

Taxi and Limousine Commission Meeting
May 28, 2015

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TRANSCRIPT OF THE
NEW YORK CITY
TAXI & LIMOUSINE COMMISSION

Thursday, May 28, 2015
33 Beaver Street
COMMISSION HEARING ROOM, 19TH FLOOR
BOROUGH OF MANHATTAN
10:13 a.m.

Reported by:
Jennifer Cassella

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HEARING CONVENED AT 10:13 a.m.

COMMISSIONERS PRESENT:

Meera Joshi, Chair

Jacques Jiha

Elias Arout

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, everybody.
The time now is 10:15 and we're going to begin our public meeting, and let me start with the Chair's report.

One, I want to just give everyone an update on some legislation we're working on in Albany that would end the exemption for seatbelt use in taxis. The goal is to provide the same protections that passengers have or requirements that are a protection that passengers have in personal vehicles, in taxis, in liveries, all for-hire vehicles to require backseat passengers to buckle up. We do that as a suggestion now through PSA's. There's plenty of information about the merits of buckling up and how it saves lives, but it would be crucial to have that piece of legislation so instead of saying, please buckle up, we can say, buckle up, it's the law.

We also released and had our first pre-proposal conference on a request for proposal for a Citywide Accessible Dispatch

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vendor and our goal here is to expand the service that we already provide in Manhattan that allows wheelchair passengers to call or use their smartphone to get a wheelchair-accessible taxi. That now is a service that people living in Manhattan, need pickup in Manhattan can avail themselves to, but we really want to broaden it to the entire city. With a fleet of yellow and green accessible taxis growing everyday, this will connect in a must faster way, the passengers who need those services.

Our commuter van pilot update has been extremely -- it's been an extremely popular pilot so I suspect that we will soon be moving for permanent rules on the markings. 87 percent of the commuter van authorities have adopted the branding and feel positive about being -- having an outward marking that they're part of the for-hire network in New York City.

One other mention is the street hail livery permit fee. The green taxi fee, by

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State law is increased every year, so we currently have permits on sale for \$3,000 each. By State law, in August, that price will go up to \$4,500. So if people are interested in buying permits, the accessible permits are still available for sale. We're working through a block of 200 before we get to more non-accessible permits, but if you wait and you buy it in August, you'll be paying \$1,500 more per permit than if you buy it beforehand.

Next, we'll move to adoption of the minutes. All in favor of adopting the minutes from the April, 2015 Commission meeting?

(Chorus of Ayes.)

THE CHAIR: With that, the minutes are unanimously adopted.

And next on the agenda is base applications for determination, and Chris Tormey will do the presentation.

MR. TORMEY: Good morning. My name is Chris Tormey, Director of Applicant licensing with the Taxi & Limousine

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Commission. And this month we have four new bases for your approval, two renewals and four various changes.

THE CHAIR: Excuse me? Sorry.

MR. TORMEY: We have -- the following bases are being recommended for approval: We have four new, two renewals and four various changes of ownership and names.

THE CHAIR: So all in favor of approving the recommendation?

COMM. JIHA: Madam Chair, may I ask a question before we take a vote on this? Can you provide us an update on the trip record requests from Uber?

THE CHAIR: Excuse me?

COMM. JIHA: The trip record requests that we have from Uber, can you give us an update on that?

THE CHAIR: Sure. Those are the rules that we passed last year requiring bases to provide trip records?

COMM. JIHA: Yes.

MR. WILSON: Yes. Uber is generally

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providing the trip records as required by the rule. We have several enforcement matters unrelated to that rule but regarding trip records outstanding with Uber.

COMM. JIHA: So you received all the information that you requested?

MR. WILSON: They've complied with the rule and provided trip records in accordance with the requirement, yes.

COMM. JIHA: Okay.

THE CHAIR: All in favor of adopting the recommendation?

(Chorus of Ayes.)

MR. TORMEY: Thank you.

THE CHAIR: Next on the agenda is -- we're actually going to do a switch in light of today's crowds. We had the Street Hail Livery Renewal Fee Public Hearing and Commission Action on the agenda followed by Public Hearing on the FHV App Rules. I'm going to do the App Rule Public Hearing first, and I believe we have some elected officials that we'd like to give

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the courtesy of speaking first.

But before we start, I want to just take a little bit of time to dispel some of the mischaracterizations that have been out there about these rules as well as provide some clarity on history and our process.

So today we have proposed rules governing the dispatch of for-hire vehicles via app with the benefit efficient connections between cars and passengers in convenience offered by apps and ever increasing volume that FHV's are dispatched this way, and this trend will and should continue. Our goal is safety, accountability and availability and these are protections that should be in place whether you get into a green, yellow or black car, whether you hailed it by hand, or you picked up the phone, or you used your smart phone. These have been longstanding goals of the TLC.

Three years ago under the prior Commissioner and my former boss, we instituted several requirements that set

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2 forth privacy, security and modification
3 standards for consumer facing technology.
4 Most analogous was our e-hail pilot passed
5 in 2012 which the supporting MOU contained
6 almost identical provisions on
7 modification. The largest dispatch app
8 provider in New York City agreed to these
9 provisions then and has been abiding by
10 them for the last three years.

11 So first, it's important to point
12 out that many of the most controversial
13 concepts in this rules package are simply
14 not new. Disconcerting is the number of
15 public mischaracterizations of the rules
16 and the agency's intent, and these are in
17 spite of actual words on paper, meetings,
18 clarifications and more meetings. The lure
19 of tantalizing headlines is strong. Sadly
20 this approach does nothing for consumers,
21 drivers, or tech advocates who have been
22 recruited to lobby against them.
23 Misinformation only leads them in the dark
24 about the actual debate and as a public
25 servant, I find this disappointing.

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So to begin, I want to clear the air. Our process: We publish proposed rules and we spend much time here at the TLC listening to and incorporating stakeholder feedback. I don't think you'll find much debate on that point. We meet one-on-one with various stakeholders and often more than once. We also get extensive written comment which we collect and analyze, and where appropriate, incorporate, and anyone familiar with us knows we accept public comment well beyond the statutory 30-day period.

Finally, as we're doing today, we hold a public hearing. The only limitation is that speakers are given a time frame so that all who come get a chance to testify, and in this case, mindful of the issues, we had a prehearing in February for general discussion of the proposals. The rules themselves need some clarification and I apologize in advance if doing so I deflate some of the zingers that you have already worked in to prepare testimony. I'm

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certain everyone here is nimble enough to adapt and I implore you to do so. Time is precious so if your point has been addressed, please pass the mic.

Several of the headlines you've seen in the last few weeks have frankly just been confusing. With respect to modifications, here's some of the quotes: "If we left this to the TLC, we'd still be using taxis in the traditional way back from the 70's and 80's." "It sets a bad precedent for the entire Internet." And another quote that goes on to say, "It risks undermining New York's progress and status as a global leader." If only we had such power. We don't.

In reality, since 2012, the TLC has required technology, including apps, that are a fundamental link for for-hire process between passengers and drivers to notify us of material changes to their interfaces. That's not software, it's not source code or any advanced programming that we, a transportation regulator are admittedly ill

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equipped to evaluate. We're primarily concerned with a passenger-and-driver-facing screens to ensure that important safety and transparency rules are being followed. The rule explicitly excludes TLC review of routine updates to these interfaces.

Moreover, the TLC has, in each and every in-office stakeholder meeting, and publicly, said that it welcomes clarifications to the rules to dispel any sense that the intent is otherwise and to ensure that they do not have a chilling effect on new technology entrants. We've already begun to receive that constructive feedback and I'm certain through the collaborative process we will get to a resolution that meets this mutual goal. And whatever the final result is, it will be applied retroactively to all the requirements that have the exact same provision that had been promulgated since 2012. So if you're planning to testify in opposition of this section, please be aware

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that only constructive line edits are useful. Everything else is grandstanding at this point.

Headlines about the \$1,000 fee:

Here's one of them, "It would impose an arbitrary \$1,000 fee on any developer wanting to offer their software, a cost bearable to established players but not to new market entrants." Hardly. It's based on the standard City accounting, a procedure known as User Cost Analysis. It takes time and resources to review and test each application; \$1,000 over the course of three years, that's about \$330 a year, while not fully covering these costs, at least allows the TLC to somewhat mitigate the use of public funds to fulfill this vital function. The fees go directly to the City's General Fund which supports the entirety of municipal services.

And by comparison, Virginia is now charging app companies \$100,000 for a TNC license and an annual renewal fee of \$60,000, and Colorado is now charging

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\$111,000 every year.

Headlines about trip records:

"There is a need to recognize the privacy and security concerns that are implicated when a regulatory agency collects vast quantities of sensitive data that detail the day-to-day activities, lifestyles, and habits of millions of people." We're not requiring the submission of passenger information or any information about lifestyle and habits at all; simply date, time, location and pickup of the TLC vehicle driver and base identifiers. This is much less than we currently require for yellow and green taxi trips, and courts have already ruled that the collection of this greater data set is not an invasion of privacy. The proposed rules actually do far more to protect passenger privacy by requiring apps that collect millions and millions of valuable data points, none of which the TLC is requesting, to have privacy and security policies in place to safeguard this information.

