I normally keep it and I took a little bit longer than normal to find it. I was fined for ‘discourteous conduct’ after pleading with the officer for one more minute to produce my lease.”

In the above case, the city attorney “persuaded” the driver to plead liable to insulting the officer to avoid the threat of being tagged with the death penalty. As will be addressed in the following section, the piling on of multiple tickets and the threat of license revocation is a form of “settlement manipulation” that drivers bitterly opposed. Importantly, the threat of losing a license is not an idle one. Since 1980, the BACP has “denied” 635 incumbent taxi chauffer licenses. Additionally, the “3-strike” rule seems wholly disconnected to an industry, where the average worker drives 13 hours a day, six days a week and conservatively handles 11 to 20 fares a day.

The weight of WRB testimony and research data adds up to a taxi code regulatory system that appears to function for its own institutional ends. When drivers are cited and forced

57 Sample of a Notice of Violation, Department of Business Affairs and Consumer Protection, Department of Administrative Hearings, September 23, 2014.
58 Testimony from Cab Driver 3.
59 Testimony from Cab Driver 18.
60 City of Chicago at https://data.cityofchicago.org/Community-Economic-Development/Public-Chauffeurs/97wa-y6ff?
61 Taxi Fare Rate Study Final Report, Nelson\Nygaard Consulting Associates, August 2014, p. 3.
to pay fines for ill-defined and arbitrarily enforced rule violations, it suggest that the departments regulating consumer business are acting as classic bureaucracies fulfilling self-serving interests. Based on the evidence available to the WRB, it is difficult, if not impossible to demonstrate how any interests, besides the need to collect revenue or appear to be consumer friendly, is being served by the city’s ticketing practices. One witness who took serious offense at what he/she saw as the hypocrisy of the ticketing system best expressed the perspective of drivers.

“Vaguely and ambiguously worded regulations that are more deigned to elicit an increase in citations as opposed to actually promoting public safety are cynical and create a hostile, predatory environment for drivers.”62

The Department of Administrative Hearings (DOAH)

Drivers who are cited for taxi code violations are directed into an adjudication process operated by the city of Chicago’s Department of Administrative Hearings (DOAH). Taxi driving regulations enforced by the city’s Police, BACP and Finance units, are adjudicated by DOAH, which governs over a hearing process at 400 W. Superior. DOAH serves as the primary vehicle for which charges brought against cab drivers are resolved. Drivers have the option of appealing any citations before a hearing judge. Despite the right to appeal a charge, testimony from drivers, and research studies have indicated that a primary source of drivers’ discontent is the lack of due process rights experienced in taxi court at 400 W. Superior. Testimony at the WRB and data from other public sources reveals that a majority of taxi drivers feel abused by the city’s adjudication system.63

62 Testimony from Cab Driver 11.
63 A 2010 study found that “taxi drivers do not feel that they receive fair treatment and respect from law enforcement.” See, Bruno and Hewitt, Driven Into Poverty: Report IV-Law Enforcement, 2010, p. 11.
As detailed in the previous subsection of this report, drivers take extreme exception to the unwarranted use of the city’s ticketing authority. Despite, however, the inherent lack of fairness that drivers feel about the regulatory system, there is a surprising lack of challenge to enforcement actions. According to testimony by an AFSCME representative, in 2013, only three percent of the 19,000 citations issued for taxi code violations processed at 400 W. Superior were contested. A remarkable 97% of the cases “were settled with a plea of liable and agreement to pay a fine.”

Recognizing the lack of legitimacy that taxi drivers have for the regulatory process, the expected level of appeal should have been higher. It is even more surprising because the outcome of appeals is fairly positive for drivers. Based on ASFCME’s research, 48% of cases that go in front of the judge result in a “not liable” verdict. The inability or decision not to appeal is costly to drivers. In 2013, settlement of citations prior to hearings, cost cab drivers “in excess of $5 million dollars.” Since 2010, DOAH has heard approximately 34,000 cases against drivers that generated more than $9 million in fines being levied.

