

Taxi and Limousine Commission Meeting
January 21, 2016

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TRANSCRIPT OF THE
NEW YORK CITY
TAXI & LIMOUSINE COMMISSION

Thursday, January 21, 2016
33 Beaver Street
COMMISSION HEARING ROOM, 19TH FLOOR
BOROUGH OF MANHATTAN

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HEARING CONVENED AT 10:19 a.m.

COMMISSIONERS PRESENT:

Meera Joshi, Chair

Elias Arout

Jacques Jiha

Edward Gonzales

Nora Constance Marino

Bill Aguado

ALSO PRESENT:

Chris Wilson, General Counsel

Staff

The Public

The Press

Reported by:
Jennifer Cassella

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2 THE CHAIR: Good morning. The time
3 now is 10:20 and we're going to start our
4 Public Meeting. Excuse me.

5 Unfortunately, I'm going to start my
6 Chair's report with -- on a sad note to
7 express our deepest condolences to former
8 Chair Matthew Daus on the passing of his
9 father recently, George Daus on
10 January 13th. George Daus served our
11 country and our city as a member of both
12 the Air Force and the NYPD, and our
13 thoughts and prayers are with Matt and his
14 family now.

15 Moving on to Vision Zero. On the
16 19th, on Tuesday, I joined Mayor de Blasio,
17 along with our partners in DOT, and NYPD,
18 and in DCAS, and the safety advocacy
19 community, for the Mayor's announcement
20 that 2015 was officially the safest year
21 ever since stats have been recorded in
22 1910. And we, at the TLC, are truly
23 grateful for the support that we've
24 experienced throughout the -- since
25 Vision Zero began for the taxi and for-hire

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industry licensees, and we look forward to working with you more closely in the year to come.

Also this week, as you may already be aware, City Hall released its study on the FHV industry, which I hope you've all have had enough time to get through. The report is also available on the Mayor's Office of Operations' website. And now that the study is released, we can get to work on the details of implementation, and highest on that list is addressing accessibility in the FHV sector. To that end, in the coming weeks, the TLC and the Mayor's Office for People with Disabilities will be meeting with advocacy groups and stakeholders and gathering information necessary to craft an informed proposal to address the needs of passengers with disabilities in the FHV sector. I think I speak for the entire Commission, we're excited and ready for this important work and eager to get started.

On licensing, as you may have

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noticed, our licensing facility is in a new building, that's not all that new, but what is new is the extensive lines that were there for the first several weeks when we opened. Faced with these long lines, we quickly mobilized an internal task force. Members left their daily duties and focused solely on line management at the licensing facility. The goal was to eradicate the line within the next three weeks to allow us to start the new year on the right foot. The team gathered data, identified bottlenecks and implemented a new queueing procedure, but most of all they met the deadline. If you go to Long Island City today, you spend a lot less time standing in line and instead go quickly into a waiting room, which is hopefully a lot more comfortable.

There's a lot more to do to streamline the process in light of the large and growing number of licensees. Just so you know, we've now licensed over 148,000 drivers, so we're also undertaking

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2 some longer term initiatives to reduce
3 traffic. Online license renewals, they
4 will become mandatory for April, but we're
5 strongly encouraging people to take
6 advantage of that now; submitting documents
7 electronically, that saves everybody a trip
8 as well as a stamp; and since we've learned
9 through polling that an inordinate number of
10 people are in line simply to get
11 information, we hope to soon be able to
12 provide on our website information about
13 your licensing status, as well something
14 we've already started which is texting
15 drivers when they're missing documents, and
16 we'd like to add on providing updates with
17 their application. For example, you've
18 passed your examination or we've received
19 your documents. This kind of electronic
20 communication will hopefully cut down on
21 the need for people to visit our facility.

22 We're also investigating a system
23 that would allow new driver applicants to
24 complete their application without ever
25 visiting our office. I know some might be

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a little sad about that. And as one of the new rules -- one of the rules that's on the docket today, extends the licensing time from two years to three years, so the need to go through the renewal process is decreased. So we hope these initiatives and others will continue to improve the customer experience at our licensing facility, and thanks to all who worked on this important project. For me, it was a shining example of good government at work.

The project team comprised of Dawn Miller, Rubin Varghese from our Licensing and from our Inspection Division, Dan Goddin from our Legal Division, and Gregg Pearlstein from our MIS Vision. And the licensing staff who were invaluable, Gary Weiss, Deputy Commissioner; Allison Siegel, Assistant Commissioner; Stacy Lorenzo, Chief of Staff; Nicol Fakas; Chris Tormey; Jeff Billups, and all of their staff. And from around the Agency, special thanks to Sherry Cohen, Jeff Grunfeld, Nick Venezia,

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Midori Valdivia, Brian Switzer, and all of their staffs. So thank you very much.