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Headlines about airports: "The license would effectively bar its drivers from picking up passengers at LaGuardia Airport, because there's no for-hire vehicle parking lot there." The truth, airports across the nation are in the midst of figuring out how to synthesize existing taxi dispatch frameworks and dispatch app technology so as to provide the best customer experience and streamline throughput. LaGuardia and JFK are experiencing significant throughput delays due to the numerous for-hire vehicles waiting in passenger pickup areas and on the shoulders of the road, often prior to receiving a dispatch. For the safety of both arriving passengers and airport personnel as well as their efficiency, it is essential that these vehicles be in waiting areas designated by the Port Authority, and the proposed rules that arrived at in collaboration with the Port Authority support this effort.

These proposed rules, if approved,

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would have no effect whosoever on the great mobility and flexibility that for-hire vehicles unlike taxis enjoy at the airports. FHVs can pick their prearranged passengers up directly and enjoy dynamic pricing while taxis are confined to predetermined dispatch lines and at least at JFK are limited to charging a flat fare.

The proposed rules require waiting cars to wait in the JFK holding lot and at LaGuardia, where no holding lot was identified. It codified the existing Port prohibition of waiting and clogging up passenger pickup areas. And discussion of the rule has been productive. Since publication, the Port has identified a holding lot at LaGuardia and businesses in and around the airports have notified us of their willingness to also provide waiting areas that don't interfere with throughput. So these important additions and others received will be incorporated into the rules.

Headlines about unjustified

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refusals: "Without the ability to cancel rides, existing software would require drivers to start and then stop rides in order to remove unwanted hails from the system." Here, reading the actual proposed rule, is necessary. The existing rule, which already applies to each and every for-hire driver and has for over a decade is simply, a driver who's been dispatched must not refuse by words, gestures, or any other means, to provide transportation to a person who has prearranged a trip.

What is new is the addition of the phrase, "Cancellation of such dispatch", to the types of ways that a driver must not refuse a trip. So the proposed rule reads, "A drivers who has been dispatched must not refuse by words, gestures, cancellation of such dispatch, or any other means to provide transportation to a person who has prearranged a trip." All you lawyers in the room probably quickly noted that cancellation of such dispatch is implicit in the phrase "by other means". So there

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is no change to the breadth of the rule and the rule is and remains notice to drivers of what a judge presiding over a passenger refusal claim will consider to determine if the driver's actions amounted to unjustified refusal. If a passenger claims that a driver canceled as soon as the passenger provided his or her destination, the judge can take that into consideration. If a passenger claims the driver canceled upon arrival and realizing that the passenger had a service dog, the judge can take that into consideration.

By calling out cancellations specifically, the TLC is putting drivers on notice that a judge may consider this conduct. It's up to the judge to weigh the evidence and determine whether or not there has been an actual refusal. Nowhere in the proposed rule is cancellation of a dispatch banned. So this scenario is simply not a real one. In fact, we will not even know whether or not or with what frequency any driver cancels independent of a passenger

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raising it in a complaint.

The most unfortunate part of this gross mischaracterization is the toll it took on drivers who were sent into a state of unnecessary alarm. Lots of drivers' time was wasted as they were recruited to send us e-mails and show up to protest against a rule that was portrayed to them as prohibiting cancellation, when in fact, it absolutely does not.

For these drivers, on behalf of the TLC, I apologize for any fares that you have lost because you are here today to protest a phantom ban on cancellation. And please know that you can always contact us directly if you have any questions about the effect of a proposed rules. David Ross, who's head of our Driver Protection Unit is always available and you can get his contact information from any staff member, and in fact, I think he's actually here today. David, you can raise your hand. So any driver with any concerns should forward them to David Ross to

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address.

Headlines about 311 notification:

"TLC would require apps to direct customer complaints through 311 and TLC rather than the app, and TLC would resolve them which would increase the time it takes to resolve a complaint." Again, I have to read the rule which says, "Upon receipt of a passenger complaint, a base owner must provide the passenger with a 311 Commission complaint telephone number and inform the passenger that only the TLC can suspend or revoke a driver's license."

It's clear the rule does not require any complaints at all to be reported through 311. It simply requires that complainants be provided with the 311 number and inform that only the TLC has the power to suspend or revoke drivers.

Disaffiliating or blocking a driver who exhibits egregious behavior does not protect the riding public. Drivers are free to jump from one base to another and work for multiple apps. This notification

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lets passengers know that the only effective way to seek a penalty and to protect future passengers is through reporting to the TLC who can permanently bar them from for-hire service.

And another headline, testing devices: To TLC, "Give us an Apple watch." One of my favorites, "Apps and New York City Regulators are now at the "Where are my gifts?" phase of the relationship." The swiftness with which these headlines came and went is a testament to their lack of creditability. No, we don't want Apple watches, no offense to Apple. The rule requires that the licensee make available, and that's not for keeps, an instrument and credentials on which we can test the app. And since 2012, this has been true. TPEP, LPEP and e-hail providers have all either provided equipment, and if it's not available on the market, credentials so we can access driver and passenger facing interfaces. Sometimes they choose to leave equipment with us, sometimes they bring it

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in, we try it out, they take it back, and sometimes we travel to their place of business and test it on their premises.

So I realize this took a credible amount of time and while there are those that claim now that the agency should prohibit app-based pickups all together and those who simultaneously claim that any regulation of an app is illegal, out of respect to everybody concerned, many of whom are here today, to be productive, this must be a collaborative process based on actual fact and reason, and I look forward to it. We have a one-pager in the back which has a summary of the actual rules for anybody who's interested.

Now, we're going to move on to a brief presentation of the rules by Ryan Wanttaja.

MR. WANTTAJA: Good morning, Commissioners. I'm Ryan Wanttaja, Assistant General Counsel for the TLC. I'm here this morning to talk to you about our proposed FHV Dispatch Application Rules.

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First, some background on app usage in FHV's. This probably doesn't need to be said, but app use in FHV's is widespread. Approximately 42 percent of FHV's are affiliated with bases that reported having passenger-facing apps, and in New York City, bases reported using 76 different apps. But what the TLC doesn't know is to what level these 76 app companies comply with our rules, nor protections they offer passengers. So for that end, these proposed rule reflect the need for consumer protection, regardless of how a ride is obtained. And as the Chair mentioned, these rules mirror existing requirements on in-vehicle technology, such as the rules we have for our TPEP, LPEP, and e-hail providers, many of which have been in place since 2012.

So the question of the day is, why regulate dispatching through apps? There are four main themes that drive these rules that I'll expand upon throughout this presentation, but in brief, they are

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2 accountability for all dispatchers;
3 licensing independent app providers creates
4 a way to hold all operators of dispatching
5 communication systems accountable; safety:
6 Apps cannot contribute to distracted
7 driving, and passengers' personal
8 information must be safe and secure;
9 transparency: App using passengers are
10 entitled to information they otherwise
11 would obtain from talking to a dispatcher;
12 and finally, consistency with other parts
13 of the industry: This again goes to the
14 Chair's point, that all other service
15 providers are regulated by the TLC to
16 ensure accountability, safety,
17 transparency, and availability.

18 So when we say that these rules
19 provide greater accountability, what do we
20 mean? Currently there's an accountability
21 gap in how app use is governed in FHV's.
22 Under our current rules, apps can either
23 operate as a base or through agreements
24 licenses bases. Currently, app providers
25 offering FHV service through agreements of

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license bases are not accountable to the TLC and can cause bases and drivers to violate the TLC rules through no fault of their own. They can do this by overcharging passengers through the app or failing to display base and driver information on the app. So licensing app providers makes the app provider accountable for this bad behavior. It shifts the blame onto the appropriate entity. It also closes the information gap between small bases and large app companies.

One comment we received is, "Why change the current structure; why not let bases fend for themselves in striking deals with apps to keep them in compliance?" Simply put, the information gap between small bases and large companies makes it so small bases aren't in a position to dictate to app companies how they operate, and licensing these apps will close that information gap, allow all bases and drivers to use apps confidently, knowing

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that these apps are also on the hook for compliance with TLC rules.

Also, it's not just about punishing apps. Licensing also has benefits for app companies. Another comment we received is, "Why not make all app companies get a base license?" Licensing independent app providers allows smaller companies to enter the market without having to get a base license, a much more burdensome and expensive process in app licensure. These apps won't need to have a set number of parking spaces, they won't need to pay into a workers' compensation fund, they won't need to have a set number of affiliated vehicles, all expenses and burdens that come with base ownership that won't be on these app companies.