Drivers would appear to have a strong incentive to always appeal. Assume for a moment that the total value of the fines were at least $5 million. If every ticket issued in 2013 by the Police, BACP and Finance units had been contested and the same 1 out of 2 ratio of cases were judged as “not liable,” then drivers would have saved $2.5 million. But not only are a fraction of drivers requesting a hearing, the percentage of cases that are heard by a judge is counter intuitively actually going down. Since 2012, when the city dramatically revised the driving rules and maximum fines ($1,000 for a lease driver and

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64 Testimony from AFSCME representative based on union report, Run Off the Road.
65 Testimony from AFSCME representative based on union report, Run Off the Road.
66 Testimony from AFSCME representative based on union report, Run Off the Road.
67 Data from Chicago Taxi Drivers’ Rights Board Hearing: Background, from AFSCME.
$5,000 for a medallion owner) that WRB witnesses complained they had no voice in shaping, the “number of contested cases dropped by 19%.”

Why, if there is no faith in the enforcement process and a nearly 50-50 chance to avoid paying an unwarranted penalty, do drivers settle their cases? Testimony from witnesses revealed a distorted process that instead of encouraging active resistance to unjust ticketing produced a punitive compliance to being charged. One speaker noted that he/she was fined for “discourteous conduct” after pleading with a police officer to give him a moment to produce his/her lease. As noted in the previous subsection, witnesses complained that “discourteous conduct” was a ubiquitous and ill-defined violation that was left entirely to the interpretation of the ticketing agent. Below are two separate accounts from one witness.

“One driver I know was cited because he was asked to show his lease and accidentally handed the officer a copy of the lease that belonged to the night driver. When he went to 400 W. Superior he ended up having his offense ‘amended’ to discourtesy. And it’s not just discourtesy to a passenger that drivers get cited for. You can get cited for ‘discourtesy’ because you asked a question when a police officer stops you, you can get cited because a pedestrian complains that your wheels were an inch past the white line.”

The discourtesy charge is precisely the kind of citation that should trigger automatic challenges by drivers. Instead, as another witness explains below, there are real barriers to asserting a driver’s due process rights.

“The process at 400 W. Superior is designed to make it nearly impossible to have a hearing before an impartial judge. Before we are even allowed to stand before

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68 Testimony from AFSCME representative based on union report, Run Off the Road.
69 Testimony from Cab Driver 2.
a judge and defend ourselves, a representative from the Department of Business Affairs and Consumer Protections, the same department that is prosecuting us, acts as a gatekeeper, and tells us that if we go in front of the judge, we could be forced to pay thousands of dollars, and could even lose our chauffeur’s license. When we are accused of wrongdoing by a police officer, a customer or another driver we can be found guilty even when our accuser doesn’t show up at the hearing. Because we know the rules are so unfair, and because the city does not give us any information about what our rights really are, we are strong-armed into pleading ‘liable’ and paying a fine.”

According to this testimony and other witnesses, there are a number of obstacles and risks associated with requesting a hearing. First, “Before we are even allowed to stand before a judge and defend ourselves, a representative from the Department of Business Affairs and Consumer Protections, the same department that is prosecuting us, acts as a gatekeeper…” Unlike the rules of civil court, before drivers can even physically enter the courtroom, they are required to meet with the city’s prosecutor who gets an opportunity to influence the driver’s decision to appeal his or her case. The power of the prosecutor over the proceedings is both spatial and procedural. Upon entering 400 W. Superior, drivers are ushered into a side room that is adjacent to the courtroom where the prosecutor conducts his inquiries. Here is how another driver described the experience.

“Where the minute you walk in, before you are allowed into the actual hearing room they tell you go see the city prosecutor. That city prosecutor brings you in a little room and closes the door. You are all alone and you don’t know all the complicated rules the city has in place. You don’t know all the legal terms he knows and you doubt your ability to express yourself well in English when it is not your first language. When you try to explain what happened, tell your side of the

70 Testimony from Cab Driver 3.
story, he doesn’t want to hear it. He is there for one reason: to get you to plead guilty, pay your fine and move you out so the next driver in line can come in for the same thing.”