And yesterday, we had the opportunity to go out to the airports, and I just wanted to give a quick update. We passed a rule last year that changed the ability for people to accept pickups in the passenger waiting area and that grew out of complaints from both La Guardia and JFK that there was too much traffic in the front of those airports, and as a consequence of the rule and working with the airports, there is an FHV holding lot, which when I first went to see the airports two years ago was completely empty. It is now fully utilized and both airports report better throughput and not as much clogging in the passenger pickup area. So there is some good news on that front.

And we had a baby born in an Uber car stuck in traffic on the BQE. On 10:00 a.m. on Tuesday, a pregnant woman, that's an important factor, gave birth to a baby in the back of an Uber car. The

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driver, Rafael Abreu, got the attention of a New York City Deputy Sheriff who safely escorted mom and baby to the hospital. So on behalf of the TLC, we want to send a big thank you to Mr. Abreu for your careful driving and quick thinking.

And everybody is probably aware, there is a storm coming. We don't know exactly when or how severe it will be, but please be careful on the roads, and for drivers, please check that your windshield wipers are working, and your brakes are working, and your tires are sound.

And with that, we'll move on to the next item on the agenda which is the adoption of minutes. So all in favor of adopting the December 3rd, 2015 minutes?

(Hands are raised.)

THE CHAIR: And next we have base applications, but I'd actually like to turn to another topic quickly before we get on to the business of the day, and that is an announcement that was made to us, the Commissioners, a few minutes ago and one

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that is really going to make a -- it's a huge loss for us, but I understand why -- why it's happening, and I will let Commissioner Arout explain in his own words, but today will be Commissioner Arout's last meeting with the TLC as a TLC Commissioner. He's formally resigning as of January 31st and he served with this Commission for over 26 years. I don't know if everybody's aware, this is an unpaid position, so he's done that voluntarily. He's advocated for the livery bases and FHV bases on Staten Island tirelessly, and their issues are often not just Staten Island issues, they're issues that all bases, small bases throughout the city need help in terms of advocacy and on -- so it's not just on behalf of Staten Island, but on behalf of the entire city, he has been a tremendous voice. And his contribution to our rule making and our thought process is vital because it's representing a community that's voice needs to be heard.

So he's also been instrumental in

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2 making sure there's a Staten Island
3 inspection facility on Staten Island so
4 that people don't have to cross the bridge,
5 and that is going to be a reality very soon
6 so he's got to come back for the grand
7 opening of that. We won't let him escape.
8 And I know he's also, and a lot of people
9 aren't aware of this, he's been a voice for
10 our inspectors as well, providing the
11 Commission with some feedback on some of
12 the issues that our TLC inspectors face in
13 the field and that I think is important
14 work and I'm glad that he's taken up that
15 role and done it so well. And with that,
16 I'm going to turn it over to
17 Commissioner Elias Arout.

18 COMM. AROUT: I have a letter here I
19 have read to the Commissioner just a
20 few -- about 10, 15 minutes ago. I'm very
21 upset because I really feel bad leaving. I
22 enjoy myself but I've got to read this
23 letter and I'll do the best I can.

24 "I am sending this letter to you to
25 let you know that I am resigning from my

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2 position on the Taxi & Limousine Commission
3 for the Borough of Staten Island and City
4 of New York as of January 31st, 2016. I
5 was appointed to the position over 26 years
6 ago by then Mayor Ed Koch and have happily
7 served since then. I accepted this
8 position with excitement and a passion to
9 help make the taxi and limousine system in
10 Staten Island the best that it could be.

11 I feel that as I write this today I
12 have done that. I am proud of my work I
13 have done as a Commissioner, from setting
14 new guidelines, to structuring the taxi and
15 limousine car service access to the Staten
16 Island ferry, to adding new bases across
17 the Island. I have enjoyed my time as a
18 Commissioner, working with all of you and
19 many wonderful people I have dealt over the
20 years. I feel with the rebuilding of the
21 base after Superstorm Sandy never
22 completes -- near completion, and after
23 serving over 26 years, it is time for me to
24 pass on the baton.

25 I want to thank you and the

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community of Staten Island for allowing me to serve as their Commissioner and to help make the City of New York the best place. Sincerely yours, Elias Aroust."

(Applause.)

COMM. AROUT: Thank you, everyone. Thank you.

COMM. GONZALES: I'd like to make a comment. Elias, you and I have worked together now for ten plus years. I want to say that I consider you a friend first and a colleague second. Your energy is always contagious. You always, you know, put the right things first, and you may not know this, but I use you as an example constantly to somebody -- mainly in that you're never too old to make a contribution.

COMM. AROUT: Thank you.