The new proposed regulatory framework is designed to mirror what is in effect today, with the additional requirement of licensure for apps that don't possess a base license. So license bases that use their own app do not need a

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new license. Their app services are governed through the base license just as they are today, but these proposed rules do establish enhanced service standards surrounding dispatching through apps. App providers that do not possess a base license need a newly created FHV dispatch application license and like today, they must work through agreements of licensed bases. And finally, bases that don't use apps can continue to operate as they do, but there are some enhanced service requirements in these rules that apply to all bases that I'll talk about in a little bit.

So from here on out, all the requirements I talk about are requirements for all apps and FHV's, both apps that operate through the FHV app license or apps that operate through a base. These are standard requirements across all apps.

So that brings us to our next guiding principle, safety. Distracted driving is obviously a concern. We don't

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want drivers taking their eyes off the road or their hands off the wheel to operate these apps. These rules address this by putting in place common sense requirements like requiring apps to operate via one touch, or voice activation while the vehicle is in motion, require devices to be securely mounted in the vehicle, and limiting each driver to two devices at a time. We have sort of a picture here that demonstrates what this can look like if you don't restrict the number of devices. It seems a little comical, but we've seen pictures to this effect.

And we're not just concerned about physical safety. We're also concerned about the safety of passenger data. Apps collect lots of passenger data, there's credit card information, there's GPS location data, and passengers need assurance that their data will not be abused or compromised. So our rules address this by requiring licensees to file data security and privacy policies with the

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TLC.

Of note, we don't dictate what's in these standards. We're not asking for a roadmap to point out the vulnerabilities in the systems. All we want to know is that your company, your base, your app company has these policies in place. We're also requiring licensees to notify the TLC in case of a data breach. This is already a requirement under State law. This just incorporates it into our rules.

Another concern regarding safety is keeping dangerous drivers off the road and we can only do that if we know about them. So we've had some concerns that passengers complain to a company but not the TLC regarding the bad driver. Reporting to the company and the base is fine, but as the Chair said, the base can kick the driver out or the app company can kick the driver out, but that driver is free to go to another base or another app. Only TLC can suspend or revoke licenses for egregious behavior. So our rules address this by

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requiring licensees to give passengers the 311 number and let them know that only TLC can suspend or revoke the driver's license.

Moving on to our next guiding principle, transparency. As more people move toward requesting FHV service through an app and away from calling a base, it's important that they receive the same pricing information they'll get from a base on the phone on their app. There's been a lot of concerns about passenger confusion, about how much a ride's going to cost, and we've all heard the stories of sticker shock in the world of surge pricing, and these are real issues when there's no human dispatcher to answer questions about price and how much this ride will cost.

So these rules try to address this by requiring bases to file detailed and accurate break schedules with the TLC. Apps must display rates inclusive of price multipliers, so no longer will it be okay to give the rate and then times two. The app actually has to do the math for you.

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The app has to have the ability to request a total fare estimate. Passengers need to affirmatively accept surge pricing and the app must produce an itemized receipt.

And the last guiding principle I mentioned at the start was consistency with regulations in the other part of the industry. One of the main goals of our other regulations is ensuring availability of service for everyone, and to that end, the Chair pointed this out, I'm going to skip straight to the last bullet, to be clear, nothing in these rules require rules automatically makes cancellations or refusal. As the Chair pointed out, this is just a means to -- a judge can look at to see if there was a refusal. These rules do not impose a new refusal standard.

And perhaps the most important issue of availability is accessibility. Wheelchair passengers wishing to use apps need a way to indicate the need for accessible vehicles. So the rules address this by requiring apps to provide means of

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requesting the accessible vehicles. This is in line with the requirements already on bases, that they provide equivalent accessible service.

Finally, the last point in availability is airport circulation. The Port Authority reports and anyone who's been to the airports recently would note there are problems with airport circulation and FHV's wait in passenger pickup areas hoping to receive a dispatch. The rules address this by designating areas in which FHV's may or may not wait for dispatches at airports. And again, this rule applies to all bases. This isn't just an app specific rule. It applies to dispatching of any vehicle from any base, not just those that use apps.

And to enforce these rules, the TLC needs standard tools to enforce them. These are tools that are built into all of our licensing structures. So we need testing credentials and access to log on as driver and passengers. We need

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availability of testing devices if an app cannot be tested using devices commercially available to the TLC, and again, you do not need to provide us with those vices. We're happy to go to your office, especially if it has air conditioning.

Additionally, we're asking for trip records to help us enforce these rules and bases, as I said earlier, need to file accurate rates and pricing policies with TLC. What these proposed rules don't do, it's almost as important as what they do, there is no review whatsoever of the source code, software, or anything back or behind the screen the passenger or driver sees. There is no ban on FHV or app service at the airports, there is no ban on the driver's ability to cancel rides, there is no requirement to direct passenger complaints through 311 or to forward passenger complaints to the TLC. There is no requirement to provide TLC with your device. There is no requirement for apps to provide TLC with any passenger

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information, and there are no unreasonable licensing fees. These are comparable to TLC base license fees and calculated using standard city methodology.

And with that, I think I've hopefully given you a general outline of these rules and I'm happy to answer any questions.

THE CHAIR: Thank you.

COMM. MARINO: I have one. With respect to surge pricing, you said the surge pricing would be monitored or something?

MR. WANTTAJA: Not monitored. We're not dictating the rates the bases can charge, we're not putting any cap on surge pricing. All we're saying is that the surge pricing is in effect. When you display your rates to your passengers, you have to incorporate the pricing.

COMM. MARINO: I mean, yellows and greens can't do surge pricing, correct?

THE CHAIR: They charge the metered fare.

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COMM. MARINO: So are we going to be allowing, like what happened in Australia with that hostage situation where they doubled over fares to get people out of danger?

THE CHAIR: The aim of these rules is to give the passenger complete information so a passenger makes a decision upfront whether it's a price they want to pay or not. So the passenger becomes the keeper of the decision of whether or not the price is too high or too low, and the rules just reinforce that. Rather than being told a methodology for the price, you're given the actual price.

COMM. MARINO: So it's disclosure and principle?

THE CHAIR: Right. This is about disclosure and then the individual passenger can make a decision based on the information they get.

COMM. MARINO: So that's another issue that we have.

Thank you for that clarification.

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MR. WANTTAJA: Thank you.

THE CHAIR: Okay. With that, we'll move straight to the hearing. Chris will do a little preamble about the rules and then we'll go on to the speakers. We have some elected officials here so they will go first and I apologize for some of the delay in starting.

MR. WILSON: So, good morning. These rules were published in the City record on April 24th, 2015 with a comment deadline of May 25th, 2015. Numerous and extensive written comments were received, all of which have been provided to the Commissioners.

And then I guess we're just ready for the speakers now. So we would ask the speakers, if possible, to stay, particularly because there are a lot of you, to stay strictly within the three minutes, and when you approach to speak, please state your name clearly in the microphone for the benefit of the reporter.

Our first speaker is Council Member

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Antonio Reynoso.

MR. REYNOSO: Hello, Commissioners. Thank you so much for having me here and giving me the opportunity to speak. I do want to start by saying my sentiment regarding the intent of the TLC has changed slightly since I've been standing in the back and listening to the explanations in regards to a lot of what these proposed rules are to do, and I think a lot of the misconceptions or the misinformation that has been out there in the public, it has to do with a lack of communication, possibly, and information from the TLC to the general public. So I just want to say, I don't want to blame one side or another. I think we all own responsibility for making sure that the intent of what we're doing is actually being applied.

So I want to speak on intent versus the actual rules and try to point on issues that weren't addressed in your earlier statement. I want to make sure that competition and innovation, or that we know

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that competition and innovation have been the driving force behind New York City since its inception and we encourage this. We don't choose to penalize it. By expanding available methods that we have for hailing cars, we're also expanding the potential revenue for drivers. An open playing field allows drivers and customers alike to choose a platform that best suits their needs. The proposed regulations can affect competition between platforms and also can penalize companies that are looking to innovate.

More specifically, the proposed regulations create a stricter regulatory environment for nontraditional hailing methods, such as apps that have risen popularity in recent years. I do want to say that listening to the testimony or the presentation early in this conversation, it seems like security and safety of the passengers is the number one important issue or priority for the TLC and I'm glad to hear that.

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There is a rule change that would require apps to provide information about rates and any applicable price multipliers and to provide receipts including a number of details even though there are no existing rules requiring this information from phone dispatchers. The proposed rules would also require duplicate information from both the bases and the app providers, making it unclear as to who is ultimately responsible for collecting and maintaining this data.

My concern here is currently if I take a for-hire vehicle or I call in, I might get a receipt on a business card that just says the price. Are we asking for detailed information as to how the algorithm for Uber works on each receipt and are we also talking about an estimate? Because it might be two blocks longer, it might take a little longer on the ride to there because of a red light and we just want to know is it an estimate we're giving during the surge pricing or is it an exact

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amount, because that can change and it can lead to some complications there.

