

Taxi and Limousine Commission Meeting
April 23, 2015

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TRANSCRIPT OF THE
NEW YORK CITY
TAXI & LIMOUSINE COMMISSION

Thursday, April 23, 2015

33 Beaver Street

COMMISSION HEARING ROOM, 19TH FLOOR

BOROUGH OF MANHATTAN

10:31 a.m.

Reported by:

Jennifer Cassella

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HEARING CONVENED AT 10:31 a.m.

COMMISSIONERS PRESENT:

- Meera Joshi, Chair
- Jacques Jiha
- Frank Carone
- Edward Gonzales
- Lauvienska Polanco
- Nora Constance Marino

ALSO PRESENT:

- Chris Wilson, General Counsel
- Christopher Tormey, Director of Applicant Licensing
- Staff
- The Public
- The Press

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THE CHAIR: Good morning. The time is 10:30 and we're going to start our public meeting.

We've had an active last few weeks so I'm going to go through some of the highlights. On March 30th, we previewed a video which is called "Drive Like Your Family Lives Here", and I encourage everyone here if they have 15 minutes, which I'm sure if you find it, you'll find that you have it, to watch the video. It was a generous contribution of five families who helped us to send a message to all drivers in New York City. We're, you know, primarily focused on TLC licensed drivers, but the video has universal appeal in the message that it sends.

They shared their stories of losing a family member to a traffic fatality and the stories when told through their eyes and with their family members surrounding them are extremely gripping and I think the film you'll find -- you'll drive differently after you watch it. So I

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strongly encourage everybody to take the time out to watch it. It's available on our website and on YouTube, "Drive Like Your Family Lives Here", and share it with your friends and loved ones, and anybody that you know who drives.

So we're incorporating it into taxi school. It will be part of FHV school. It's publicly available so any garage or drivers group that wants to go ahead and take the opportunity to use it in any training or public gathering, please feel free. The MTA is going to use it with their bus drivers, NYPD is going to use it with training, and DOT is going to use it as well for all of their vehicle drivers. So we hope to expand the universe of City agencies that adopt this as part of their driving protocol.

We also, in the last few days, the City announced that we are going to look to propose an amendment to State law on seatbelts that would require passengers in the front seat and passengers in the back

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seat to wear seatbelts, as well as drivers. Drivers would not be held responsible for a passengers failure to wear seatbelts, which I think is important for our drivers. But safety, we know seatbelts saves life and to the extent that we can make by law a requirement that will, you know, further encourage people to put their seatbelt on, I think that will have an important effect on all of our driving habits and also reduce fatalities and injuries.

We also announced on April 7th that we have our first black box pilot participant, IonFleets -- IonFleets, sorry, and Ion is currently looking for vehicles to participate in the pilot. So if you're interested in participating, you can call them at 917-387-3400 or visit their website, www.ionfleets.com, or just grab anybody from the Policy Department that's hanging around this room and I'm sure they'll direct you to where you need to go.

On April 11th, we had a hackathon that we did over the weekend in conjunction

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with Google and the Rudin Center for transportation. And basically it was a chance for civic hackers from all over the City and some from outside of the City to come together in a shared environment -- it was at the Rudin Center, it was hosted by Google, they funded it -- and really take a look at all of our driver data, that's TPEP data, LPEP data, as well as some of the FHV trip records that we've gotten so far.

And the idea is this is the first of many events that we will have, but this first event looked at one problem and that's taxi availability during shift change. It turns out the problem is a lot harder and the data is a lot more dense, so it's going to take more than one day. They're still looking at the data, but their preliminary findings are, some of them I think are things that are not surprising, but more flexibility in shifting and easier locations for shift change that don't require a driver to go back to the garage. But we'll be meeting

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with them as they finalize those results and hopefully we'll be able to -- we'll definitely be sharing them and hopefully we'll be able to generate some good ideas for best practices to make more taxis available during rush hour and give drivers better income opportunities during those hours.