COMM. GONZALES: And I sincerely mean that. I thank you for working with me. Elias and I worked together on the -- over on the FHV rules and, you know, really made it a lot more objective on how

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2 you sit down at this dais for the first
3 time you're like -- you don't know what's
4 going on, I mean, at least I didn't. Maybe
5 I should only speak for myself, but I
6 didn't know what to expect or what I was
7 going to be doing, and Elias right away
8 gave me a warm welcome and offered his
9 assistance and an ear to talk to and a
10 shoulder to cry on, and you will be dearly
11 missed. And I echo everything Ed said. It
12 was very well said. And I think we will
13 all dearly miss you. Thank you so much for
14 everything. You've been a pleasure to know
15 and to encounter and you're like a ray of
16 sunshine, Elias. You really are.

17 COMM. AROUT: Thank you.

18 Thank you lady -- Madame lady.

19 THE CHAIR: Well, thank you. And on
20 behalf of the TLC, the City of New York,
21 and actually myself personally, when I
22 started, you were one of the first people
23 to say no matter what you would have my
24 back, so thank you very much. And it will
25 be a really difficult position to fill

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2 would like to accomplish the following
3 goals with the Proposed Administrative
4 Updates. The first goal is to make
5 maintaining a TLC license easier. The
6 second goal is to streamline TLC operations
7 to improve their efficiency and to reflect
8 modern practices. And the third goal is to
9 remove procedures that have outlived their
10 usefulness.

11 One way to make the maintenance of a
12 TLC license easier is to extend the driver
13 license term. Currently, driver license
14 terms are for a duration of two years. We
15 propose extending the driver license term
16 to three years, as this change would
17 provide greater convenience for drivers who
18 will have to renew their licenses less
19 frequently. Extending to three years would
20 also significantly decrease TLC processing
21 volumes, allowing our resources to be used
22 more effectively. And extending the driver
23 license term with align renewal timeline
24 with a defensive driving course
25 requirement, as a defensive driving course

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must be retaken on a timeline of once every three years.

We can further streamline TLC operations by removing the probationary license period. Currently, new taxi and FHV drivers begin their licensure with the TLC with a one-year probationary license, rather than a two-year license. The drivers must reapply and the TLC must re-review each driver just one year after that initial application. This reapplication and repeat review process places a burden on drivers and on TLC's staff that outweighs the benefits of the program. Further, the current probationary status does not make the discretionary revocation process any faster. Bad actors remain subject to review immediately after a given bad act.

We also emphasize that TLC's ongoing monitoring is not subject to change, as this rule leaves the following efforts undisturbed: Ongoing DMV record and serious crash monitoring, which triggers

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2 suspensions and revocations; ongoing TLC
3 violation monitoring, which also triggers
4 suspensions and revocations; ongoing
5 criminal record monitoring, which triggers
6 Fitness Review and can result in suspension
7 and revocation; and the annual drug testing
8 will also continue undisturbed; and
9 finally, the authority to call for a
10 Fitness Hearing for any behavior that calls
11 into question a given driver's ability to
12 safely serve the public remains unchanged.
13 What would change of the proposed rule is
14 that the TLC would issue new applicants a
15 standard term driver's license of three
16 years, easing burdens on our drivers by
17 asking them to reapply less frequently.

18 We can streamline further still by
19 creating a uniformed 90-day window for
20 driver renewal requirements. Currently,
21 some of the TLC renewal requirements can be
22 completed at any time in 90 days of the
23 expiration date of a license but other
24 renewal requirements can only be completed
25 within 30 days of the expiration date.

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This forces drivers to wait until the last minute to complete some requirements, leading to missed deadlines, concern that renewal licenses will not be received on time, and additional traffic at the licensing facility.

The proposed rule will align all licensing requirements to the same 90-day timetable, including the submission of driving records, the completion of drug testing, and the completion of license renewal courses. Finally, we point out that this uniform window has been requested by drivers.

This rule change would also remove cash payment as an option. Currently, the TLC accepts cash payment for fines and settlements but will not accept cash for fees. The payments for fines and settlements is the last and only area in which the TLC accepts cash as a payment. In all other areas, the industry has already adapted to cashless payment. This cash payment exception creates an

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be licensed. So if they choose to pay in cash, they'll also not be able to carry a TLC license. There are non-cost -- noncash alternatives, so we factor that in, but it's not unusual this day and age, for there to be some transactions that are cashless.

COMM. JIHA: I understand, but you always have the option to pay for -- using cash, because this is the legal tender of the United States of America. So if I pay you in cash and you refuse to take cash, it's on you; it's not on me. So I'm just trying to -- because legally, if somebody tenders you cash and you refuse to take it, the person could walk away.

MR. WILSON: Well, I think that's why we're proposing the rule to eliminate it, because since we are permitted to set rules by how people pay us, we are, by rule, permitted to limit it. So that's why we're doing the rule here, to limit it, and today we only accept cash, I believe for fines and not for any other purpose. So we

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2 don't accept them for license applications
3 and again, that's by rule which exists
4 today.

5 THE CHAIR: It's been part of
6 the -- in many factors --

7 COMM. JIHA: I understand. Somebody
8 will challenge you and I don't think
9 the -- all you need is a stamp. I'm just
10 saying.