THE CHAIR: So I think just to get to that one point, one, we're not seeking algorithms and to the extent there's anything in the rules, we've invited and we've received line edits on how to clarify that section and we're happy to make those changes.

In the livery world, yes, as long as you provide a destination, the passenger is entitled to a binding fare quote, and on the surge pricing, we're advocating for letting the passenger make the decision with all available information in the easiest to understand format, and today many apps already provide that in the form of an estimate.

MR. REYNOSO: And I agree with that.

Also, I have concerns about TLC would have companies, their ability to update their apps, and I think this can set a dangerous precedent for government regulation of apps in general, and this

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speaks to minor application updates that I think would be troublesome if they would need to come through the TLC every single time a small change in color, maybe, or a change in how they present the app itself. Now, if it's a very major, or big, or significant change that we're making, I can see where an update would have to come through TLC. I just want to make sure that in the rules it clearly states what type of updates would constitute a need for review by TLC.

THE CHAIR: So that's one thing I did want to address up front and I think I did. This is a rule that's been in place for over three years now in other arenas and we're also happy to make changes to it because the last thing we want is for it to be -- have a chilling effect. We get calls with people that want to enter the New York market and we wouldn't want this to be a reason that they decide not to, and any change which we make and we've been getting some line edit changes which we will

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incorporate, we'll make sure that we incorporate throughout the rules that have been promulgated since 2012.

MR. REYNOSO: Thank you, Commissioner.

Then there's proposed rules regarding the consolidation of base stations which means that Uber would be considered one base under seven, I guess sub-bases, that's what I understand it. This is concerning because of the large number of drivers they have. If the ten or so drivers behave poorly, the points not only go to the driver but also go to the bases and jeopardize its ability to stay open if it's only one base.

So just because of the amounts of drivers we have that we also look at making sure that what we're pushing in the rules takes into account the fact that this is not a traditional sense of base to driver, given the amount of drivers it has, and we take that into account and we don't jeopardize these stations as a whole, but

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that we look to make sure that we have good drivers on the road, which I do want to say currently some apps make it so that drivers that fall within a 4.2 or 4.4 star rating are already considered for being let go.

So there's systems in place currently that address driver equality. I just want to make sure there's a conversation that happens there between the app base and TLC to make sure that we don't affect the entire app world by consolidating these bases, given that there's tens of thousands of drivers out there on very few bases.

THE CHAIR: And on that point, those conversation have been ongoing and very productive and most of the stakeholders who've raised that point know that the TLC is definitely contemplating modifying that rule based on the concerns they raised. So I don't think there's any -- for those that are in the room, there should be no confusion on that point.

MR. REYNOSO: So I'm almost done.

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I'm sorry, guys.

It's critical for New York City to embrace the innovations brought forth by the tech industry. By penalizing any company, we're sending a message that this City is inhospitable to those who seek to create and improve systems that help the City function for efficiently. In the future, I hope TLC will conduct better outreach.

Specifically I want to say, to me, as a Council Member and Elected Official that cares deeply about the taxi industry given my background and where I'm from, I've received calls and had meetings with both the tech industry an the traditional Taxi and Limousine and then the taxi drivers and I've been involved and want to be as helpful as possible to everyone that's coming to my office to seek my advocacy, and in my inability to have a conversation with TLC during that time and then having to present my concerns over public testimony makes it so that -- just

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the communication is not necessarily where I want it to be. I want to be a partner with the TLC on making sure we can get to where we want to be and just hope that in the future we expand and we develop that relationship so that we can continue to have positive conversations.

I do want to say thank you to the TLC because information and data regarding a customer's private information like credit card is something that you guys are addressing and I do think that that is important and that's what's most important for consumers, but just want to make sure that we continue to have conversations with the app world. It is the way of the future. It is something that is going to take us to where we need to be when it comes to taxis. My experiences with taxis in the past have not been so positive in regards to both racial and destination discrimination and it's something that these apps have addressed, and I want to make sure that I encourage the development

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of any technology that's going to make it more convenient.

And again, thank you very much, and I want to say that my sentiment from the beginning of this conversation to the end have changed and I do think that you guys are looking to improve what we're trying to do here with the customers more so than anything else and I think in the long run we're all going to be good for it. So thank you very much.

THE CHAIR: Thank you very much. We look forward to working closely with your office.

MR. WILSON: The next speaker is Council Member Ydanis Rodriguez.

MR. RODRIGUEZ: Good morning, everyone. Good morning, Commissioners.

First of all, my wife is a customer of Uber and I believe that Uber and Lyft and the app services are good companies, and I believe that we should appreciate as a City that they came to our City because they also make us to have to engage in this

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conversation.

Thank you to the drivers, thank you to the consumers. We are here from the Commissioner to myself as a Chairman of Commuter Transportation to have the consumers and the drivers at the focus of our interest. Our responsibility is to be here for the drivers, for the consumers to be sure that we make everyone who is a key player of this industry accountable.

Our City has long been a hot bed for progressive ideas, innovation, and the creation of new technology in the ways of life. Each year, over 57 million tourists come and visit our 8 million residence and view our way of life and how we approach our everyday from housing, cultural, to transportation. Under the leadership of Mayor de Blasio and Speaker Melissa Mark-Viverito, our City has dedicated itself to live in the expression of transparency. These ideas have been involved in every corner of our government and are the seed of what we come to

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disclose today.

I am proud to commit my full support as Chairman of the New York City Council Transportation Committee for the rules proposed by the Taxi & Limousine Commission today. These rules bring our taxi and for-hire markets to equalize in previously off balanced industry by instilling new regulations to balance and even the uneven playing fields.

As I stated at the beginning of my testimony, New York has long been the home of innovation and innovators in our great nation. However, with innovation must come a government response to ensure that longtime stakeholders in the respective industry are respected and maintained. As a former livery driver myself, I know firsthand the importance of a livery base in each and every community of our City. These bases are a center piece for the community, providing not only jobs but also economy output for our communities.

Through the industry, though the

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industry is fast changing, we must ensure that the market is equalized so that every company can increase their technology to compete. No one company should have the line share of our taxi and for-hire industry. Again, no one company should have the line share of our taxi and for-hire industry. Rather, following the progressive value of our City, we must ensure that the benefits are spread amongst as many companies as possible so that drivers and consumers see the true benefit, not the CEOs.

By leveling the playing field and ensuring that all the stakeholders are maintained, we are ensuring the longevity of both the industry and as such ensuring that drivers 20 or 30 years from now have the same level of choice they do today. With this rule package, the TLC takes another step forward towards a more transparent and fair for-hire industry.

Thank you, Commissioner Joshi, and all Commissioners for allowing me to come

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and testify about this rule package. Your leadership on this issue has been vital and I look forward to continue to work closely with you to ensure that our taxi and for-hire industry remain regulated and leveled for all players. We again have to remember that we have to be for the consumers, for the drivers, and to be sure that every stakeholder in the taxi industry follow the same rules and regulations. Thank you.

MR. WILSON: Thank you.

The next speaker is Council Member Robert Cornegy.

MR. CORNEGY: Good morning. Thank you for this opportunity to testify on this very important issue. I'm going to attempt to use technology and advocacy at the same time so bear with me. I'm Council Member Robert Cornegy and I represent the Bedford Stuyvesant and Crown Heights Communities in the City Council. My passion is chairing the Council's Committee on small business. In this role and in general, I'm interested

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in the entrepreneurial decisions New Yorkers make to support themselves and to establish careers for themselves.

Recently I had a chance to interact with hundreds of Uber drivers who call Brooklyn home. Their lives and their stories need to be considered when policy makers are grappling with how smartphone technology has impacted the industry. Uber drivers told me about the flexibility smart hail technology brings to their schedules so they can better manage things at home and be involved with their children, or dedicate themselves to education. They spoke about how the Uber app helps connect them to customers so they spend less time with empty cabs and maximize incomes during their shifts. I also overheard about how the application features improve driver safety.

Today, our City is actively supporting the growth of living wage jobs and trying to rewrite the tale of two cities into one with every New Yorker,

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whether they just arrived in this country or have been here for generations, can advance economically and build a secure future.

Uber's drivers have found this path. I cannot support the imposition of any regulation with the potential to hamstring this company's innovation, thus impeding its drivers from achieving their personal goals. On this basis, I ask that the proposed FHV Dispatch Rule not be adopted. Thank you.

THE CHAIR: So I'd like to also invite you to -- we can reach out to your offices so our staffs can talk in more detail about the substance of the rule, but just to give you some assurance now, the rules would not impact the flexibility of drivers as independent contractors. They're free to work for several apps simultaneously and nothing in this rule package would change that. We think that's an important feature and one of the benefits of independent contractor status,

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and it would not change the ability for the app to quickly send dispatch requests to drivers. But we're happy to address any other concerns with the rules, especially as you point out, if they would at all impinge on drivers ability to make an income.