Once in the room (i.e., Room #106), the prosecutor “tells us that if we go in front of the judge, we could be forced to pay thousands of dollars, and could even lose our chauffeur’s license.” At this point, drivers are subject to the threat of a more serious punishment, up to and including possible revocation of a license to drive a cab in the city. The prosecutor appears to have unlimited discretion to threaten lease drivers with the maximum fine of $1,000 for any infraction. In fact, there are no BACP guidelines for imposing fines based on the severity of specific offenses. Instead, all infractions are treated equally and have no objective value. It is only when the prosecutor chooses to inform drivers of the possible penalty that the known value of an offense is revealed. Faced with the potential of a more extreme penalty, drivers capitulate to the intimidation and plead guilty to an offense. Very often that offense is reduced to “discourteous conduct.”

Contributing to the drivers’ calculation to accept the lesser offense is the reality of the hearing process. One driver explains that “when we are accused of wrongdoing by a police officer, a customer, or another driver we can be found guilty even when our accuser doesn’t show up at the hearing.” Witnesses testified that, unlike a county court proceeding for a traffic violation, they are presumed to be guilty. Speakers affirmed that the rules at 400 W. Superior “hold that whatever facts the city alleges on a ticket or notice of violation must be assumed to be true by the judge.” In addition, the “city is not required to call witnesses, and consumer complainants are not required to be present at a hearing.” Inexplicably, drivers are denied the right to confront their accusers. One

71 Testimony from Cab Driver 4.
72 Testimony from AFSCME representative based on union report, *Run Off the Road*.
73 Testimony from AFSCME representative based on union report, *Run Off the Road*.
74 Testimony from AFSCME representative based on union report, *Run Off the Road*. 

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witness stated that, “We are the only ones who have no rights to due process when the city decides to take away our license because of anonymous complaints against us that we have never even been informed about.”75

The witness above draws attention to the most serious penalty that the city can impose on a driver, revocation of a chauffer’s license. Every witness commented on the rules that permit BACP to suspend a driver’s right to operate a taxi. Witnesses’ offered accounts of the city prosecutor threatening to take action that would result in the loss of a driver’s license, if the driver dared to appeal the ticket he/she was given. While the degree of discretion that the city attorney can wield is substantial, what is it even more stunning about the testimonies, is that the prosecutor commonly speaks to the drivers, as if he was also the judge. Consider the following witness’ comment:

“I went to 400 W. Superior and tried to explain what happened to the city attorney. His response was: ‘If you say one single word more I will double the fine.’ I had to pay a $90 fine plus $30 court fee so I could keep me license and continue to support my family.”76

A driver who had been ticketed for “obstructing traffic” (also discussed in the previous subsection) while assisting passengers, was certain that his/her service could not possibly be the cause for a ticket. The driver confidently decided to appeal the citation and was astonished by the outcome of his/her appeal.

“I went to 400 W. Superior for my hearing and the city prosecutor told me to pay the fine. He said, ‘If you don’t take it I will upgrade the charge, give you a bigger

75 Testimony of Cab Driver 3.
76 Testimony of Cab Driver 9 and Cab Driver 5.
fine and make you take a physical and a drug test.’ I had to pay $250 plus court costs and pay for a physical and drug test just to get my license back.”

Further complicating their defense, unlike in civil court proceedings, drivers’ “ability to call a witness or question their accuser is subject to the judge’s discretion, not a given right.” Drivers’ right to compel and solicit supportive evidence is missing from the protocols of taxi court. However, taxi drivers are familiar with the proceedings in traffic court, and subsequently, chafe at the different standards applied to their rights in a taxi code violation hearing. A 14-year veteran driver, points out the contrasts.

“At the Daley Center the burden of proof is on your accuser and if they don’t have a witness the case gets dismissed. The judge actually questions the prosecutors and if they don’t have all the facts the case is thrown out. That is not how it works at 400 W. Superior. At 400 W. Superior, cabdrivers are guilty until proven less guilty. If you are very lucky you will be found less guilty.”