The taxicab improvement surcharge, which we began collecting at the beginning of this year, is going to be due April 24th. We put out an industry notice, which is also available in the back of the room, describing the process. It's industry notice 15-13. There's a few deadline -- not deadline dates but dates you should keep in mind. On April 5th, the statements were made available, that's how much each medallion owner owes in the taxi medallion -- each vehicle -- is it vehicle or medallion owner -- medallion owner owes for the taxi improvement surcharge.

On April 20th, we'll be finalizing those amounts. There's a period where you

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can dispute your amount between April 5th and April 20th, and tomorrow, April 24th is when you can start submitting payment. The way to avoid any fees in submitting payment is through eCheck, and if you have any questions on how to do eCheck, please talk to somebody in the back. We're also going to be putting out another industry notice that pictorially tells you how to submit via eCheck. So anybody that has a credit or debit account is going to have a checking account, utilize that checking account to make your payments and you'll avoid any fees. We cannot waive the fees that the City charges for credit and debit purchases online, but you can avoid them if you just pay by eCheck, and if you have any trouble let us know so we can help walk you through it, and spread the word so other people aren't unnecessarily incurring those fees.

We also began the process of collecting FHV trip records. That's a rule that we passed last year and went into

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effect December 31st. Because it's so new and so many bases are unaccustomed to providing us this amount of data on a regular and consistent basis, we've been rolling it out slowly in waves and doing a lot of outreach. We did about five information sessions in April, one in each borough, and questions ranging from, I don't have a computer or where do I get programs to codify my trip records to people that are very sophisticated and clearly are capable of providing us the records with the push of a button.

But we're continuing to work with the industry to make sure everybody can come into the fold and the objective is that not only the agency, but the City as a whole has a better understanding of how for-hire transportation works and the public has more transparency on that, and that we are better policy makers because of that. So we look forward to continued compliance and more information.

We had -- our JFK squad was featured

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in a CBS exclusive, the undercover work that they do there catching illegal hails. And I think the TV exclusive showed the variety of situations that they encounter with illegal hails at the airport. So I think there was one green car that was seized, one TLC-plated car that was illegally picking up and some stray plates that were picking up, but the bottom line was there is only -- there is no pick up by hand hail at the airport. There are taxi stands for yellow taxis, there's prearranged for license vehicles, and all other forms of trying to get a passenger in your car are illegal and that our enforcement staff is out there and is seizing cars when they see it. So I hope that serves as a good deterrent for everybody who saw the exclusive or saw them in action. And we're extending those efforts to JFK. I think I've said this before, we have authorized in the budget a new JFK squad. Once we can bring them online, we'll be permanently in place at

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JFK doing the -- I'm sorry, LaGuardia doing the same work, but until we get that LaGuardia squad in place, we're just putting more of our squads routinely at LaGuardia to do that same kind of enforcement work at LaGuardia.

On April 15th, we graduated 20 inspectors. That's our newest class of inspectors so we welcome them to the lots and lots of work that's ahead of them, and they had a lot of fun at graduation so I hope they have just as much fun in the field, which I'm sure they will.

And I think that might cover it. We did have a busy four weeks since we last met and that does cover it. So today's meeting is short. First we have adoption of the minutes. So all in favor of adopting the March, 2015 Commission Meeting minutes?

(Chorus of Ayes.)

THE CHAIR: The minutes are adopted.

Next we have base applications with Chris Tormey. Thank you.

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MR. TORMEY: Hi. Good morning, Commissioners. My name is Chris Tormey, Director of Applicant Licensing with the Taxi & Limousine Commission, Long Island City.

This month we have two bases for approval and one for denial.

THE CHAIR: All in favor accepting Chris's report?

(Chorus of Ayes.)

MR. TORMEY: Thank you.