So thank you very much for participating. We look forward to working with your office.

MR. CORNEGY: Thank you.

MR. WILSON: Thank you.

The next speaker is Jared Hova from the Office of Public Advocate Letitia James.

MR. HOVA: Good morning, Commissioners. My name is Jared Hova. I am the Legislative Director and Counsel for Public Advocate Letitia James. I am here on behalf of Public Advocate James to testify with respect to the Taxi & Limousine Commission's proposed rules governing the licensing of for-hire vehicles, dispatch applications, and rules

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to enhance existing requirements for FHV bases that use their own smartphone application to dispatch vehicles. I, and the Public Advocate would like to thank the TLC for giving our office the opportunity to testify at today's hearing.

As an office that is focused on consumer protection and ensuring the delivery of City services, and as Chair of the City's Commission on Public Information and Communication, the Office of Public Advocate has a particular interest in rule making on this issue. It is our goal to help TLC ensure that these rules are as effective as possible for consumes, FHV drivers, base owners, and technology companies. Our office's charter mandated role is to serve as the link between the people of New York City and the government entities that serve them. This is precisely our objective for this process.

In a city as large, densely populated, and fast-paced as New York, there is possibly no concern more universal

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than how best to get from point A to point B at any given time. Encouched within that concern are the varied and at times divergent interests of the different modes of transportation; strap-hangers versus drivers, cyclists versus pedestrians, versus motorists, buses versus cabs. There's only so much space and resources and everyone needs to get where they're going. Any change to one mode can have a significant impact in other parts of our transportation ecosystem. This ecosystem is informed and altered by City, State and Federal laws and rules, social conventions and market forces. Nothing happens at a vacuum and I'm sure everyone in this room would agree, it is all immensely complicated.

Navigating, understanding, and explaining the interplay between any two groups can be, and for some people is, the work of a lifetime. From the Haas Act in the 1930's to the creation of the TLC and the expansion of the livery industry in the

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70's, to the new categories, laws, rules, and regulations that have been layered one on top of another in the decades since, what was once the Wild West has become for a very long time a closely and tightly regulated industry. It is in this regulatory thicket that this Commission now undertakes the challenging task of regulating smartphone based FHV dispatch applications.

The advent and expansion of app based FHV technologies has presented some unique and novel regulatory challenges for this Commission, and there is no doubt that many cities around the country and perhaps the world are watching the actions of this Commission for guidance. It is the position of our office that this process should not be a zero sum game. This is to say there should not be a winner and a loser, rather the outcome should result in measured and even-handed regulations that create a level playing field for all and that preserve the ability of the customer

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to get from point A to point B as expeditiously and economically as possible.

Our office is sensitive to the fact that drivers of black cars, livery vehicles, yellow cabs, green cabs, base owners and medallion owners have all had to jump through legal hoops are still adjusting to many of the new policies enacted under the last administration. That history matters and must be accounted for.

With that said, it is undeniable that app based dispatch is both popular and effective in this City, yet this also must not be ignored. We all know that the taxi and for-hire vehicle industry has long been and continues to be a vital route for new Americans to enter the economic mainstream and build a business from the ground up. That too should not be lost. Our office has met with a number of parties representing many of the stakeholders impacted by these rules.

The concerns of stakeholders vary

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2 dramatically, from guarding against
3 regulations that stifle innovation to
4 avoiding rules that unduly burden smaller
5 operations that lack the resources to
6 comply without significant time and
7 assistance. We are working to hash out the
8 concerns of many parties and will be
9 meeting with TLC in the coming weeks to
10 detail and address these concerns. I would
11 like to use this opportunity to welcome any
12 stakeholders who have not met with our
13 office to contact us and share your input.
14 Ultimately, it is our office's hope that we
15 can create a climate that enable consumers
16 to have prompt service from a variety of
17 options, all of which are regulated in a
18 manner that is fair, promotes safe
19 practices, and exists on a level playing
20 field.

21 We will continue to meet with
22 stakeholders from all sides of this issue
23 and we look forward to a collaborative
24 process that takes seriously the viewpoints
25 of all sides. Thank you, again, for the

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opportunity to address this Commission.

THE CHAIR: Thank you, and we look forward to working with you.

COMM. MARINO: I have a question. I'm not sure. Are you for these rules, against these rules; where are you on the rules?

MR. HOVA: I think at this point what we want to ensure is that the process of the rule promulgation is representative and that folks basically -- folks have a seat at the table, that their concerns are transmitted to the TLC, and that any explanation that TLC has that may be getting lost in the mix is properly conveyed back.

COMM. MARINO: So you don't really have a position on the rules?

MR. HOVA: We do not have a position on the rules.

COMM. MARINO: Because I know that the Chair has been very open to speaking with people. I mean, everyone that has contacted me has also had the opportunity

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to speak directly with the Chair and the Commission so I think that's covered, but I just wasn't sure where you were on the rules themselves.

MR. HOVA: Thank you.

MR. WILSON: The next speaker is Peter Carbonaro from the Port Authority.

MR. CARBONARO: Good morning, ladies and gentlemen of the Board. My name is Peter Carbonaro. I'm the Manager of Airport Parking and Ground Transportation for the Port Authority of New York and New Jersey which operates John F. Kennedy and LaGuardia Airports. I've been asked to appear to provide the Board with the Port Authority's comments on proposed draft rules 55-19C and 59B-25G.

The Port Authority's concerned about the significant increase in the presence of for-hire vehicles staging or waiting to be assigned a fare on our terminal roadways over the past two years. This is brought out by feedback from our airline partners, visual observations by our Police and

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Operations Personnel, and negative feedback from our airport customers.

Because of the extremely limited amount of roadway space in front of our terminals, FHV staging on these roads can cause traffic backups that extend onto airport highways causing unsafe traffic conditions as well as creating a ripple effect that affects the timeliness and customer service response of this of other forms of ground transportation.

Due to this congestion problem, our Police and Operations Personnel have reported a noted increase in reports of illegal solicitation by many of these FHV drivers staging at our terminals. This presents an enforcement challenge to both Port Authority Police Hack Squads and your own Taxi & Limousine inspectors, as the sheer numbers of FHV's staging at our terminals are disproportionate to the number of available staff who can enforce Taxi and Limousine Commission and airport rules.

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To enable these rules to be enacted in a meaningful way, Port Authority staff has worked with your agency to identify hold lots at both Kennedy and LaGuardia Airport where FHV's can stage outside of but in close proximity to our terminal areas. We're confident these lots will provide a safe, convenient place for FHV's to stage while awaiting a dispatch, thus managing FHV flow into our airport terminals in the same manner as we manage the flow of yellow taxis. Not only will this support TLC's rules, it will treat yellow taxi and FHV drivers with equal fairness.

The Port Authority of New York and New Jersey supports the Taxi & Limousine Commission's proposed rules because these rules address customer service, operational and safety issues raised by terminal roadway congestion. These rules will contribute to more efficient enforcement of violations of on airport FHV rules which will improve our customers' safety and level of service.

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Thank you and if you have any questions --

COMM. MARINO: I have a question being I'm the Commissioner from Queens County. Where would you put these cars at LaGuardia? Because I live very close to LaGuardia and I do see them lined up.

MR. CARBONARO: When we were first approached by your agency about this, that was a good question because we really couldn't create a lot. LaGuardia, as you know, is very constrained of space and there's a lot of construction going on. So what we did was we kind of thought outside the box and we said, let's take a lot that we already have and reconfigure it a little bit, not change the way the lot looks, it looks exactly the same, but what we've basically done is made a change in our software which allows FHV drivers to park in this lot, which I'll get into where it is in a second, for half an hour for free. So regular customers would go pay whatever they pay to park there, which I think is

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\$39 a day, but an FHV who enters the lot and stays half an hour plus a few minutes grace time to get out of the lot, can park for free.

And as to where the lot is, it's in a great location. We call it Lot 7. It's a parking lot that's adjacent to the Marine Air Terminal -- I don't know if you know where that building is -- by the shuttle, it's adjacent to that building and it's a great lot because it's not just a piece of asphalt in the middle of nowhere. Because of its proximity to that terminal, there are restrooms, there's a place to eat, there's a restaurant. It's the only place that I know that you can sit down and eat that's pre screen-in at LaGuardia. So if in that half an hour the FHV drivers want to grab a snack, they're good.

COMM. MARINO: And just so I understand, Madam Chair, is the idea that an FHV can go wait there anticipating an app call and then be close by? Is that the -- that's the premise, correct?

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THE CHAIR: Yes.

COMM. MARINO: And then after this half hour if they get a call, are they allowed to return?

MR. CARBONARO: Yes, they can return as many times as they want. And if they see that they're approaching their half hour, they can just drive out, come right back in and it resets itself.

COMM. MARINO: How many cars does this accommodate?

MR. CARBONARO: This lot holds approximately 215 cars and its occupancy is traditionally pretty low, so we expect that with the turnover and the amount of space that we have, that it will really serve the purpose.

