

Taxi and Limousine Commission Meeting
April 21, 2016

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TRANSCRIPT OF THE
NEW YORK CITY
TAXI & LIMOUSINE COMMISSION

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

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HEARING CONVENED AT 9:50 A.M.

COMMISSIONERS PRESENT:

Meera Joshi, Chair

Edward Gonzalez

Frank Carone

Bill Aguado

Jacques Jiha

Nora Constance Marion

ALSO PRESENT:

Chris Wilson, General Counsel

Staff

The Public

The Press

Reported by:
Vicky Galitsis

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So just to start out with a few notes on comings and goings. So we have a bittersweet announcement that Commissioner Jo Rausen has left our agency. Jo joined us over four years ago to manage a very small project, Taxi Technology, but she quickly found herself in the eye of the storm. As she rose to the position of assistant commissioner she created the first time ever specifications to technology in yellow taxis, shepherding their introduction into green taxis, developed grounded policy for based dispatch, and brought electronic hail to yellow and green taxis. Most of all, she was passionate about all of her projects and left no detail unattended to.

Last year I e-hailed a green taxi in Brooklyn. When the trip ended, the driver was having some trouble figuring out payments. So I shared the tiny bit of knowledge that I have on the

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project. He thanked me for my patience and admitted it was only the second time using e-hail, commenting, although it took sometime to get used to he really liked it. It was convenient and nice ladies use it. In fact, the first time he e-hailed he had a lot of difficulty, and the nice lady actually came to the front of the cab and showed him how to reset his meter and his DIM. I already knew the answer, but I asked him if the lady had long brown hair. She did. It was Jo.

And that embodies the kind of dedication Jo had for every single one of her projects. So she will be sorely missed, but we're happy. She's not just a techie but she's a foodie. So her position, designing the website for Blue Apron, couldn't be more perfect. And we're very proud to have been part of her journey.

A few other announcements. Frank Carone, Commissioner Frank Carone, and

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Luby Polanco, Commissioner Luby Polanco who is not with us today, will be joining us for seven more years. They've committed.

(Applause.)

CHAIR JOSHI: So we're happy that they took the official plunge.

And our former commissioner and now Federal Judge LaShann DeArcy, had her investiture a few weeks ago. The courtroom and the overflow rooms were packed. There were hundreds of people there, and it was a true testament to her intellect, empathy and strength. We will miss her, but now a larger audience gets the benefit of her wisdom.

Also this month, we announced a third in a number of settlements we've done with the New York State Attorney General's Office on lease cab overcharge. These are joint prosecutions. And based on a complaint that came into our driver protection

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unit, our attorneys uncovered a pattern of overcharges. And with the help of the Attorney General's Office attained a settlement of \$750,000 in restitution that will go back to drivers at \$50,000 in fines.

I want to give thanks to David Ross, Jason Gonzales, Sherry Cohen and Ray Scanlon who spearheaded these investigations and prosecutions.

(Applause.)

CHAIR JOSHI: So cumulatively they brought in almost \$3 million worth of restitution for drivers within the three settlements we've done. And we're not done, so we can like say, stay tuned.

In April we'll continue our licensing streamlining process by moving renewals online. The process is new, so if you have any difficulty at all, please be assured our offices are open, our phones are open, and we're here to assist you. We don't want

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people to feel stranded by us moving online. We do think everything will be online eventually, but it is a transition so if people are getting used to it, please don't be shy about reaching out to us or coming by the office. There will be people at the counter willing to assist.

We also opened our Staten Island office, which is a vast improvement over the prior one, over 3,000 square feet. And it could not have been possible without the dedication of now retired Commissioner Elias Arout. He was an advocate from day one, so it is gratifying to watch him cut the opening ribbon.

I'd also like to thank several the TLC staff that were fundamental to getting this off the ground. Lorenzo Luiz, John Thomas, and the entire MIS team, Dave Emeritt, Karen Dougan, Chris Rivera, Victor Rodriguez, the Office of Facility and Fleet Management, and most

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of all, Brian Switzer, who really made the whole office happen. So thank you very much.

On our agenda today, we have a proposal to amend our used car pilot to allow used wheelchair accessible vehicles to be hacked up as taxicabs. We also have a proposal to make partitions optional. And for those who take the option, they will have to install one of our authorized cameras.

And we have a cleanup package that contains a clarifying rule that's gotten considerable media attention. TLC rules today prohibit drivers from harassing passengers. The proposal before us makes it clear that harassment includes unwanted sexual conversation and contact. This will serve as a conduct guide for drivers, and only for those who have found to violate it, and this is important, after a hearing before impartial judge. One question I got was, will we always

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have to take the word of the passenger?
And the answer is simply, no. It is a matter of credibility. The other thing that people raise is, well, can you compel the witness to come forward for a hearing? And, yes, an OATH judge can compel a witness to come forward for a hearing so that the accuser and accused are in the courtroom together. The prerequisite for that is that the driver should request that the witness be present in the courtroom. And anybody who has questions about that, we're happy to go over it and refer you to specific OATH rules that allow for that process. Now this wouldn't be confined to cases of harassment. This is a general OATH rule. So we wanted to make sure people understood that.

We have a presentation before we start our regular meeting, because today and at this very moment, you can access our 2016 TLC Factbook, which is on our website. Thea Palucci, from our

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So the 2016 Factbook explores patterns and trends within the four hired vehicle industries in New York City, again for the years 2014 and 2015. I'd like to call out two of the biggest changes, which are the increase of TLC license black car vehicles, which rose to just over 39,000 in 2015 from just under 22,000 in 2014. And the increase overall of TLC drivers from around 129,000 to nearly 144,000.

The chart on this slide shows the average trips per day by industry, yellow medallion, SHL, or street hail livery. At-based FHV, or for hired vehicle, and for-hire vehicles associated with the top 50 traditional FHV bases. Together medallion taxis and FHV, or for hired vehicle, made about 474,000 trips a day over 2014 and 2015. At-based FHV, which are represented on the light green line on this chart, performed an average of 146,000 trips a day on the second half of 2015. And the top 50

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traditional FHV bases, which is represented by the darker grey line in the chart, together performed nearly 52,000 trips a day in the last quarter of 2015.