Added to the difficulties of mounting a credible defense, is the investment of time required to appear in court. According to AFSCME’s interviews with 400 drivers, cabbies often have to wait two to five hours to see a judge, and it is not uncommon for the city to “request a continuance if a driver demands a hearing.” Drivers are estimated to lose, on average, two days of income amounting to $446 per year. It is obvious to the agencies that issue the tickets, the prosecutor and DOAH that any days a driver is not on the road, he or she, is losing money. Here is a typical account from a driver with 19 years of cabbing experience.

77 Testimony of Cab Driver 5.
78 Testimony from AFSCME representative based on union report, Run Off the Road.
79 Testimony from Cab Driver 5.
80 Testimony from AFSCME representative based on union report, Run Off the Road.
81 AFSCME, Run Off the Road, p. 7.
“I went to 400 W. Superior on my hearing date and lost a day of work and the officer who issued the ticket didn’t show up. But instead of dismissing the ticket the city continued it to another date. The officer didn’t show up on the second hearing date either, so again, after losing another day’s work I had to go to a third hearing date.”

After weighing the risks of successfully appealing, it is no wonder that drivers feel that they are “strong-armed into pleading ‘liable’ and paying a fine.” What is also extraordinary is that despite the hearing procedures, defendants win nearly half the time. Given the obstacles to success, the results are strongly suggestive that many drivers are pleading guilty to fraudulent offenses.

Driver testimony about the appeal and hearing process governed by DOAH, repeated a clear storyline that evolved around the regulatory system’s lack of due process for drivers charged with a violation. Witnesses described an opaque, star chamber-like process, which several drivers derisively called a “Kangaroo Court.”83 In their felt experiences, drivers described a hearing process that served to suppress the rights of defendants, instead of protecting them against unjust prosecutorial actions. Contrary to the purpose of any quasi-legal hearing, drivers were exposed to an adjudication process riddled with unlimited, subjective, and indiscriminate prosecutorial authority, lacking even the most basic protections for defendants. One witness felt so abused by the system that he/she admitted feeling “under the mercy of some third world government.”84 In a city that prides and markets itself as a global 21st Century destination for residents, workers, businesses and tourists, it is hard to justify an administrative regime that functions with so little regard to democratic principles. Contrarily, after assessing the testimony of

82 Testimony of Cab Driver 6.
83 Testimony of Cab Driver 7.
84 Testimony of Cab Driver 8.
witnesses it is far too easy to understand how taxi drivers, like the one below, feel about 400 W. Superior and Room #106.

“When I started driving a cab I heard a lot from veteran drivers about how the city treats cab drivers - and most of it focused on that one place and what it represents to cab drivers. What 400 W. Superior represents to drivers is powerlessness.”85

V. Conclusion

The interaction that law enforcement officials have with the city’s “mobile ambassadors” takes place at the intersection of a contested public space. For drivers, it is where they work, earn a living and provide an essential service. It is also where city officials enforce traffic laws, manage traffic flow, and protect public safety. While these two uses of the public space are not inherently contradictory, when they become antagonistic it is damaging to the overall performance of the taxi industry.

Based on the testimony and the reported experiences of the majority of drivers, law enforcement officials have created a hostile working environment for cab drivers. Drivers showed cause for believing that the city is significantly hampering their ability to provide cab service by administering an unwarranted degree of “street-level” supervision. Traffic law enforcement is an unquestionable right and responsibility of the city. But when that right is not used to make travel by taxi safer and more efficient, it becomes a hidden “tax” on the labor process. The drivers pay the “tax” twice. First, drivers are directly burdened by having to pay the actual cost of the tickets, and then they also lose time (i.e., earnings) on the road when they are compelled into an Orwellian administrative process.