COMM. MARINO: And you have a lot at Kennedy?

MR. CARBONARO: We have two lots at Kennedy. We have a limousine lot which is located off of JFK Expressway, which will be one of the lots, and ordinarily an airport cell phone lot is meant really for

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patrons only, but we allow FHV's to stage there, just to get them off our roadways.

COMM. MARINO: Thank you. That's very helpful.

THE CHAIR: Thank you very much.

MR. CARBONARO: Thank you.

MR. WILSON: Thank you.

And the next speaker is Michelle Lease. And could you also say what organization you're with, please? Thank you.

MS. LEASE: Good morning, Commissioners. I'm Michelle Lease, Policy Counsel for the Application Developers Alliance. The Alliance is an association that supports app developers as creators and innovators and supports the exciting job creating app ecosystem. We have merely 200 corporate members and more than 58,000 members in our developer network in more than 156 countries. New York is the top metro area for app economy jobs. The alliance has more than 1,000 members here. Developers, entrepreneurs and innovators

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choose to work in New York because it is a hub of innovation and opportunity.

Unfortunately, the proposed rules that the Commission can review and approve apps undermines New York's status as a government that values and promotes technology and innovation. First, it is important to note that the TLC regulates for-hire vehicles, not technology companies or transportation brokers. Companies like Uber, Lyft and RelayRides are platforms that connect drivers with customers. They're intermediaries, not transportation providers, and their app upgrades should not be subject to TLC approval. If the Commission were in the technology business, policing software is not how to accomplish its goals. It is invasive, it slows innovation --

THE CHAIR: I just want to interrupt, only because I made the point at the beginning that we're not interested in looking at software and that we're happy to make clarifications to the rule to make

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sure that that has not had a chilling effect on the tech environment.

MS. LEASE: So I was going to add that at a bear minimum, I repeat that the rules need to be clarified.

THE CHAIR: Okay. Yes. Thank you.

MS. LEASE: And I'll jump to -- I just want to add that we think competition is at the heart of what makes New York a great place to live and do business, and the Commission itself stated that passengers have access up to 75 different apps. This should be a healthy sign of competition and not a red flag that the Commission needs to overburden or create regulations in addition to what already exists.

I'll wrap up. But in conclusion, I just want to urge the Commission to remember New York status as a technology leader. The fare is to entry and policies that delay these updates -- app updates deter the next generation of leaders and they will take their ideas to cities with

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fewer barriers. Thank you for your time.

THE CHAIR: Thank you.

MR. WILSON: Thank you.

The next speaker is
Michael Allegretti.

MR. ALLEGRETTI: Good morning.
Michael Allegretti with Uber. Today's
hearing is really about one question: Will
you, the TLC set the global standard for
embracing the future or undermine that
progress by unfairly targeting
transportation innovation?

Now, these prepared rules, I'm sure
you're not surprised, we think they provide
the wrong answer because they will be
crushing to our thousands of drivers. But
I want to be crystal clear, we fully
support your policy objectives, from
understanding new product offerings to
preventing discriminatory behavior, to
maintaining a robust community car service
and medallion industry, to ensuring that
everyone follows the rules. What we
question is your approach because we

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believe it will have unintended consequences.

Four things: What does a driver do when a rider simply doesn't show up at the requested location? This happens hundreds of times a day. Now, we take the spirit of everything you said this morning, Chair, to heart, and we hope and believe that proposed rules will -- new proposed rules will put those words into action, but as written the rules say something else. The driver couldn't cancel the ride, is he discriminating by not picking up that passenger? If this rule --

THE CHAIR: I'm sorry. The rule doesn't say the driver can't cancel the ride. The rules says, passenger refusals, a driver cannot refuse by words, gesture, canceling a dispatch or other means.

MR. ALLEGRETTI: Canceling a dispatch would be canceling the ride.

THE CHAIR: Refusal is something that's initiated when a passenger complains that they wanted service and the driver

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refused them that service. A passenger who never shows up hasn't been refused. They didn't demonstrate they wanted the service.

MR. ALLEGRETTI: Well, your proposed rule do ask for enhanced data to be submitted including requests for all rides, so when that provision is struck, perhaps it will be there. But if this rule is about preventing discriminatory service, we agree it is morally reprehensible and our technology is helping to solve for it.

We also agree that the TLC needs to ensure that it understands new products and services, but rather than straying from its mandate and expertise by requiring prior review, and we get it, it's not about software apparently, but that includes the interface as well. The TLC should simply regulate the FHV base structure. You do it well, continue to do it.

We share the TLC's desire to immediately stop bad actors from breaking the law, but under these rules as written, one bad actor can shut down Uber. You

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might say that this is hyperbole but it's true. A single violation as simple as an out of date inspection sticker would actually leave Uber shut down, and we can lay out that scenario.

THE CHAIR: This is the point that is on the associated base rule that you've raised, Uber's raised, and some of the other stakeholders have raised and we've been very candid about the fact that we're reviewing that rule and we're open to comment, so I'm not sure that there's an imminent threat that one expired vehicle license is going to shut down Uber. That's a dramatic interpretation of the current state.

MR. ALLEGRETTI: I take you to your word and we look forward to the revised rules.

But finally, I want to talk about something else. We -- you know, I agree with Tarek Mallah and the Livery Roundtable. I believe we all do. These rules as written will continue to keep

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community car services on the wrong path towards, perhaps a definite fate.

What do I mean by this? Well, these rules double down on the distinction, the ambiguated distinction I believe, between black cars and livery cars because it doesn't allow drivers to work between the industries in reality if you're using an app based dispatch. By prohibiting the co-mingling of vehicles under one vehicle view, the liquidity in the market would not be such that would be beneficial to livery drivers. So basically the days of a livery driver being able to work at his or her home base and also drive with Uber on the side would be definitively over. Perhaps now is the time to revisit these rules which were, you know, first passed in October as well.

You'll hear a lot of rhetoric today able leveling the so-called playing field and making sure everyone follows the rules. Let's just state for the record, Uber has followed the rules from day one in the four

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years that it has been here. We take this Agency and its word. We are hopeful that the revised rulers reflect the spirit of what was said this morning, and we look forward to continue to collaborate with you. Thank you.

THE CHAIR: Thank you.

MR. WILSON: Thank you.

The next speaker is George Laszlo.

MR. LASZLO: Good morning, Commissioners. George Laszlo from Taxi Limousine Research Center.

Before I start to make some comments, I wanted to ask you, are you planning to vote today on the rules?

THE CHAIR: No. As per the agenda, today is a Commission hearing only.

MR. LASZLO: Good. I'm glad to hear that. Thank you very much.

You used the word chilling effect several times today and some of you may remember that I've been coming to these meetings since 2011 and I've commented on many of the rules and regulations since

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then, most of them that have been passed, and one of the comments that I've made over and over again is that they're onerous and I continue to believe that. I think that you're adding more and more regulations on a regular basis which complicates things for everyone.

The last meeting that you had, public meeting, I made the comment that you need to look at the industry realistically and that you're failing to do that, in my opinion. What's happening is that you're looking at each segment like you're doing today separately and not looking at the ramifications on the other segments.

So with that in mind, why is it that you're not looking at easing some of the regulations on the yellow and green side, especially on the yellow side, as opposed to just increasing them on the other side, in this case the FHV side? This is constantly happening that more and more regulations are coming out of this agency and it's actually going to have those

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unintended consequences that you're talking about.

I'm going to give you one example from two years ago, and something that I also commented on. If you remember, the previous Commissioner and the Commissioners here put some regulations in place about trying to increase the number of providers for the TPEP and LPEP systems. Do you remember that, by the way?

THE CHAIR: We created an authorization system, so we laid out specs for --

MR. LASZLO: Yeah. But the intent was to try to encourage other companies to come in and replace -- not replace, but to add to the two that are currently in business. How many do you have today?

THE CHAIR: We still have two and we have talked to several companies that are interested and we're hopeful that we'll expand from those two.

MR. LASZLO: Well, I'm going to tell you right now which I said two years ago to

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some of the people that work for you who I met with, that this was not going to fly and in two years we're not going to see anymore, in three years we're not going to see anymore and that's exactly what happened.

THE CHAIR: One of the confining constraints in that arena is the customer contract. So customers that have engaged in a contract with one provider have difficulty breaking that contract and that is a barrier to new entrants coming in, not in our rules, it's a realistic one.

MR. LASZLO: So I apologize. It's not that I wanted do focus on that particular issue that the TLC faces. My point is that all of these regulations, although well intentioned, are not achieving what they're set out to do. That is a failure on that particular one. I tried to tell them several times and others have as well who testified in front of you that the regulations that you're putting forth in the past as well as today are

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going to be counterproductive. That is my opinion and I would urge you that if you look at the industry holistically, please just ease up. There's too many regulations already. We don't need more of them. We need better ones that make it possible for everyone to compete effectively.