When it comes to trip distribution for 2014 and 2015, medallion taxis have continued to pick up passengers primarily in Manhattan. So 92 percent of their trips originate in that borough. The same also goes for at-based FHV who completed 70 percent pick ups in Manhattan. SHL service is spread throughout the boroughs, mainly upper Manhattan, Queens and Brooklyn. And the top traditional 50 FHV to complete nearly half their trips from the Bronx, with the rest of their trips spread equally between Manhattan Queens and Brooklyn.

In 2014, Medallion taxis transported around 20 percent of all passengers arriving or departing at LaGuardia Airport. SHLs which are

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authorized to drop off street hailed passengers at airports transported less than 1 percent of all passengers at LaGuardia.

At JFK Airport, the same year, which is shown on this slide, medallion taxis transported a lower percentage of passengers, while the Air Train at JFK transported roughly 12 percent.

Drivers represent 167 countries around the world, which I think is pretty astounding. And here's a map showing the overall top five counties where drivers are born, and the percentages that make up each industry.

More than half of TLC license drivers live in inner Brooklyn or Queens, with the remainder living throughout to Tristate area.

And when you look at gender breakdown across the industries, females are represented in all four industries, but more particularly in the top 50 FHV sectors.

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Drivers of FHV's -- of at-based FHV's are far younger than their counterparts in other industries. The median age for an at-based FHV driver is 39 compared to over 45 in the other three industries that we are looking at here today.

In January 2015 the Commission passed rules allowing passengers to use TLC license apps to electronically hail medallion taxis and SHLs, and to paid for their rides following a two-year long pilot program. And so the math here shows the number of fulfilled e-hailed trips throughout New York City in 2015. More e-hails happen outside of Manhattan Central Business District as compared to all taxi trips. A trend that has become more and more pronounced as FHLs who are unable to pickup passengers in Manhattan before have begun using e-hail.

The light blue shows trips where less than 365 trips occurred for the

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year 2015. And so the darker the color the more e-hail trips fulfilled. And I'm not sure if you can make out on this screen, but the small yellow dot shows just how much folks in DUMBO love to electronically hail their taxis and SHLs.

Accessible options are expanding in New York. At the end of 2015 there were 596 medallions, and 1,275 SHLs on the road accessible to passengers who use wheelchairs. Those numbers are going to keep growing. As of this year, additional yellow medallions will be required to put wheelchair accessible vehicles into service to reach a goal of having half the medallion fleet to be wheelchair accessible by 2020. And together accessible vehicles perform a total of over 7 million trips in 2015.

The accessible dispatch program, which served 47,000 trips in 2015, will also serve to expand passengers in all

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five boroughs, which is very exciting.

So thank you for taking the time to hear about the new Factbook. This is just a really small snapshot of everything that we've included in the volume. You can navigate to NYC.GOV/TLCFACTBOOK, which is also here on the screen, where you will find editions to all of our Factbooks, and the data behind the facts and figures.

Thank you.

CHAIR JOSHI: Thank you very much.

And now we'll move to adoption of minutes. All in favor of adopting the minutes of the February 25th, Commission meeting.

(Whereupon, there was a chorus of ayes.)

CHAIR JOSHI: With that the minutes are unanimously adopted. And we'll move to the Base Applications.

MS. NEOLOS: Good morning, Commissioners. My name is Angelique

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Neolos, I am supervisor of the Business Unit. Today we have 26 bases for your approval. Two new applications, 13 renewals, and 11 various changes, relocations, ownerships, name changes.

MR. WILSON: All in favor?

(Whereupon, there was a chorus of ayes.)

MS. NEOLOS: Thank you.

MR. WILSON: Next on the agenda is a resolution to extend the Commission's Used Vehicle Taxi Pilot to March 26, 2017, and to modify the pilot to permit participation of used wheelchair accessible vehicles with provisions for grants from the Taxi Improvement Fund at levels lower than available for new cars. 14,000 for new cars versus 10,500 for one year old car, and \$7,000 for a two-year old car. To participate, vehicles must, as were not accessible vehicles, be no more than two vehicle-year old, and have been in service for-hire.

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It's Local Law 5 requires the final Commission action be posted on the TLC website on April 18th, 2016 and sent to the Commissioner on that date.

All in favor?

(Whereupon, there was a chorus of ayes.)

MR. WILSON: Thank you. So that passed unanimously.

Next on the Commissions' agenda are essentially technical rules making certain changes to TLC rules regarding licensing and enforcement. I wanted to clarify, because several people have made comments about this, and we will clarify the rule. Enhancing exclusionary zone enforcement for street hail liveries, we are not changing the provisions that prearranged trips can be done at the airports. The rule is only intended to clarify. As State law provides that prearranged trips cannot be picked up below East 96th and below West

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110th Street.

In addition -- and so that's only picking up trips. It is not regarding operations within those areas either on a for-hire trip or when you're not operating for-hire at all.

The rules would also require drivers to end their affiliations with suspended bases, allow licensees to demonstrate social security registration without providing original social security card, simplify the penalty sections relating to portable electronic devices, clarify the penalty section relating to certain for-hire data collection, remove the requirement for suspended licensees to turn in their licenses before suspensions take effect, remove the requirement for-hire vehicle drivers display the vehicle license within the vehicle, provide that a vehicle is subject to forfeiture as permitted by the add code, if the owner has committed two or more

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violations of Section 19506 in the past 36-month, define and establish penalties for sexual harassment, sexual contact as the Chairwoman has already discussed, and increase the length of time. The completed defensive driver course remains valid.

We have a number of speakers on this rule. The first of whom is Cira Angeles.

CHAIR JOSHI: I just want to make a quick comment before we start. There are some aspects of the rule that may have caused confusion that we'd like to clarify. One is a bullet point on page 2 of the statement on Bases and Purpose, which could be read as giving the impression that you cannot drive through the exclusionary zone in a green taxi, and that is not the intent of the rule. So Chris Wilson will be redrafting that bullet point to reflect the actual rule, because that's absolutely not something that the

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Commission is interested in prohibiting.