11 COMM. GONZALES: I believe
12 Commissioner Jiha brings up a good point.
13 I guess I have like two general questions
14 on this matter.

15 One, percentage wise, how many
16 licensees actually pay in cash? And then
17 two, are there any other City agencies that
18 have rules in place that are similar to the
19 ones that we're currently proposing?

20 COMM. JIHA: You always encourage
21 people to use other means but you cannot
22 tell them you're not going to take cash. I
23 mean, that's all I'm saying to you, in
24 general.

25 THE CHAIR: So we have in several

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other categories told people they must pay in noncash methods. This is sort of a cleanup we're getting around to this category, but we can pull the list of the areas where we've already set this precedent, as well as other agencies and other places where this is the precedent.

MR. GODDIN: There also remains the possibility of getting a money order at the licensing facility. I've seen that happen over and over again.

COMM. JIHA: I understand. I'm just saying it's -- cash is always the backup that in case, you know, you cannot use anything else, you cannot tell somebody you're not go to accept cash because it is a legal tender.

THE CHAIR: Right. And it is -- and it's always a balance for us in efficiency, like online, we have more people applying online now than before, more people using credit cards in taxis, but in licensing we're finding more and more people are doing everything online which is a noncash

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way of making payments and applying, and that, in the end, increases our efficiency and gets them what they want faster. So it is a balance and obviously you can't accommodate for everything, but we're happy to provide you with a list of where we've already made this change and it seems to be working for the better in terms of customer service.

COMM. GONZALES: Okay. Thank you.

MR. GODDIN: One of the final administrative updates in this rule package is a redesign of the Driver Protection Act markings. Currently, the Driver Protection Act requires signs in taxis and in for-hire vehicles that note penalties for assaulting drivers. The current signs are small.

The proposed redesign increases the size of the markings and the redesign makes the marking more noticeable and colorful. And finally, the redesign allows for an optional sticker viewable from outside the window of the vehicle.

Another proposed change is to make

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the licensing process easier for SHL permit owners, which we can accomplish by allowing bases to act on their behalf. Currently, only SHL permit owners or an officer in a corporate entity that owns a permit can conduct business related to an SHL permit, but some permit holders want to allow others to act on their behalf.

The proposed rule would allow SHL permit owners to authorize SHL bases to conduct certain business tasks on their behalf. Bases have a logical choice to do this because of their existing business relationship with the owners. An SHL base authorized by an SHL permit owner could, among other things, change the vehicle affiliated with the permit and remove the rate card from storage. The proposed change would provide conveniences to owners who want to let others conduct their business, similar to the Agent system that is in place in the yellow taxi industry.

We can also improve our efficiency by requiring out-of-state abstracts.

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2 Currently, driver applicants with an
3 out-of-state driver's license must submit
4 an abstract of their driving record from
5 the state that issued their driver's
6 license. The proposed rule would also
7 require an out-of-state abstract where the
8 applicant has only recently, within the
9 last two years of the date of application,
10 obtained a New York State driver's license
11 after being licensed in another state. The
12 rule ensures that the TLC has enough
13 information about driving history to
14 evaluate a driver's fitness to transport
15 the public.

16 Finally, we can modernize our
17 licensing process by requiring e-mail
18 addresses. Currently, some TLC licensees
19 are required to provide e-mail addresses
20 while others are not. The TLC cannot
21 communicate with all licensees via e-mail,
22 even as all segments and licensee types
23 adopt this technology and adopt the use of
24 smart phones. The proposed rule would
25 require all TLC licensees and applicants to

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file e-mail addresses with the TLC when completing both new or renewal applications. And finally, this change would streamline communication with our licensees and reduce delays in sharing information that come from reliance and snail mail.

COMM. MARINO: I have a question.

MR. GODDIN: Okay.

COMM. MARINO: What is the current setup why some require e-mails and some do not?

MR. GODDIN: I'm not sure the rationale that led to the current distribution of requirements, but this would formalize and make it uniformed, such that we have it for everybody.

COMM. MARINO: And you have a backup in the very odd event someone just doesn't have an e-mail? I mean, I'm sure there are still people out there that don't have e-mail. I'm sure it's rare, but --

MR. GODDIN: Yeah. I don't expect to abandon the snail mail system, but this

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2 is much -- much quicker.

3 COMM. MARINO: Agreed.

4 COMM. GONZALES: I also have a quick
5 question. You made a comment that at the
6 facility, at the licensing facility, the
7 licensee can obtain a money order.

8 So Madame Chair, so based on the
9 ability for the -- someone who does elect
10 to pay in cash, I mean, we do make it
11 convenient for them so I don't think
12 there's a need to pull the
13 report -- basically I'm satisfied that
14 there is an alternative at the site to --

15 THE CHAIR: For someone who appears
16 with cash?

17 COMM. GONZALES: For someone who
18 appears with cash.

19 THE CHAIR: Right. They won't be
20 turned away. They'll have an option.

21 COMM. GONZALES: Initially I kind of
22 had in my mind, okay, you have to get a
23 money order, where does the licensee get
24 the money order, but it's there at the
25 facility. It's a one-stop shop.