THE CHAIR: Next on the agenda, we just have one vote, no hearing on rules that -- proposed rules that we had a hearing on March 5th. Rodney Stiles and Charlie Furrey are going to do a presentation so that you have an outline of the rules. We did one at the prior hearing as well but in sum, today's rules in essence just lift some of the prestrictive time regulations over vehicle and driver fitness in favor of greater reliance on TLC's review processes for licensure, which were vehicles is the 200 point triangle

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inspection, and for individuals is our individual review of applicants driving records.

A vehicle retirement, the proposed rule really reflects reality. It's been commonly thought that most taxis run on a three-year retirement cycle, but that's been elongated over time through a number of TLC and local law exemptions resulting in today's fleet with 55 percent on a seven-year retirement, and the next large group about half that size, on a five or six-year retirement as 21 percent, and the smallest group is actually on the three-year retirement and that represents only 10 percent of the fleet.

Today's proposal makes one uniform retirement that mirrors the general and current practice, and because this retirement reality was known at the time that the City entered into the accessibility settlement, it does not change the outcome of 50 percent accessible by 2020. A standard retirement also allows

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more drivers to take advantage of the medallion only leasing model, which we strongly encourage agents to offer.

On the driver rules, the proposed rules lift reapplication bands that were strictly applied to allow drivers whose licensed had been revoked to work sooner -- work again sooner based on a demonstrated good driving record. For these drivers only, many of whom for-hire driving has been their own profession, we wanted to allow reentry as early as possible so they continue to earn legally.

MR. FURREY: Good morning, Commissioners. As the Commissioner noted, my name is Charles Furrey. I'm an Assistant General Counsel here at TLC, and I'm joined by Rodney Stiles, Director of Research and Evaluation at TLC. Today we'll be giving a presentation on the driver and vehicle owner -- driver and vehicle owner rule updates.

In late 2014, TLC began a review of all rules governing TLC driver and vehicle

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owners and identifying those rules that should be updated to reflect the modern for-hire industry. Each amendment contained in this rule package was reviewed to ensure TLC could implement the change without compromising safety or consumer protections.

Of those rules reviewed, these provisions on the screen represent those that TLC staff felt could and should be updated. While today's presentation won't cover each proposed change, we will focus on the first three topics.

In 2011, TLC implemented bans on driver application. If an applicant was involved in a specified event, a one, two or three-year application band would apply. Although not an exclusive list, TLC determined that the events specified in the ban would render an applicant unfit for a TLC license. The purpose of the application bans was to avoid needless submission of applications and application fees by those applicants that TLC would

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clear deny as being unfit for licensure.

It is important to note that after a ban has run, an applicant's licensure is not guaranteed. As with all applicants, TLC has and will continue to review the background and driving record of all individuals submitting driving applications to TLC.

In reviewing the events, the specified events giving rise to a one-year application ban, TLC staff identified a change that should be made to the last event, prior denial of an application based on the applicant's fitness. If an applicant's prior application was denied based on an applicant's fitness for licensure, the one year currently runs from the date the application was denied. Thus, any unforeseen delay in TLC's review of the application and the application's record. So for example, the time it takes the applicant to obtain additional documents that TLC needs to review would similarly push back the date that the applicant could

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resubmit the next application should they wish to reapply.

The proposed rules modify when the one-year ban begins to run. Instead of running from the date the prior application is denied, the ban would run from the date the prior application was submitted to TLC. Under the proposed change, applicants found unfit for licensure would be permitted to apply no more than once every year.

Currently, TLC rules impose a two-year application ban if an applicant is caught driving for-hire without a TLC license or if an applicant violated TLC rules six or more times with a prior TLC license. While providing for-hire transportation without a TLC license, without the proper insurance and without the vehicles being inspected by TLC, will and -- is and will continue to be a serious concern. The proposed rules would allow a case-by-case review of those applicants caught driving illegally for-hire.

The current two-year ban based on

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six or more TLC violations does not, as the rules are written, specify a time period in which these violations must occur, nor does it specify the type of TLC violations that would give rise to the ban. Thus, the proposed rules would again in this case allow a case-by-case review of these applications.