And then the other point which I made earlier is on the sexual harassment issue of whether or not you can confront witnesses, and that is an issue that is addressed in OATH rules. And we're happy to provide the sites for those OATH rules for people that need to make sure that the industry is aware of those.

MS. ANGELES: Good morning, Commissioners, Commissioner Joshi. My name is Cira Angeles. Although I've heard how open the Commission is to make changes into the proposed rules, I am going to testify before you on behalf of the livery-based owners, our affiliates, that include 200 bases and 12,000 drivers are currently affiliated. Our goals are the continued safe and efficient transportation of our passengers, while protecting our hard working small businesses and drivers that we rely on.

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Over the years we've enjoyed a good working relationship with the Commission based on open communication and mutual respect. However, we have not always agreed. There is no -- not that it is different this time.

We support many of the Commission's initiatives to protect our passengers and our professional licensed drivers. At the same time we are very concerned that some proposed amendments do not take a comprehensive approach to the issues that our drivers and bases are facing. These particular proposed rules changes do not address the concerns and recommendations that we have brought to the Commission's attention in the past. We support proposed changes to end vehicle affiliation with suspended bases, the elimination of original social security card requirement, simplifying the penalty section of the portable electronic devises, removing the

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requirement that vehicle's license be displayed in for-hire vehicles, and to increase the length of time under the defensive driving course certificate.

However, we cannot support changes to enhance exclusionary zone enforcement. For example, the proposed rules and amendments are expected to prevent a base from improperly dispatching a SHL, unless the driver has already locked into the LPEP. As you might know, a lot of our bases already have systems that block those drivers from going into the exclusionary zone. As you know, we also cannot on a constant basis see when a driver locks in or locks out. Verifying CNT are more capable of following through on these issues.

We also feel that we, in order to prevent the SHL drivers from travelling through the exclusionary zone, except to drop off passengers from trips, the meter is completely off when this

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situation happen. This targets the SHL drivers specifically in an issue that is already covered by the Street Hill Liberty Laws and Regulations.

Furthermore, we do not believe the issue is an exclusive situation of SHL drivers, but rather the liveries, black cars luxuries who sometimes don't have enough business and continue to pickup illegally in the exclusionary zone. Why penalize our street hail liveries only?

Regarding the proposed rule, Changes to Define Sexual Harassment and Unwanted Sexual Contact. We believe that the data presented by the NYPD and the Commission does not support these changes and penalties being put forward. While our industry increased over 40 percent, 2014 to 2015 according to that data, sexual harassment charges have counted for less than 1 percent of the complaints.

In addition, the reporting failed

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to identify whether the perpetrator was the driver or the passenger. Current rules already provide passenger protections by prohibiting any driver from harassing, threatening or abusing any passenger, including service animals, imposing penalties of \$350 to \$1,000, in addition suspensions and leaving the Commission with the discretion to revoke that license if they found that he is at fault.

We strongly believe that adding new language or definition does not significantly change what is considered unacceptable behavior, and we cannot support providing a full sense of protection to our public.

We firmly believe that training and education are our best tools to change behavior, not definitions or higher penalty. We also fear that these rules do not protect our drivers from being unfairly victimized by the false complaints, and sadly, they sadly

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happen, too often they are not. We do not want an established mechanism to protect drivers from the circumstance leaving them vulnerable to the unfair position of being presumed, in some cases guilty, before they can actually prove their innocence.

What makes our City great is our ability to communicate with people. It's how diverse our industry is, and our drivers are no exception.

We urge the Commission to reconsider on these proposed rule changes. Working together we can all protect our precious cargo, our passengers, while still protecting the rights of the livelihood of our drivers in the workplace. And the workplace is their cabs. Thank you.

CHAIR JOSHI: Thank you. I just have two comments on some points you made.

(Applause.)

CHAIR JOSHI: On the basic

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accountability, I think that you raise a very legitimate practical issue on how can a base, and the way it is written is that you must not dispatch a street hail livery. And those liveries might not even be affiliated vehicles, because you can dispatch other bases vehicles.

MS. ANGELES: Right.

CHAIR JOSHI: So we -- I'm going to speak for myself, that I think it is worthy of, should we go forward with this package today, maybe pulling this section to reconsider on how best to enforce what we want, which is really to make sure that drivers are logging into the LPEP.

On the second piece, I just had a question for you. It sounds like you're not objecting to the fact that the harassment rule -- well, your acknowledging that today's harassment rule covers unwanted sexual contact and conduct. The objection is to the

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2 inappropriate that I have said no, or I
3 do not welcome is considered
4 harassment.

5 Putting definitions without
6 including anything and everything that
7 anyone can think of is just simply not
8 addressing the issue completely. It is
9 just putting some remedy to something
10 that is so broad. Because in order to
11 protect our public, in order to protect
12 our drivers, we need to make
13 definitions that are clear. But not, I
14 mean, like I said, harassment is
15 harassment. And it is for the victim
16 to determine when she felt harassed.

17 You don't have to say --

18 CHAIR JOSHI: But isn't it
19 important for the driver to understand
20 the variety of situations in which a
21 passenger may feel harassed? And the
22 point of a rule is not -- part of it is
23 penalty, but the first initial point of
24 a rule is to serve as education. So
25 drivers understand that sometimes

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conversation that they may think is okay may not be perceived by the passenger as okay. Wouldn't they want to know that up front, rather than having the passenger file a complaint and being forced to deal with that complaint?

MS. ANGELES: The truth of the matter is that our drivers do not know, do not get educated by rules and penalties. Our drivers get -- know the rules and know the extent of what they need to learn to avoid it when they get trained or educated. It is unfortunate to say that a lot of our drivers find that out --

CHAIR JOSHI: If their education includes the rules and also coverage, like this brought up a discussion and raised awareness among drivers. So I think in and of itself it created an educational opportunity.