This tax creates three negative outcomes for drivers and the industry; (1) the tax reduces

85 Testimony of Cab Driver 4.
drivers’ earnings, (2) unnecessarily interrupts the work process flow, and (3) increases the difficulty of doing the job of a cabbie. Traffic enforcement and industry regulation should serve a rational public service that improves both job performance and the quality of the work environment. Unfortunately, as reported by cab drivers, officials at the Police, BACP and Finance Departments appear to be misusing their regulatory authority and treating drivers as unwanted interlopers instead of valued service providers.

The cumulative weight of the vaguely defined rules, city agency ticketing practices, city attorney’s arbitrary use of power, and “kangaroo court” administrative hearings have caused drivers to deny the legitimacy of the city’s taxi industry regulatory system. Drivers expressed an urgent need to reform the taxi industry’s regulation and adjudication system. As convincingly stated by one witness, “Massive, disproportionate fines, far in excess of the so called offense, intimidating coercive tactics to force plea bargains, combined with an inability to face your accuser, an assumption of guilt because someone says so (even anonymously) and a lack of due process are more than just not fair.” To the witness, “they are fundamentally unconstitutional and should offend the sensibilities of right-minded people.” Consequently, one witness who has had someone from his family driving a Chicago cab since 1919, referred to cabbing as a “broken job.”

VI. Recommendations

After considering the testimony and reviewing findings from additional studies of Chicago taxi drivers, the WRB offers the following recommendations. These recommendations are meant to respond to the perceived inequities and inefficiencies of the taxi industry regulatory system. Recommendations are presented categorically according to the

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86 Testimony from Cab Driver 11.
87 Testimony from Cab Driver 11.
subject matter of the report. We further strongly advise that a standing committee, consisting of two (2) representatives each from city agencies, cab affiliates, the drivers collectively represented by AFSCME, and one (1) member chosen from the public at-large, should address each of the recommendations.

Complaints

1. Address the vagueness of the taxi code violation definitions and write more precise language.

2. Develop and issue clear standards for when a “discourteous conduct” or “abusive behavior” charge should apply.

3. Respectfully asking an officer a legitimate question should never be grounds for the issuance of a “discourteous conduct” ticket.

4. Develop standards for when the issuance of multiple tickets from a single stop should be adopted.

5. The “3-strike” rule does not reflect the volume of driver service and should be amended or simply abolished.

6. Establish a rational schedule of fines tied to the severity of specific violations.

7. Establish clear criteria for when the cost of fines, based on infractions, should escalate or simply abolish the setting of maximum fines.

8. Amend the 311-system to allow for distinct call-in lines for compliments and complaints.

9. Customer complaints should be accompanied by an understanding that the person filing the complaint may be asked to attend a hearing to testify to the complaint.

10. City agencies should produce an annual report for each driver of their passenger registered compliments and complaints.
Adjudication of Citations-Department of Administrative Hearings

11. Drivers who wish to appeal a citation should not be required to first meet with the city prosecutor.

12. DOAH’s adjudication process should function independently of the city’s regulatory agencies.

13. During taxi code hearings, drivers should have all the due process rights, made available to drivers who attend traffic court.

14. Drivers appealing citations should be afforded, if requested, language interpretive services.

15. Drivers appealing citations should be afforded, if requested, the opportunity to be accompanied by a representative to all adjudication meetings and hearings.

Industry-Advancement

16. Form a taxi industry-advancement committee (TIAC) of all stakeholders, financed by taxi cab companies, to raise the quality of cab service in the city, create a legitimate path to a middle class career driving a cab, and to keep the taxi industry the preferred transportation of choice for Chicagoans and visitors. The TIAC’s charge would be to recruit and train high quality drivers (e.g., create an apprenticeship program), establish a high-road business standard and set of “best practices” for all affiliates, develop research projects that examine the economic impacts of the taxi industry and the implications of transportation policy, establish an agenda for responding to changes in the transportation market, and publically profile ways that the taxi industry serves the city of Chicago. Membership on the committee should include three (3) representatives each from AFSCME and the cab affiliates, and three (3) representatives from the public at-large.