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prefer to actually look at the numbers, and then I'm happy to get you a breakdown of the -- where the concentration of age groups is among the 148,000.

COMM. AGUADO: Because I feel that the younger driver is more accustomed to using technology by and large.

THE CHAIR: Absolutely, yes. I'm doing that completely on speculation, but I think I might be right on that.

So I think we're going to go to first a hearing on the SHL Rule, which Chris Wilson will give an introduction to, and then we'll go straight to the hearing.

MR. WILSON: So the proposed SHL Rule is, as we indicated, is a rule to permit SHL bases to act on behalf of SHL permit owners with respect to license rules and -- license renewals, excuse me, in vehicle and affiliation transfers of SHL green cab licenses. These licenses are part of the our efforts to make the -- our administrative processes better for people and working better for both the TLC and for

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incentive to encourage people to so do.
It's a good thing. But I don't think
legally we can't tell people we're not
accepting cash. It always has to be the
last option, as an option, one of the
options that we have to have that --

THE CHAIR: We depend on the Law
Department to certify our proposed rules,
so depending on our advice of counsel, we
feel comfortable with the rules as
proposed, as certified by the Law
Department as well as the Mayor's Office of
Operations.

COMM. JIHA: Well, I'm not sure the
Law Department can make rules for a
transaction. And on the dollar bill, it
says right here, "This is a legal tender
for all the public and private." Okay. So
we cannot tell people we cannot accept cash
if we do a transaction, and I think it's
something we should seriously -- consider
seriously before we make this final.

And I understand there's a practice,
there's a way for this, but I don't think

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we should deny people because I don't think we have the authority. I think we should encourage people to do, but to tell them they cannot use cash to make a transaction, I don't think we have the authority to do it -- to take such an action.

THE CHAIR: I take what you say and I also do rely on the Law Department for our legal, you know, we are the client and they are our attorneys.

COMM. JIHA: I understand.

MR. WILSON: And we believe that the Department of Consumer Affairs also does not accept cash by their rules.

COMM. JIHA: It doesn't mean it's right.

MR. MOBARAK: I'm talking about the proposal, the rules about a base. This is a proposal rule. It's just only 16 lines. It still is not a good transaction. For car and permit as we have the transaction, we just only mentioned two transactions. So if we are looking for a successful goal, we should use other transactions.

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2 For -- on August, 2014, TLC stopped
3 using power of attorney to represent. It's
4 great that we have this now so at least
5 someone can represent attorney, but we
6 still have another issue for a car owner.
7 As TLC allowed the permit owner to lease
8 his permit to another car, to another
9 person, so now we have two people, one
10 permit owner and one car owner. In these
11 rules, it's allowed to represent as well as
12 towards the car owner as the two owners?

13 THE CHAIR: I was just checking, but
14 I'll let Chris give you the formal legal
15 answer.

16 MR. MOBARAK: May I ask you
17 something? I'm sorry. Till today, black
18 car and car service could be represented by
19 attorney, so why green cab as a vehicle
20 owner cannot be represented by anyone is a
21 concern as a car service.

22 MR. WILSON: We'll look into that,
23 but part of the answer is and part of -- so
24 as I understand, you actually like the
25 rule, you would just like the rule to go

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2 concerned about in not having flexibility
3 to take advantage of this rule. And if
4 there needs to be a change to the rule to
5 make sure we're getting the flexibility
6 that we intend to, we'll do that, but if
7 it's a matter of administration and it's
8 beyond this rule, then I would defer it
9 to -- defer you to Gary and Allison can
10 help you with that.

11 MR. MOBARAK: I rephrase the rules
12 to just only two sentences, which is as
13 long as the car and permit is a base, the
14 base can maintain a TLC license, except
15 questions of people saying the government.

16 THE CHAIR: Thank you very much for
17 your testimony.

18 MR. WILSON: And the next speaker is
19 Rawan Abdaziz.

20 (No response.)

21 MR. WILSON: Cindy Guarerio.

22 (No response.)

23 MR. WILSON: And lastly
24 Osman Chowdhury.

25 MR. CHOWDHURY: Good morning,

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2 everybody. My name is Osman Chowdhury.
3 I'm representing the United Taxi Drivers
4 Association. First of all, I'm here to
5 clarify some things -- to get clarification
6 for the money order or the cash payment.
7 The people who live here, everybody has a
8 bank account. Recently we had a credit
9 card option. They give the check to pay
10 the deposit in the bank, any payment that
11 the TLC made to make a check. This is a
12 rather big hazard and easier for a driver.