MS. ANGELES: The truth is that we have a behavior of responding with

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new regulations to something that can be easily corrected. Our drivers do not get a manual when they get a license as to the things they can and cannot do. We've been fighting for that manual of the top ten things that drivers do on a regular basis, and key issues, like harassment and protecting the public.

CHAIR JOSHI: One piece of news that's good for you. First of all, there's new education requirements for all FHA drivers. So new drivers will get that 24-hour training. But we're also putting together a two-page summary of what that curriculum is that's going to be available on our website. And it will include things like what you just said, the top ten things.

MS. ANGELES: Don't you believe that addressing that through education and training is better than finding a driver in the verge of losing almost

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his family, because he's been accused.
And until they can prove what happened,
and all the parties are there, the
drivers don't know how to navigate the
system. And this is what I found in
20 years working with drivers and
bases.

And we hear it in their voices.
A lot of the times you find out that
you violated a regulation, because they
gave you an summons, and you were
completely unaware that you were doing
that. So for that simple reason I
don't want to put that burden on our
drivers, and anyone for that matter,
that doesn't understand the language in
which you are putting to clarify what?
And to whom?

I mean, doing things for -- to
responding to -- perhaps in some cases
to the media, when we already have
regulations in place. We need to do
the proper enforcement. We need to get
the two parties involved, we need to

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get proof. Our drivers cannot even prove it with a telephone and recorded conversation.

CHAIR JOSHI: I think that's why I mentioned, and I don't think people are aware of the ability for the driver to require the witness to be there under OATH rules. If credibility is an issue, and the phone is not adequate or sworn affidavits required by the TLC is not adequate, the driver needs to make sure that the OATH judge knows that they need to have the witness there, because credibility is important. And that's a right that people should exercise and I encourage them to. Because the process is suppose to be a fair and impartial hearing. And I understand that that is more likely to happen when both people are in a courtroom.

MS. ANGELES: And our drivers are already fearing that once they go to court, they're going to be found

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guilty, because on most cases they understand that putting a defense, even if that defense is true, they cannot prove it. They don't have the mechanisms to do that, nor do they have the money to hire a good lawyer. In the meantime, he is presumed to have violated or harassed improperly a passenger. There goes his family, there goes his work. He's suspended until they can prove what happens. If the passenger complains, even the base gets suspended if they don't answer in a proper time and manner.

So I think it's all a problem between bases drivers, but I do understand sincerely that the Commission has rules in place. We just need to enforce them properly. And create mechanisms that our drivers do not continue to fear the system that is there and put in place to protect the public and also the licensees that they actually issue licenses to.

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of all members of this working class, I want to express our total disagreement and opposition to the intention to put in practice a new regulation to punish the taxi drivers on sexual harassment allegations from passengers without any credible evidence to sustain their claim.

First, we are opposed, because it is not fair that a few months ago you say that the majority of the taxi drivers were good drivers who do things right. How is it possible that your perception has changed in such a short time without any reasons? Since the statistics of allegations of sexual harassment committed by taxi drivers have not increased, and even the existing ones are not significant in relation to the quantity of passengers that we have come to daily, which is estimated in approximately a million. Do you believe that 14 cases of sexual harassment in approximately 400 million

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passengers that we have come to annually, it is a statistic to implement a regulation portraying us as common criminals. I don't think so.

Second, we have become an important piece to keep the security of this City and lowering the crimes rate preventing a lot of crimes. But now with that new regulations, you see us as criminals instead of allies to prevent crimes.

Third, there are many cases in which taxi drivers have saved the lives. It was not once nor twice that we have seen parturient women who have given birth in our cars. And because our rapid actions to help those women, probably we have avoided that the mother and her newborn infant died. I'm sure if the regulations is approved, the taxi drivers will not give this kind of aid, fearing to be accused of touching inappropriately a woman in such situations, therefore, be

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accused of sexual harassment.

Finally, also we are opposed to this new regulation, for understanding that is unjust, discriminatory and lacking in elements for its application. It is not possible that the honor and the likelihood of the family of the hardworking member of our society be at expense to the word of a person, who for not wanting to pay or pay certain tariff or for wanting to hurt a particular person, be given a blank check to accusers of sexual harassment to one of our taxi drivers.

Therefore, I ask you and the member of the City Council in favor of this regulation that withdraw their support and dismiss its implementation.

Thank you very much.

(Applause.)

CHAIR JOSHI: Thank you very much for your testimony. And I think you've given us a lot of good points that we need to consider. So I appreciate

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Brooklyn.

The concern of most of the taxi drivers with this new regulation, first of all, we already have in place regulations that prohibit any driver from engaging in a misconduct or in a sexual harassment with a passenger.

The path to resolve the problem would not be to increase regulation or to increase the penalty. We have to work with the heart and the core of the problem. I'm pretty sure that all the Commissioners over here with their best interests is not perhaps taking more money or to damage any of the people who are working so hard for this City with honor and with dignity.

We have to remember that these people, they have to get a New York State license and then they have to get -- they have to go through the process of getting the license also, the permit from the TLC.

Most of the sexual offenders have

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been proven that they repeatedly and continuously behaved in that manner. And that if the people for so long they have behaved in a way that is honorable, now all of a sudden when they start to work TLC or as a driver they are going to become a sexual offender.

We believe and they believe that the remedy for this is to get the extra education that they need. Education is basically the problem solver in this case. Therefore, they are suggesting that we should emphasize in their education that they need to prevent perhaps any kind of conversation that they might not know, especially many people coming from different country, with different culture, they might not know that it is considered in this City and in this nation as harassment. So therefore we have to emphasize in the education.

The concern number 1 is that most

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of these people have served the City and citizens of this City with honor and dignity. Why though create something that might allude that this social group is perhaps a group where they have many sexual offenders. That will be something damaging to the Hispanic Community, to all the community where these people are working right now with the taxi industry. We are concerned that they get the education that they need and we are concerned also that they get that education free of charge, because they are already serving this City with dignity and honor, and extra education should be provided at no expense to them.