After reviewing the events giving rise to a three-year application ban, TLC staff identified a change that should be made to the final event, revocation of a prior TLC license. Specifically, those whose prior TLC license was revoked based on TLC or DMV violations. For those drivers whose prior TLC license was revoked based on DMV violations through the Critical Driver program or TLC violations through the Persistent Violator program, the three-year bans runs from the date the license was revoked.

Accordingly, the ban is tied to the Critical Driver or Persistent Violator conviction, not the underlying conduct

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leading to that revocation. As the graphic indicates, there's often a delay between the underlying conduct which is listed as violations on the screen, and the conviction of the DMV or TLC summonses. This similarly pushes back the time in which TLC can issue a Critical Driver or Persistent Violator summons. In some cases, the three-year ban does not expire until four or five years after the time leading to the revocation of the driver's license.

For those drivers who after the period leading to revocation have demonstrated the ability to safely operate a vehicle, the proposed rules would permit these drivers to request a reduced ban period any time after one year, so long as the drivers record contains no more than three points in the preceding years.

MR. STILES: Good morning, Commissioners. I would now like to talk about another part of the proposed rules before you today, the plan for a universal

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seven-year retirement for all taxis.

Under current rules, a taxi can be placed on a retirement schedule ranging from three to seven years, depending on the type of medallion, the type of vehicle and whether or not there's a long-term driver on that vehicle. What we found is that a majority of taxis today, as Meera mentioned, are already on a seven-year retirement schedule, representing about 55 percent of all vehicles, and less than a quarter of all taxis are scheduled to retire after three or four years.

Even when looking at fleet medallions, for which I think most people assume a majority retire after three years, 48 percent are on a seven-year retirement. Only 15 percent are on a three-year retirement today.

We looked at inspection rates between medallion types and we found no substantive difference between independent and fleet medallions. For both of them, the pass rate at initial inspection stays

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steady at around 70 percent after year two. And regarding mileage, we're seeing that independent medallions are putting more miles on the road these days due to the prevalence of double-shifting across the industry, closing the gap and annual mileage between fleet and independent medallions.

We believe that adopting a universal seven-year retirement will not have a deleterious effect on vehicle quality or admissions. Taxis must pass three safety admissions inspections each year at TLC's inspection facility. Not only do inspectors cover the State admissions test, but they also inspect things like brakes, seatbelts, and air bags through a 200-point process.

Under TLC rules, vehicles which cannot pass inspection must be removed from taxi service regardless of when they're scheduled to be retired. To complement triennial inspections and to further ensure that the riding public is being transported

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with quality vehicles, TLC has begun performing on street inspections and we will be increasing the volume of these inspections moving forward.

We have heard that a universal retirement may delay owners taking advantage of planned improvements to vehicle admissions that are slated to start with vehicles in model year 2017.

From our estimates, we found that only around 850 vehicles hacking up before model year 2017 vehicles are available would receive seven-year retirements that otherwise wouldn't, representing a small fraction of all taxis. We believe this number to be on the conservative side, since we often receive petitions from owners to extend retirement due to hardship.

Finally, the universal seven-year retirement does not impact the plan to convert 50 percent of the yellow taxi fleet to wheelchair accessible vehicles by 2020. When TLC staff created the plan, we

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examined the current retirement schedules to model when vehicles would convert. As I mentioned before, most vehicles are already on a seven-year schedule, so even under the original plan, this means that some vehicles will retire and convert even after 2020. So for instance, a vehicle going into service today with a seven-year retirement is not scheduled to retire until April of 2022. Our plan considered this and with wheelchair restricted medallions and a fleet plan which results in over 50 percent in that segment, we still reach our goal by 2020.

In addition, TLC staff proposes removing retirement requirements from the black car industry. In this segment where bases can set their own fares and even charge a premium for higher end or newer vehicles, we believe market forces incentivize owners to replace vehicles at a rate to meet the demands of their passengers.