13 Also, (inaudible) they want it cash.
14 They won't accept money order. The TLC has
15 accepted the check -- check is easy for a
16 driver, and unfortunately I have been
17 driving for 19 years and I have experience.
18 So not any reason TLC two or three years
19 outstanding balance, by mistake would send
20 the letter I did not get your payment. We
21 have the paperwork but sometimes I don't
22 always keep the letter because three,
23 four years, don't remember. If you pay the
24 check, they remember, you can find out easy
25 with the bank on my statement I paid the

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2 payment. It's easier. A long time
3 (inaudible) the other way to payment is to
4 make check or money order, not accept it
5 (inaudible).

6 And also, I can say every time since
7 the new law I'm suffering, these three or
8 two things happen to me and the same things
9 keep happened. You take the fare from
10 37th and 7th Avenue. (Inaudible) the last
11 of the apartment all the way and at
12 4:30 p.m., rush hour I went there,
13 passenger get out of my way. Every month
14 happening two, three fares. They run away.
15 By the time the cops come, don't give any
16 papers to make a report of what happening.
17 I don't deserve. I don't get money but I
18 have my record, everything what's happening
19 to all the drivers suffering this now.

20 And I was -- January -- (inaudible)
21 I was on the line, 42nd Street, I was one
22 on the line, I get the fare, go around here
23 to me, and (inaudible). The doorman asked
24 me to him \$10. I'm astonished. I offered
25 him \$2, he don't accept. I give him \$5, he

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throw me the \$5 and said give me \$10, and another Uber passenger. Passengers storm out, (inaudible). The get out of my cab (inaudible). There's nothing to help me and the guy came to me, doorman, he said, this is not fair, that I (inaudible) he took my fare, and also he's telling me don't come here. This is not a public program. This is public property. It's a taxi line. This is the way a driver (inaudible). I'm going to ask you to send the TLC inspector (inaudible. They can find all the people doing these things.

Now business is very difficult with lots of competition, lots of new car (inaudible) taxi driver out of driving. We need to do something about this. Thank you very much.

THE CHAIR: What I appreciate is if you could give the specifics of the doorman that you're referring to, I think David Ross is back there or someone from enforcement. Could you give that information to him and then we can follow

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through?

MR. CHOWDHURY: Sure. Okay. Thank you very much.

MR. WILSON: Okay. That was the last speaker on the green rule package.

These rules were published in the City Record on December 18th with a comment deadline of January 18th, 2016. One public comment was received and was distributed to the Commissioners. As Local Law requires, the final rule for Commission action, which is unchanged from the proposed rule, was posted on the TLC's website on January 15th, 2016 and sent to the Commissioners on that date.

Are people ready to vote? Should I call for a vote on that? This is the green rule.

All in favor?

(Hands are raised.)

MR. WILSON: We have speakers on the process including the cashless payment rule. The first speaker is Jinwoo An.

MR. AN: Good morning. First of

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2 all, thank you very much to giving
3 me -- for giving me opportunity of
4 speaking. And also, I would like to
5 discuss about the most controversial issues
6 in the taxi industry these days, that is
7 Uber.

8 THE CHAIR: Do you have comments on
9 the rule before us, the proposed rule,
10 which I think does a few things and I -- if
11 you're commenting on the rule, great; if
12 you're commenting generally, this isn't the
13 exact -- the right forum for that.

14 MR. AN: Yeah, it's just general.

15 THE CHAIR: Okay. You're
16 happy -- we welcome all correspondence.
17 You can e-mail us, but this public hearing
18 is on a set of proposed rules that we
19 published a month ago.

20 MR. AN: Oh, okay. So I can't --

21 THE CHAIR: I have staff in the
22 back. You're welcome -- you know, welcome
23 to discuss with them.

24 Are you a driver, a base owner?

25 MR. AN: No. I'm not a driver. I'm

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many of the proposed reforms today, but also offer some changes which I would like the Commissioners to consider. Increasing the licensure period from two to three years will greatly reduce the burdens drivers face in connection with license renewals, which have become a confusing and cumbersome process. Likewise, since many drivers, particularly those who spend extended periods of time outside this country, have been unable to complete their renewals in a timely manner, the changes in renewal procedures are certainly welcome, and will enable more drivers to complete their renewals on time and without great difficulty. In addition, by extending the time period when drivers can complete their drug tests -- it can't be three minutes already.

THE CHAIR: That was a bell of another kind.

MR. MAZER: One concern, though, that many drivers have is that they cannot renew their licenses past the expiration

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2 date. Many drivers return to their home
3 countries for an extended period of time
4 and miss deadlines. New York State
5 driver's license holders can renew their
6 licenses for up to six months after the
7 expiration date without the necessity of
8 reapplying. TLC license holders cannot. I
9 suggest that the Commission consider
10 accepting late renewal of driver's licenses
11 upon the payment of an appropriate late
12 fee.