And also we have to make sure that these extra regulation not an invitation for passenger who really tried to abuse the driver, because we all know that many passengers try to abuse. And when they see a way to

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abuse the system and get retaliation to any of this driver for any reason that they might have, they could cause problem to the person who is the victim, in this case the driver, his family, and his reputation.

Therefore, I really suggest that we should emphasize in the education. The education should be free of charge, and no extra regulation should be included, because that's going to damage the reputation of the great people from the taxi industry.

Thank you so much.

(Applause.)

CHAIR JOSHI: Thank you.

MR. WILSON: The next speaker is from --

COMMISSIONER CARONE: Can I ask you a question, sir?

REVEREND SALGADO: Sure, sure. Sorry, I didn't see you.

COMMISSIONER CARONE: I didn't press the button fast enough and you

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walked away. I apologize.

I heard from three speakers -- we heard from three speakers all talk about many things, but against the rule as presented, I think as it defines sexual harassment. And instead what I certainly heard you say and I know I heard Ms. Angeles say, we should focus on education, right? And I'm a little undecided myself. On the one hand, I think the Chair already said that education, as it relates to harassment, is something that is already an education requirement. But if you're educating about how you should, as a licensee, conduct yourself as it relates to harassment, specifically sexual harassment, shouldn't it then be a corresponding rule that defines what it is you're educating the driver or the licensee about? Why have education without a corresponding rule?

REVEREND SALGADO: First of all, there already a rule in place,

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harassment is harassment no matter how you define it. The problem that we have is that in many of the countries where the drivers originate they might define it differently. Therefore, we have to educate what harassment is in New York City, and New York State, and in our country.

Therefore, we already have rules that we have already have laws that punish and prohibit harassment. What we have to make sure is that our taxi drivers they understand in what many ways they could be probably accused of harassment, so they could avoid to go to those edges in any way, form or matter.

COMMISSIONER CARONE: And that's a fair point. I'm just curious how you feel from the passenger's perspective. Would the passenger and the riding public feel more comfortable knowing there was a specific rule which stated and I'll read, "Sexual harassment shall

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be" -- and I'll read the last part of it -- "expressing a desire to enter into a type of relationship with another person, making it clear that that type of personal conversation is per se harassment." Do you think that would make the riding public feel more comfortable and therefore be clearer for the drivers?

REVEREND SALGADO: No, because that's already part of harassment itself. So what we have to do is to educate the driver so they could understand clearly what are the path that they should not take. And if they already -- we already have many of what harassment is in the City, and it is already punished. If somebody feel and they know their rights that they have been harassed, they could have complained anyway, and one way or the other, the driver is going to be held accountable.

But when you ask extra regulation

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from this Commissioner, is adding more pressure to the already pressure that the drivers have. And also is probably opening a door for those abusers of the system to try to accuse a innocent person for something that they have not done. We already have rules. We already have definition of what harassment is. What we have to do is to educate the drivers so they don't go to that path.

COMMISSIONER CARONE: It seems to make -- this is what I'm struggling with and what I'm hearing over and over again, and there may be a some truth in it. There is a lack of trust in the administrative process when there is a hearing. And that seems to be coming across loud and clear. And I know it's something we should be looking at a little more carefully.

(Applause.)

COMMISSIONER CARONE: But what I'm struggling with also is if we have

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a rule in place, as you just mentioned, then what is the harm of clarifying the rule that's already in place? Since I don't hear anyone advocating for the removal of the rule. If it is already there, what's the difference?

REVEREND SALGADO: It is the over-regulation. It's the over-regulation. When you over-regulation something you open the door for abusers to attack an innocent person. We're talking about the life of a person. I understand, with all due respect, you sitting in the other side, you're not behind the driver's seat. But these people, if they get accused on the new regulation they will be suspended, they won't be able to work, they wouldn't be basically --

CHAIR JOSHI: I'm sorry. If you're accused you're not automatically suspended. We wouldn't suspend until if that was part of the penalty.

REVEREND SALGADO: But while the

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2 hearing goes through the person --

3 CHAIR JOSHI: Yes, after the
4 hearing.

5 REVEREND SALGADO: Exactly.

6 -- is not going to be able to
7 work. This is the way these people
8 basically gain their food, you know.
9 And they're not going to be able to --
10 they're going to be suspended, they're
11 not going to be providing for their
12 family.

13 CHAIR JOSHI: I don't mean to
14 interrupt. You can work up until your
15 hearing. You're not summarily
16 suspended. And when you have your
17 hearing, then that's when the facts
18 should be flushed out.

19 As I pointed out earlier, it
20 should invoke the right to have the
21 person who is filing that allegation
22 appear in the hearing room and make
23 sure that you can face the accuser.

24 REVEREND SALGADO: How about when
25 the process -- the point is, the

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over-regulation opens the door for abusers to be accusing innocent people that are working so hard. They take people who already passed through the process of getting a New York State license. People who have already been working for many years without any incident. And over-regulation would just cause that this whole social group is going to be --

CHAIR JOSHI: Is it fear that it will be abused, this rule, it would be invoked --

REVEREND SALGADO: Yes, yes.

CHAIR JOSHI: And by highlighting it you're inviting people to invoke it, that's your fear?

REVEREND SALGADO: Exactly. For avoiding to pay for the fair. They're just going to use this to take regulations to the driver and he's going to be exposed to the process. We already have rules, we should enforce those rules.

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time to digest a lot of the feedback that we've gotten.

I think that there are two goals here; one is certainly education and good education. I think Commissioner Carone is correct. Good education has to come in the form of a rule that has a penalty, so that it is taken seriously. But we can't dismiss the importance of education in the first instance.

And the second thing that hasn't been raised, but is truly a consideration, and I know some of the people who encourage that we go forward with this rule, is clarification for hearing judges so they understand what harassment is. And that harassment includes unwanted conversation. So that was another target for the rule so that the hearing judge understands what that is. So we're happy to consider the feedback we've gotten, as well as incorporate that into the goals that we

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still believe in. And we want to make sure that the public is aware that they have a venue if they feel uncomfortable in a ride.