Today, a lot of these people are coming here and they're in the FHV industry, there are Uber drivers that have come out and are protesting outside or at least holding up cards that you should be supporting them, may I remind you that the same group of people -- the same kind of people, drivers, were also demonstrating from the New York Taxi Workers Alliance at a number of meetings before because they feel that they're being treated unfairly. What's the difference between an Uber driver, and a yellow taxi driver, and a green taxi driver? They're all trying to make a living. Please make it easier for them.

THE CHAIR: Thank you very much.

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MR. WILSON: Thank you.

The next speaker is Michael Simon.

MR. SIMON: Thank you, Commission,
for giving me the opportunity to talk. I'm
a medallion owner.

Within the proposed rules there is
no definition for prearrangement. It being
such an important term, a definition is
required so these rules have less
ambiguity. Black car on demand apps are
raising costs by luring drivers away with a
cycle of a decreasing supply of taxis,
therefore increasing demand for black car
on demand service and thus more surge
pricing.

There are a few complaints regarding
surge pricing because passengers feel
cornered. They have no other choice. If
we had an efficient on demand taxi service,
we would have less illegal e-hails and find
it easier to hail a taxi. I define an
illegal e-hail as an e-dispatch that was
not prearranged. If app companies want to
have on demand service, then app companies

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should buy medallions and play by the same rules as everyone else who wants to have on demand service.

Your requirements for data submission are unclear in rule 77-20B. You are requesting a pickup date, time, and location, but you are not requesting the time the arrangement was asked for and comparing it to the time for the requested pickup. These two points are crucial if these rules are going to be based on prearrangement.

These apps should be licensed only for prearrangement and not for on demand service. Currently, passengers using some of these apps have no means of booking a future reservation, only for booking an on demand black car. The apps should be rejected in their current design because they are on demand apps. Many industry people feel that these rules are allowing the TLC to look the other way when it comes to illegal e-hails.

Drivers of black cars using these

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apps may risk substantial fines for every trip they book being on demand. The proposed penalties are in rule 55-19A. These app companies could be responsible for revocations of TLC licenses of its drivers by not following the rules and allowing its drivers to do so.

The medallion must be made right. The recent upheaval in the industry is not the medallion's fault and the medallions should not be held accountable. Should I have known about the Internet before it was invented? Existing stakeholders have a right to continue as before with their rights intact while they adopt the latest innovation. Black cars should be expensive through a hefty tax for passengers who want luxury unencumbered by certain rights that taxis must have, such as anonymity of passenger, wheelchair accessibility, ability to take riders without credit cards, ability to take riders without smartphones, and no rating system.

Medallions are the most useful of

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vehicles. They pick up the most people per car, employ the most drivers per car, the City profits from their use and are the most wheelchair accessible. They cover a lot of ground and most of the time with a passenger inside making it extremely utilitarian. Medallions work. Make these rules tougher for black cars to be an on demand service which they have no right to be. Thank you.

MR. WILSON: Thank you.

The next speaker is Victor Andrew.

MR. ANDREW: Yes. A a lot of TLC drivers, when it comes to guide dogs, we don't get picked up. I can speak for GTNY, a lot of our guide dogs don't get picked up and this is where Uber and Lyft come into play because both companies are accessible, they do have somewhat accessibility. But again, my biggest problem, when I came home from the airport two weeks ago I told TLC I don't want to ride in your cars. Why? Because they didn't pick me up. Now a guy who wasn't

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part of TLC, owned his own vehicle said you have a dog, here, jump in my car and said any time you need a driver, call me. So I could be out there doing this and I still won't get a cab.

And TLC, you guys should really think into that because when I was talking to some folks about it, they don't believe me but it has happened to me more than once and I've only had my guide dog since 2010. So that's what you guys really have to look at, you know, or else -- you know, you guys should really look at that. That's something that should be looked at.

THE CHAIR: I appreciate you bringing that to our attention and we have a specific rule that prohibits discrimination based on a service animal and we'll have somebody speak to you in the back to make sure we get your information so we can be -- use you as a resource to make sure we're getting to the community so they know to complain directly to us, because that's a punishable offense for

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refusing someone based on a disability and also because they have a service animal.

We're trying to do a little bit more public awareness about that. We have a PSA that's coming out in the next few weeks, but we really need to have a resource in the community to spread the word about reporting that to us so that we can take corrective action with the drivers. So I appreciate you coming today.

MR. ANDREW: Thanks, Commissioner.

COMM. MARINO: Yeah. Drivers aren't allowed to refuse a service animal.

THE CHAIR: No. We have actually a rule that specifically talks about refusal with a service animal and prohibits it.

COMM. MARINO: Thank you. I'm sure everyone on our Commission will approve of that, clearly.

MR. WILSON: The next speaker is Steven Shanker.

MR. SHANKER: Good morning, ladies and gentlemen, Madam chair, the Commission. I would like to start off by stating that

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my name is Steven Shanker and I'm the Executive Director for the Livery Roundtable. I would also like to start by thanking the Commission for all of its hard work and tireless efforts to reign in all these companies that have been operating outside of the traditional framework for years.

I would also like to confirm that the Livery Roundtable supports the proposed regulations as it pertains to the FHV apps. So why am I here? Well, let me start off with the old axiom of, a society is only as strong as its weakest member. I believe that that analogy applying apply to the for-hire vehicle industry. The for-hire vehicle industry is only as strong as its weakest link, and its weakest link at the current moment is the small livery bases that are located in the outer boroughs. Now, most of these livery bases are minority owned, some mom and pop shops, they operate on small and very slim profit margins, and up until a few years ago they

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were doing business by two-way radio and pen and paper. These companies years ago were created by immigrants who came to the country with a proverbial dollar and the American dream. Unfortunately, the American dream has now turned into the American nightmare for them.

These people who came to local communities that provided a valuable service at a time when providing that service in certain communities was not only undesirable but was dangerous, and unfortunately what it comes down to is, what are the small businesses -- the small liveries seeking? They're not seeking a handout, they're not seeking any overt leniency as opposed to some other company. What they're seeking is a measure of compassionate release, a measure of compassionate reliance from the Commission to be able to say we're going to do what we can to be able to help you where we can. So where that measure of compassion comes in is the thousand dollar technology fee.

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Now, some may say well, if you can't pay then you shouldn't play, or you can't play if you don't pay. Well, I would contend that that sort of mentality would be emphatical to the American way of life and of all the principles of democratic establishment in the City of New York since it founded.

Additionally, let's look at the reality. Is \$1,0000 a lot of money to Uber and Lyft? No. But is it a lot of money to a small livery base out in the middle of the outer boroughs? Yeah, it is. And it is because they're already reeling from the effects of the cost of compliance with regard to the reporting requirements, and once these rules are finalized, they're going to have to hire an army of lawyers and consultants to say, what do these regulations mean and how do we comply with them. All they want to do is stay in business and comply but what we heard, and I understand and respect it, is that well, the TLC conducted a cost analysis and

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calculated it according to standard city pricing. Well, I understand that the TLC should be allowed to minimize or limit its costs that should be passed on to others, but should it be passed on to the small livery bases who are just struggling to survive? I would respectfully contend that the legal principle of substantial justice and fundamental fairness should be applied here.

Is it fair to have a base that has 50 affiliated vehicles pay the same fee as a base that has 500 vehicles? I would say no. Is it going to kill the Commission to say no, a smaller base can pay a lower fee, or do it on a graduated basis. Basically giving a crumb to the small livery bases that like I said, mostly minority owned and operated on slim profit margins to say we'll do what we can to help you stay alive; we'll do what we can to help you flourish in this regulatory environment which they honestly don't understand and most of them can't hire lawyers to explain

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it to them.

So basically what the Livery Roundtable is respectfully requesting is that the size of the base be considered with regard to the \$1,000 technology fee and whether or not that fee should apply to a small base and additionally, if it should apply, maybe it should be applied on a slotted scale. If this measure of compassion is not brought to bear, at some point all these small liveries will be a thing of the past, and if the small liveries become a thing of the past --

MR. WILSON: Can I ask you to sum up, please, Mr. Shanker?

MR. SHANKER: Sure.

-- not only will it have an adverse economic impact on the communities in which the bases are located, but we believe it will ultimately have an adverse impact on the for-hire vehicle industry on a whole. I'd like to thank you for the opportunity to speak today.

MR. WILSON: Thank you.

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The next speaker is
Christian Paloneque. I apologize if I
butchered the name.

(No response.)

MR. WILSON: The next speaker is
Matthew Daus.

MR. DAUS: Good morning.
Madam Chair, if it's okay with you I'd like
to -- I know, I've been down this road
before with long meetings, if I can cede my
time to another pre-registered speaker
who's been sitting next to me? If that's
okay with you. Her name is Erin Abrams.

THE CHAIR: Yes, absolutely.

If you could just give us your name
and who you're affiliated with.