13 While the probationary license rules
14 were an important part of the 1998
15 regulatory reforms adopted by the TLC at
16 that time to promote driver
17 safety -- public safety, these rules have
18 been rendered more or less obsolete, thanks
19 to recent Vision Zero initiatives. It is
20 no longer necessary to have
21 increased -- enhanced regulatory
22 requirements for new licensees, since all
23 licensees are subject to the new and
24 enhanced regulations designed to protect
25 the public safety. New York City is the

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recognized gold standard for driver safety, with meaningful and comprehensive criminal background procedures that work, procedures to ensure that drivers who commit rule violations can be identified and disciplined, and meaningful, progressive penalties for serious offenses.

I do have some reservations, however, concerning the elimination of cash payments which we've already heard a little bit about, since drivers are not really left with reasonable alternatives. Drivers who pay fines and settlements by credit card are subject to a 2.49 percent service charge. TLC will only accept certified checks and money orders from drivers. The new LARS payment system is frequently not working and unable to process payments. This imposes an unnecessary burden on drivers trying to pay fines and settlements.

Furthermore, third party payments cannot be made on behalf of drivers; that is, an attorney, representative, or

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2 business owner cannot pay a driver's fine
3 with their check and I suggest, therefore,
4 that the Commission consider the following
5 changes: I suggest that drivers should be
6 allowed to permit fines in person using a
7 personal check instead of a certified check
8 or money order. If the check is no good,
9 OATH or TLC can charge a fee. In addition,
10 the driver's license can be suspended for
11 nonpayment of the fine. Third parties,
12 such as a licensed attorney or an
13 authorized representative or business
14 entity such as a check should be -- such as
15 an agent, should be permitted to pay
16 drivers' fines with an escrow or a
17 corporate check. For example, if a driver
18 now comes to me and asks me to pay their
19 fine, the only way that I can pay a
20 driver's fine is by tendering cash. When
21 cash is eliminated, I will no longer be
22 able to a pay a fine on behalf of a driver.
23 So if the driver gives me the money, they
24 would have to -- I wouldn't be able to do
25 it because they will not accept my check

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2 and will not even accept an attorney's
3 escrow check.

4 COMM. MARINO: I just have to -- I
5 agree with -- that's just silly. Money is
6 money. I mean, if -- I agree with those
7 proposals.

8 THE CHAIR: Can I just comment?

9 MR. MAZER: Yeah.

10 THE CHAIR: I mean, I think we can
11 explore ways that an attorney can pay in a
12 cashless option. I think probably most
13 attorneys don't love paying cash anyway.
14 That's not a great, you know,
15 record-keeping.

16 MR. MAZER: No, but that's the only
17 way. Right.

18 THE CHAIR: Yes. So going backwards
19 to allow attorneys to pay cash rather than
20 going forwards and finding a cashless
21 option for drivers --

22 MR. MAZER: Oh, no. What I'm
23 suggesting is --

24 THE CHAIR: -- is probably the
25 better way to go.

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2 COMM. MARINO: No. He's saying that
3 they won't accept an attorney's check.

4 THE CHAIR: Right. So I'm saying
5 going forward, rather than accepting cash,
6 we're better off figuring out a way to
7 accept an attorney's check.

8 MR. MAZER: To be perfectly clear,
9 my two suggestions are not that you go back
10 to taking cash. My suggestions are that
11 you take uncertified checks from drivers
12 and that you take attorneys' escrow checks
13 on behalf of drivers summonses, and that
14 you take corporate checks from licensees on
15 behalf of drivers so that if an agent wants
16 to pay the driver's fine, an agent check
17 would be good, an attorney's corporate or
18 escrow check would be good, or a driver's
19 uncertified check is good.

20 To be perfectly clear, I'm not in
21 any way suggesting that we go back to cash
22 payment. I don't want to pay cash for
23 drivers. But the Commission right now for
24 a payment of a fine or a settlement will
25 accept my attorney's escrow check if I'm

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paying the summons on behalf of a medallion owner or an agent but will not take my attorney's escrow check to pay a summon -- a fine on behalf of a driver.

THE CHAIR: So I think we can look into that going forward. I don't know that's it's an impediment to implementing a noncash system today, but I take your point that, you know, we want to make this more efficient for the people that come in and transact with our licensing facility. We have to be cognisant of who the players are.

COMM. MARINO: And I agree also that getting a certified check really is kind of, you know, it's a pain and I think we should take checks. I mean, if someone's going to really bounce a check, I mean, that's a big deal. I mean, we have so many ways we can cure that as Counsel suggested, so I'm in favor of your suggestions.

THE CHAIR: I would say we're not alone in accepting only certified checks, and I'm going to look at Ed who probably

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could talk to more about, a lot of places don't accept personal checks because then there's no doubt, we don't have to wonder whether the check's good or not, it's certified, it's done, the transaction is over and it's finished. The personal check, the transaction is not over because you've got to see if the check clears and then if it doesn't, there's work on the back end. So the goal here is to make for the large number of licensees that we have, an easier process and that takes work on both ends. It's not going to happen just for -- by the TLC, and I think it's pretty well -- people are accustomed now that a lot of places don't take personal checks. But if you would like to use a check, then you certify it so there is no longer a lingering question of whether the funds are available.