And somebody quoted earlier, and they're correct, we have a very low percentage of these types of complaints. And even the numbers provided by PD, it is not certain that they're actually licensed vehicles, licensed drivers. So I think even that number we don't know for certain. And it's just a difficult process. These allegations don't -- facts are difficult to develop when you get these allegations. So that's completely understandable.

But in the interest of everybody who has been here, we don't want to have everyone testify and we'll get right to the end and let you know now that we will withdraw for today those two sections, and continue.

(Applause.)

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from Asotiny, Fernando Garcia.

And please let us know if you still need to make comments given what the Commissioner has just said. If your comments have been addressed by theirs, we'd appreciate it if we can just get through the agenda.

MR. GARCIA: (Through the interpreter) Good afternoon, Commissioner. Good afternoon everybody. I believe that we talk about -- the speech about the same thing. And I just want to -- I want to put an example that long before it was a good situation of the drivers.

And today I see that the situation is very very concerning, and that's why we are here, because we think that this regulation, new regulations, is not going to be healthy to the industry. I'm going to let you know just in a few seconds that two examples that a bribe in our offices later. In Jerome Avenue on 183rd in

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the Bronx County exists a woman and she always is asking for drivers at nighttime. She says, "If you don't give me any money right now, I'm going to call 911, and I'm going to accuse you because I want your money." Some members, taxi drivers of the Asotiny, has to give them money because they don't want any trouble, to avoid that he's been reported to the Taxi and Limousine Commission.

That woman take off the clothes inside the cars, provoking to the drivers. That's why more than three years I've been saying to you guys that everyone has an issue against a driver, it has to be in front of you guys in person. Because there exists people, people outside, passengers, that they want to hurt the industry.

CHAIR JOSHI: Just two notes. The first issue you raised I think is something we're happy to coordinate with NYPD, because that's -- it

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involves both agencies. And the second one we're happy to share with you the section of the OATH rules that allow the driver to request the witness to be present at the hearing.

MR. GARCIA: We want to express to our drivers in the classroom over here that you better go in a situation like this, you better go to the NYPD precinct and report the situation of people who are using. I have the experiences working night shift, some passengers, woman passengers, females, they go inside my cab, and if I don't do whatever she wants, unrespectable to the driver, and they say, "I'm going to call 911 or 311 for TLC and you get license suspended and everything", because he say that many of the passengers that used to do that they think, the perception is that they can do whatever, if they call Taxi and Limousine Commission the driver has to suspend the license.

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CHAIR JOSHI: I think we've already decided that things that have been raised today are worthy of consideration. So we're going to table this provision in light of the comments that we've gotten. And I want to emphasize Commissioner Carone's, that we still need to balance that with the fact that one incident of harassment, or one rape, is one too many. And that is a real issue as well.

On the bribery issue, which basically is what you described, contact our Driver Protection Unit. We can help you liaison with NYPD. That's information you need to give us and you need to give law enforcement. And that is actually separate with the issues that we're dealing with in this rule.

MR. GARCIA: We have an office prepare it, open to our drivers association. Okay, he says that just like they are going to open offices, they have office open for drivers

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association, and they will try to educate the drivers into -- the drivers around the association. But they need to get some money from TLC, because it is a lot of tickets on there.

CHAIR JOSHI: I can't give you money, but I can have our Driver Protection Unit come out and help you with the education, as well as offer their phone number so that you have a direct line to contact when you have problems.

MR. GARCIA: Thank you so much. My name is Hernandez Garcia. Thank you so much. Thank you.

CHAIR JOSHI: Thank you.

MR. WILSON: Thank you. The next two speakers are both from Green Taxi New York, and I ask if you can do the comments as one, and to the extent the Commissioners have already addressed your comments.

MS. REYNOSO: Hi, good morning, Commissioners. Nancy Reynoso for Green

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Taxis New York, Vice President. I already understood the fact that we're going to stop on the sexual harassment until there's further education to talk about it. I'm happy about that. Because like Commissioner Frank said, there's a lot of discontent within the drivers that there's never a level of fairness. And when there is complaints, drivers are always found guilty, so with little minor things, what about sexual harassment, which is pretty serious.

We as Green Cab advocates want to talk a little bit about points. You said something about how something had changed with street hailed liveries not being able to drive into the restricted zones in Midtown, which we found was very unconstitutional because our drivers are only drivers --

CHAIR JOSHI: I think we clarified that at the beginning.

MS. REYNOSO: Okay.

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pre-dispatched service at the base,
even though they can know if they're at
work now because they're doing
pre-arraignments for the base, they
can't really know if they are on the
LPEP. I think we're good with that.
TLC would have to work with them to
find another way.

There is something else there, I
don't know if you clarified anything.
I believe I read something that says
that now, I mean, the original rule of
SHLs was that if a SHLs goes into any
airport in the City and there's a
dispatch call, right there at the
moment they walk into the airport, they
can pick it up through pre-arraignment.
It is saying somewhere around the rule
like is going to be taken way. Can you
clarify a little bit on that?

MR. WILSON: The rule didn't say
that. That is unchanged. The greens
they can continue to pickup in
prearranged calls at the airports.

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2 Yes. All that the rule does was just
3 clarify that the greens may not pickup
4 a prearranged call in a prearranged
5 dispatch zone which is Manhattan below
6 East 96th Street and below West 130.

7 MS. REYNOSO: Basically we know
8 that. Okay, great. Thanks for
9 clarifying that.

10 And we're clear with social
11 security card not needed. When you
12 say, would it be -- I'm a little lost
13 with the term there. Original social
14 security card, or would you have to
15 bring a copy, or just vocally, we all
16 know our social securities by heart.