MR. FURREY: And finally, the

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proposed rule package would make the following changes: Currently, TLC rules allow drivers going through the renewal process to request an additional 31 days to complete the renewal process. The proposed rules would give drivers the opportunity to request up to 90 days additional time to complete the renewal process, thereby avoiding the need should they go past the 31-day mark to apply for a new TLC license.

The proposed rules also would eliminate the double-shifting requirement that applies to certain taxicab medallions. We feel the market incentives to lease medallions is sufficient for ensuring that those vehicles are out on the road.

The proposed rule package also lengthens the time drivers have to take point reduction classes to reduce either their Critical Driver or Persistent Violator points. Currently in the Critical Driver program rules, drivers cannot take a course for a point reduction after TLC issues the Critical Drivers summons. The

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proposed rules would allow drivers to complete these courses and improve their driving at any time prior to the Critical Driver and Persistent Violator hearings.

And finally, the proposed rules remove the prohibition that currently exists in TLC rules on power seats in taxicabs. So we will allow and as we are currently, these power seats for driver comfort.

And now we would like to take any questions, if you have any.

COMM. MARINO: I have a silly question. We don't allow power seats?

THE CHAIR: In a few minutes we will.

COMM. MARINO: I know. But, I mean, up until this point we haven't allowed power seats?

MR. FURREY: Yes. And I have to say that Rodney and I were, I think most proud of that last provision in the whole package.

THE CHAIR: We innovate here at the

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TLC.

MS. MARINO: Who knew? Okay.

MR. WILSON: If there are no other questions, these rules were published in the City record on February 3rd, 2015 with a comment deadline of March 5th, 2015. A public hearing was held on those proposed rules on March 5th. Eight written comments were received, all of which have been provided to the commissioners, and a copy of the March 5th transcript was also provided to the Commissioners.

Following the publication and partly as a result of public feedback, the staff recommended changes to the rules, specifically extending from 60 to 90 days, the period in which a driver may renew his or her license, allowing drivers to take a defensive driving or point reduction courses and benefit from point reduction at any point up to the hearing on the Critical Driver summons or the Persistent Violator summons. We also amended provisions in the Critical Driver and Persistent Violator

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provisions to mirror some changes to the Ad. Code.

As local law requires, the final rule for Commission action was posted on the TLC's website on April 20th, 2015 and sent to all the Commissioners on that date.

All in favor?

(Chorus of Ayes.)

MR. WILSON: It's unanimous.

COMM. CARONE: Can I make a comment, Madame Chair?

As you see, I just voted for the rules and I certainly support these rules. I am particularly happy that the rules relax the burden on small businesses, including financial and otherwise, and I know there's no impact on safety, particularly with our stringent inspection requirements. I'm happy to see that it makes it easier for divers to reenter the workplace, easy renewal process, and I never understood the lack of parity in the retirement rules between the different classes, particularly black and yellow.

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But I did have some initial concerns and as I expressed with the Chair and General Counsel, and that was whether or not we were going to be able to fully meet our commitment to accessibility. And for a variety of reasons, I am comfortable that that is not the case, particularly since our commitment to accessibility, which one day in the future I hope includes 100 percent, applies to existing vehicles on the road, not the replacement vehicles that are subject to this rule. So that concern has been alleviated and I fully support the rule, and I think it's a fair and great step forward.

THE CHAIR: With that, I think that concludes today's meeting at 10:56. Thank you.

(Time noted: 10:56 a.m.)

Taxi and Limousine Commission Meeting
April 23, 2015

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C E R T I F I C A T E

STATE OF NEW YORK)
) ss.:
COUNTY OF RICHMOND)

I, JENNIFER CASSELLA, a Notary Public
within and for the State of New York, do hereby
certify:

I reported the proceedings in the
within-entitled matter, and that the within
transcript is a true record of such proceedings
to the best of my ability.

I further certify that I am not related
to any of the parties to this action by blood
or marriage; and that I am in no way interested
in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 27th day of April, 2015.

JENNIFER CASSELLA

**Taxi and Limousine Commission Meeting
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