COMM. MARINO: My only response, and I agree with what you're saying and I understand what you're saying, but for example, the courts don't take personal

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checks. They'll only take an attorney's check that's not certified, but in our situation we actually have control over these licensees because we're licensing them. So in the event there is a bounced check, there is recourse. It's not like it's a stranger we're never going to hear from again.

THE CHAIR: It's not unending control and there's an administrative burden to exerting that control.

MR. MAZER: And I have other comments about TPEP and LPEP and e-mail, but you could read those.

I just want to address Commissioner Gonzales' comment you asked earlier about the practices of other agencies. Right now at the Taxi and Limousine Tribunal, which is the old building at 66 John Street, they do hearings for all of the different City agencies, including Consumer Affairs, Department of Buildings, Environmental Control Board, they do not take cash from anybody. They will only take credit card

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2 payments and they charge a 2.49 percent
3 fee, and they only take -- or checks. I
4 believe they take non-certified checks from
5 non-licensees -- excuse me, non-certified
6 checks from licensees and certified checks
7 from non-licensees. If a TLC licensee
8 wants to pay by cash at this time, they do
9 have to go to the Long Island City
10 facility. They can't pay their fine or
11 settlement in cash at 66 John Street, which
12 is the only Tribunal.

13 That's all and that's -- and
14 generally I support what you're doing and
15 again, back to my comment, I'm not opposing
16 the elimination of cash payments, I'm just
17 suggesting some other things be done to
18 streamline the payment process.

19 Okay. If you have any other
20 questions. Thank you for the opportunity
21 to testify this morning.

22 THE CHAIR: Thank you.

23 MR. WILSON: Thank you.

24 And we have one more speaker,
25 Bill Lindauer.

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2 MR. LINDAUER: Happy New Year,
3 everybody. And thank you, Mr. Arout, for
4 your service, even though you didn't side
5 with us most times.

6 THE CHAIR: It's still service.

7 MR. LINDAUER: This should be a
8 bonanza weekend for Uber because of surge
9 pricing. Maybe it is a correlation, if we
10 get six inches of snow, the fare is six
11 times --

12 THE CHAIR: I'm going to have to
13 make you stay on topic, Bill.

14 MR. LINDAUER: This is important.
15 Maybe they bribe mother nature. They have
16 \$60 billion. Okay.

17 THE CHAIR: Do you have comments on
18 the proposed rule?

19 MR. LINDAUER: Yes. I approve of
20 extending the renewal periods, three years
21 instead of two years, but I understand that
22 and the end of the probation thing, but I
23 understand that some people don't have
24 hearings, they're new drivers and you
25 revoke their license, they don't get a

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2 hearing or a chance to take -- or
3 notification of the ability to take a
4 defensive driving course. And I think
5 that's not due process. Due process is
6 long overdue.

7 THE CHAIR: Is that an issue not so
8 much with our rules but communicating with
9 licensees about the benefits of taking
10 defensive driving to reduce their points?

11 MR. LINDAUER: I think you're right.

12 THE CHAIR: Okay. Because we can do
13 that. We can make sure that we have better
14 communication so licensees know that there
15 is a chance to reduce their points.

16 MR. LINDAUER: You don't want to
17 deprive anybody of due process. Mistakes
18 can be made, even by the TLC, believe it or
19 not, because due process is the cornerstone
20 of our judicial system, you probably
21 learned that even before law school. So,
22 okay. I shall be kind and not impute other
23 people here.

24 THE CHAIR: That's gracious of you.
25 Thank you.

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MR. LINDAUER: I know. In my old days I get soft, right?

THE CHAIR: Thank you.

Do we have anymore speakers?

(No response.)

THE CHAIR: And with that, we have a second set of rules up for a vote.

MR. WILSON: Okay. So these rules were published in the City Record on December 21st, 2015 with a comment deadline of January 20th, 2016. Two public comments were received which we gave to the Commissioners this morning because they came in last night. Following publication of the proposed rule, the staff has recommended two changes to the proposed rule. First, to clarify that licensees in addition to providing an e-mail address must let the TLC know if that e-mail address changes. And secondly, to clarify some of the points raised in the rule regarding abstract issued by the states by which non-New York State licensed drivers are licensed.

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So as Local Law requires, that final rule for the Commission action was posted on the TLC's website on January 15th, 2016 and sent to the Commissioners on that date.

Are we ready to vote?

THE CHAIR: Ready to vote?

All in favor?

(Hands are raised.)

THE CHAIR: And with that, the rules are unanimously passed. Thank you, everyone, and please be careful in the inclement impending weather.

The time now is 11:15, and that is the end of our Public Meeting.

(Time noted: 11:16 a.m.)

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