17 CHAIR JOSHI: Your number.

18 MS. REYNOSO: Your number?

19 CHAIR JOSHI: Yes.

20 MS. REYNOSO: Okay, great. I
21 think we're all set on that. And thank
22 you so much.

23 CHAIR JOSHI: Thank you.

24 And for everyone here I just want
25 to make a general comment. If anybody

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wants to read our rules, has trouble or questions about what they mean, please feel free to contact us. You don't have to wait for the public hearing. It is actually really helpful, because then we might be able to make changes in advance of a hearing. And I know spending the day here is probably not your best option when you could be out earning money. So we're here to provide clarifications any time, up until the hearing, and I encourage everyone to take advantage of that.

MR. WILSON: I have a number of people signed up to speak for something called Cairo. I'll read them off. I ask that the speaker -- that only one speaker come up. And I also ask, to the extent that you have comments, if they have been addressed already by what the Commissioner has said, that you don't need to speak at all. So the speakers would be Mr. Mobarak, Mr. Sideris, Mr. Shams Mer Ali,

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remind to push the meter. And then I turn right, the traffic light was green, I turn right on Amsterdam go to up downtown, somebody holds his hand, and tell me from the window, "Can you take me to 121st and Park?" "Sure." That's north jurisdiction. "Sure," I said, "Okay." "How much?" "I go by the meter." He keep silent, and I see somebody come from the front that left window, and asking me the papers, license, driver's license. Okay, I give. I learn to don't speak because when I speak I say, "Why? What happened?" I got more tickets. I keep myself silent.

CHAIR JOSHI: Is this an enforcement issue? You got a summons?

MR. ABDALLA: Yes.

CHAIR JOSHI: Where were you when it happened?

MR. ABDALLA: Between 109th and 110th, I know that's where I stay.

CHAIR JOSHI: So I think that's

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not exactly relevant to the rules today. But it is an extremely important complaint that we've gotten from not only you, but other people in the green taxi industry. And I know -- I don't know if anybody from enforcement is here today, but I know Ed Murray who's worked on several enforcement issues, in back, and we'll be happy to take a look on the summons you got and learn more about that a case.

MR. ABDALLA: Okay, ma'am, but I already went to court, the TLC for that. And when I stop everything you hear is wrong, I didn't pickup, I didn't say \$10, I didn't ask him 125th and Broadway like here, I asked -- everything is -- he says, no problem, you agreed. No, I don't agree. If I agree, he didn't, because when he said how much, I tell him by the meter. And the meter was on.

CHAIR JOSHI: Right. So you went

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in for a settlement, and we're happy to find out more about that process, and if it didn't go the way it should, to make sure we look into it. So I just ask that you speak to Ed in the back about your particular case.

MR. ABDALLA: Okay, ma'am, but you know something, nobody listen. Nobody, nobody, nobody. I ask tell him, I got camera. Open the camera if the guy said is true, I pay the fine ten times.

CHAIR JOSHI: That's exactly the kind of evidence that we need to make sure you get your day in court, and that we're able to flush out the real facts. And Ed is back there and wants to listen. And we definitely take it seriously, and we appreciate you coming forward.

MR. ABDALLA: Okay, alright, ma'am. Something else. I heard, I don't know if that's true or not, that the green taxi can go to Manhattan

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York City. I want to say thank you for listening everybody here in defense of our drivers and our families and in New York City.

Everybody, the reality, the true realty of taxi drivers working outside, just to be rethinking about sexual harassment we wanted to say three things. We want to say three things. First, 2014, 10 cases is registered. In 2015, the 14 cases registered. He's wondering what about 6 percent like the rate and the commissioner police officers. There is one thing very important. Okay, that's the case is that it was reported says only mentioning about the drivers, not the chauffeur's license. In cases through about the driver's license. We have 150,000 licenses drivers registered to TLC. This quantity is only 0.0066 percent. Because we are not perfect with classes. We are drivers.

The last year we heard about you,

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Chair Joshi, announcing that the last year you, Mrs. Joshi, that last year you say that 150 drivers will be summonses because of passengers outside they were reporting 39 -- 311. Do you remember those information that you were publishing to the public -- saying to the public? Our situation problem is not the 750 drivers. It is just about why there were summonses and they were guilty without any representations, any voice, any nothing, just guilty, the 750 drivers.

In the name of our families, taxi drivers' families, we have to say like the same like the professionals in law says about the sexual harassment, for them this is very easy to defend into the court -- is hard to defend in the court, but it is very easy to raise to that a person is -- in the name of God we need you to reflect that.

CHAIR JOSHI: I just want to make sure in translation, has the speaker

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non-standing zone, given the rate in which technology has been engulfing the taxi industry in the past year, it will be extremely difficult for drivers, specifically black car drivers, to be able to accept dispatch or communicate with the bases.

Lastly, given the rule -- the rules of the TLC is proposing for electronic device use is adversely promoting drivers to accept and use phones while driving, as opposed to pulling over as a stop -- as a stopped taxi driver. He's at risk of two violations, as opposed to one violation. One will be the cell phone use, and the other would be the non-standing. Now there is no sufficient maps of where is the appropriate standing zones in the City.

The other thing that I found was that the rule, the way it is written, shall only state -- should be stated as following: The driver must not use an

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electronic device while driving,
period. Nothing following that
statement. The rule should take effect
after the TLC provides a video on how
to safely use electronic devices. In
addition, show how a black car driver
or any HSL should be able to accept the
request for an electronic app or
dispatcher while --

MR. WILSON: In fact,
Mr. Sideris, under our rule for HV
drivers a short communication with a
base regarding a dispatch is not an
improper use of an electronic
communication device. If the
communication is out of dispatch, the
communication occurs using a device
which is in a fixed position and not
handheld. And is encouraged using
either voice or a non-touch program.

MR. SIDERIS: That's fine, is
that stated in the rule?

MR. WILSON: That's in the
existing rule today.

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harassment. And you mentioned that a driver administrative about how we practice how we -- we have some tickets -- I have some tickets that the TLC officer call the base to make pre-arraignment call for JFK. The driver arrive, he gave him two tickets. One for come to the zone that you should not be there, and he gives the owner another ticket which is illegal. Right now the driver can for prearrangement he go pickup from the airport. So TLC officer, they try to trap the driver. He is 109 Street, 109 Street, West Side, then they ask him for a fair. These drivers already leaving the zone. They stop them, sometimes the meter is working, they trap him, and give him a ticket. He doesn't give him. They say, give me your license. They sit down, tell them you are okay, go ahead, go a home. And after five days we receive tickets that up pickup, and each ticket is \$500.

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TLC acts in all tickets as
restitution, meaning they have to find
the driver guilty. So how can we fight
this? Especially if we have sexual
harassment.

What I suggest about sexual
harassment complaint, that if somebody
made a complaints, TLC calls the
drivers, come over, listen to him the
situation. Then if TLC sees in this
case it should go for trial, they tell
him that you got to go for trial, send
him, and tell him about his rights. If
he needs a witness, we can bring a
witness. Not -- most of the drivers
don't know if they have the right to
bring the witness or not.

MR. WILSON: I just wanted to
clarify that our rules do actually
provide that it would be an affirmative
defense to charge of unlawfully using
the electronic device if the
communication was an emergency
operator.

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CHAIR JOSHI: That would be additive.

MR. SIRIN: Thank you so very much. Thank you, Madame Joshi, for giving opportunity. I think we need to have a more meeting like this as green taxi because I see -- I'm a driver -- I was a driver, then I'm a green taxi permit owner, and I'm a TLC wheelchair teacher, and -- I'm sorry, I'm a little bit nervous. And I'm a wheelchair taxi specialist in green taxi and yellow taxi. But I see a lot of problems especially in the green taxi. First, let me just give you one thing. We have classification call hack-up letters. Hack-up letters take normally for the green taxi to go to inspection you need hack-up letters. So before TLC used to give from the window, once you have a registration. Now they changed the rules and you have to wait ten business days. But --

MR. WILSON: Sir, can I ask you.

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hearing, but I'm going to make sure somebody in the back, Jeff Garber I see, and he will take your name and contact information to make sure we get your comments. Okay.

SPEAKER: I call and make an appointment. I would like to speak something about my experience.

CHAIR JOSHI: Sure, and we're interested. But we are going to move on to the next rule now. And Jeff Garber, he's right behind you. So please give him your contact information as well as a full explanation of your situation.

Are you going to speak to the partition rules? Okay. Here we go.

MR. O'LAUGHLIN: Hi, Michael O'Laughlin, Cab Rides United. I just want to ask for clarification. So if it is, we're supportive of the idea of allowing people not to use the partition, because the partitions create structural changes to the

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vehicle, they can affect the way they perform in a crash, they create clearly a crash hazard for passengers' faces. In fact, I think it was one of your predecessors when the original partition rule was adopted that called the taxi partition a gift to New York's plastic surgeons. We think it was great that people will now not be required to put that in the middle of a vehicle.

However, we now have the -- we'll have the option, as I understand it, to use a camera. We'll have the option of vehicles that have safer partitions and have been crash tested with that partition installed, and the air bag still employed. Will we still have dangerous unsafe partitions allowed in taxis? And if so, why?

CHAIR JOSHI: I think you'll see -- first all, you have to remember there's a wheelchair conversion that's happening, 50 percent, and those are

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going to be taxis of tomorrow,
wheelchair accessible vehicles with
crash-tested partitions. So that's
going to have a dramatic affect on the
profile of the fleet. I'm not going to
say your characterization is accurate.
That is some people's characterization
of the partition.

MR. O'LAUGHLIN: Including
medical professionals who have come in
and provided testimony.

CHAIR JOSHI: By making it
optional, combined with the 50 percent
requirement, I don't think there will
be a large population of the fleet that
has partitions that were installed
several years ago.

MR. O'LAUGHLIN: So there will
still be under the rules the option for
installing a partition that is not
original equipment manufacturer, that
is not proven safe in the event of a
crash, that option will continue?

CHAIR JOSHI: Yes, the rule makes

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it a choice. But that choice is in response to feedback from the industry that obviously advocates for something other than a partition. So if that's reflective of the trend, then I don't think that people will be, you know, droves hacking up with partitions.

COMMISSIONER MARINO: I'd like to add, quite a bit of feedback in the last few years against the partition. I think this is a great rule. I think this is better for the drivers. I've heard drivers say that one of their problems with competing with other aspects of the industry is that there's no partition, and therefore the drivers can be social with the passengers, and yellows are prevented from being social. It affects their tips. I think it is a great law. I support it completely.

MR. O'LAUGHLIN: It is great, to the extent that it will reduce the number of dangerous partitions. But it

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is not great to the extent that it will continue to authorize the installation of partitions that medical professionals have come and testified to the TLC about the number of victims that they see. They call it partition face in the emergency room. It has been extensively covered in the media.

CHAIR JOSHI: I think you characterize this as a great step in the right direction.

MR. O'LAUGHLIN: Yes. But why don't we just go all the way? Why don't we take that next step and eliminate something that's an identified hazard to passengers in the interior of the vehicle.

CHAIR JOSHI: We are happily moving forward in the right direction. But we'll happily take it into consideration what you said about the future.

MR. O'LAUGHLIN: Thank you. I look forward to continuing the

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return to executive session. We didn't finish the two Commission appeals. So we'll leave the meeting open so I can report after the session what happened. And I'll be back hopefully very shortly.

(Whereupon, an executive session was held from 12:15 p.m. until 12:35 p.m.)

MR. WILSON: I can announce that in executive session in the matter of TLC versus Zakoutt, the Commission did not amend the penalties or decisions set by the Commissioner. So that license is so revoked, and a \$2,050 fine.

In the outcome of the appeal of TLC versus Choo, the Commissioners determined to suspend the license for 30 days requiring Mr. Choo to complete his certificate of anger management, and reduce the fine to zero. The cost for the anger management course to be performed by the respondent, and if the

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respondent fails to complete the course
his license will be revoked.

With that said, we are now ready
to adjourn the Commission meeting.

All in favor?

(Whereupon, there was a chorus of
ayes.)

MR. WILSON: We are adjourned.
And thank you, everybody.

(Whereupon, the meeting was
adjourned at 12:37 p.m.)

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