MS. ABRAMS: Sure, of course.

Good morning, Chair and
Commissioners. My name is Erin Abrams and
I'm speaking today on behalf of Via. We
support the TLC in its efforts --

COMM. MARINO: On behalf of who?
I'm sorry.

MS. ABRAMS: Via Transportation.

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We support the TLC in its efforts to provide for accountability on a level playing field. While Via has never had any issue working with its regulators, we were pleased to hear this morning that the TLC is open to making changes to these rules to ensure that innovation is not hindered while still accomplishing its regulatory goals.

I would like to briefly address three areas of the proposed rules that raise some concerns. First, we believe that the TLC should not be in the business of pre-approving consumer facing technology or app modifications. We appreciate the Chair's clarifications this morning on this point, however, we still believe that this rule would have a strong negative impact on the quality of our service in addition to stifling innovation and reducing competition.

We're concerned that this rule would create delays that would prevent us from delivering time sensitive updates to

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2 customers and drivers. Instead, we would
3 propose a system for notifying the TLC of a
4 new app or modification. Under this
5 framework, the TLC could pass specific
6 rules for apps. If an app did not comply,
7 the TLC would be able to investigate them
8 on a case-by-case basis and sanction or
9 suspend violators. This approach would be
10 more as TLC could use its resources to
11 pursue bad actors instead of creating a
12 backlog for the review and approval of apps
13 that would most likely never raise any
14 enforcement concerns.

15 Second, we believe that the creation
16 of a two-tiered system that makes an
17 arbitrary distinction between app providers
18 and bases using apps is inherently unfair.
19 Even though Via's subsidiary Flatiron holds
20 a valid base license and thus Chapter 77
21 wouldn't necessarily apply to us, we still
22 object in principle to a system that would
23 burden new market entrants with additional
24 fees, extensive regulations and threats of
25 fines. Smaller app providers would be

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crowded out of the market and high barriers would discourage new entrants, stifle innovation, and create a virtual monopoly.

Furthermore, the rules requiring apps to have formal agreements with partner bases would apply to only app providers. This rule would ultimately decrease competition to the detriment of both drivers and consumers. We have generally found New York City to be a hospitable place to innovate and grow our business. We appreciate the TLC's clear guidance on how to operate within the existing framework, but we would be troubled to see this framework replaced with a system that disadvantaged small businesses and innovators. For this reason, we believe that the same set of rules should apply to both app providers and bases using an app.

Third and finally, we do not support the proposed rule that would require a suspension or revocation of one base to be imposed on all associated bases. Most violations by an associated base would

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likely be limited --

THE CHAIR: This is one point that I raised earlier that we are reconsidering the associated base rule. So we appreciate your clarifications on that and we'll incorporate them in our revisions.

MS. ABRAMS: Certainly. Very well then.

For the reasons that we spoke about previously and that you mentioned in your comments this morning, we would advocate continuing under the current system where each base is held accountable for its own actions and companies can allocate with across bases.

Thank you for your time today and for allowing us to have an opportunity to engage in this very important dialogue with both our regulators and our industry colleagues.

MR. WILSON: Thank you.

The next speaker is Malina Tran.

MS. TRAN: Good morning. Thank you, Commissioner Joshi, and Board of

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Commissioners for the opportunity to speak today. My name is Malina Tran, and I represent Coalition for Queens.

Our mission is to support the growth of the tech sector in Queens and throughout New York City. Through our programs, we build the initiatives, we empower people from under represented and low income communities with programming skills and opportunities in tech.

To support the creation of a world class and diverse tech ecosystem, the key role is to facilitate policies and programs that support the growth of innovation. Our investment in tech lies in its potential to provide well paying jobs and overall strengthen the economy. This recent growth has not merely been isolated to Manhattan, but has expanded beyond what has traditionally been understood as the main tech corridor in New York City and into the outer boroughs. We are proud to help support the use of tech conversion in Queens, particularly in Western Queens.

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Despite being a City that thrives on opportunity to propose FHV rules will inhibit emergence in growth of new technology, we believe if approved, that some of these new regulations would stunt and reverse the progress made by the for-hire transportation industry.

We appreciate your clarifications this morning but we do think that the proposed rules currently penalize services in the marketplace that do leverage technology. If a fee of \$1,000 would be imposed on new entrepreneurs and startups trying to enter the for-hire vehicle market with an app based solution, deters intention of entrants into the market. Furthermore, tech companies constantly reiterate and release software updates to, you know, a third-party entity into the step of the design and the tech review process. We find this both unnecessary and cumbersome and make it nearly impossible to have a creativity necessary for a tech company.

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Beyond technologies and companies, these proposed regulations would also hamper drivers by not allowing to leverage every available technology to increase their product and earnings. And they would furthermore effect riders by exposing personal information, limiting transportation options, and taking away the option to chose from a variety of high quality players in the market.

THE CHAIR: I'm confused. At one point you said it would expose personal information.

MS. TRAN: My understanding was that it would be sharing information about ridership. If that's not considered --

THE CHAIR: No.

MS. TRAN: Okay. Thank you for the clarification.

And just to wrap up, we urge you to consider and contribute to New York City's emerging tech community, approving such regulations as is has the potential to set a precedent for other city agencies that

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may result in stifled competition, and undermine innovation within industries that rely on apps and new technologies to automate and improve how New Yorkers interact and navigate with city services, rather than inhibit growth through constraints and penalties. We ask that you support innovation by allowing tech companies and startups to enter more freely into the market. Technology has positively impacted this industry in New York City overall, and we hope that you and the current administration understand its value and encourage its growth. Thank you for your time.

COMM. MARINO: I have one clarification. You represent Coalition for Queens?

MS. TRAN: Yes.

COMM. MARINO: And what exactly is this organization,

MS. TRAN: So we're a nonprofit that supports the tech ecosystem and its growth in Queens and New York City. We have a

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tech education program --

COMM. MARINO: It's not limited to
transportation tech?

MS. TRAN: It's not. It's not.
It's more focused on tech education and
increasing mobile development and training
to people from unrepresented backgrounds.
But we do, you know, host events such as
Queens Tech Meetup, have conferences, and
we do policy advocacy work as well.

COMM. MARINO: And what other tech
industries are you involved in besides
transportation?

MS. TRAN: It's not limited to
transportation. It's more general. You
know, we focus on kind of like the macro
conditions to grow a tech ecosystem. One
of the projects that we're working on is a
strategic program with the Queen's Borough
President's office --

COMM. MARINO: Yeah, but my question
is, other than the transportation industry,
are you involved in any other industries
and their technology?

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MS. TRAN: We don't support one industry or one vertical. It's more kind of, you know, the tech ecosystem at large.

COMM. MARINO: That's my point.

MS. TRAN: So we don't represent one industry.

COMM. MARINO: Besides -- you're here today in front of the TLC here and you're running transportation technology.

MS. TRAN: Right. Because we support startups just in general is what I'm really trying to say.

COMM. MARINO: Okay.

MS. TRAN: Okay. Thank you.

COMM. MARINO: Thank you.

MR. WILSON: Thank you.

The next speaker is Fernando Garcia.

THE CHAIR: Do you need translation? So if you give us one minute, we're going to make sure you have a translator. Thank you.

UNIDENTIFIED SPEAKER:

Fernando Garcia is representing Independent Taxis of New York City. We are very

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concerned because the industry is breaking apart. Everyone that comes to the industry practically comes with a fishing hook, just to, you know, to fish. And the administration is failing us, the taxi drivers, because the solution has not been given.

Previously, I stated that there's too many licenses that the Taxi & Limousine Commission gives to the general public and it is necessary to stop that massive amount of licensing. The yellow taxis since 1937 until 2013 have reached close to 15,000 medallions, and there is an abundance amount of liveries in the streets that there's no more space for anymore vehicles on the road.

THE CHAIR: I think you're going to have to give him a chance to translate, otherwise he might lose some of your thoughts.

UNIDENTIFIED SPEAKER: My feeling is that the \$400 price on the new ones and the yellows are 540 per year, and that's

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excessive considering the fact that there's not enough fares out there with all the competitions, they're not able to make those fees that the Taxi and Limousine Commission requires. That's basically what in conjunction he's talking about, prices and fees.

THE CHAIR: So to the extent these are talking about fees that aren't addressed by these rules, we're happy to have someone in the back get that information.

UNIDENTIFIED SPEAKER: Yes. The concern is that the TLC fees are higher for the new ones and inspections I believe is also higher. It's not enough money to make because there's a lot of costs.

THE CHAIR: So one of our staff members can talk to you about the fee schedules. Today's hearing is on a specific rule relating to -- and the only cross section with fees is with the technology fee. But thank you very much for your time. I appreciate your concerns.

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UNIDENTIFIED SPEAKER: He said thank you very much and he hopes that the authority's will stop giving too many licenses.

THE CHAIR: Thank you.

MR. WILSON: The next speaker is Eftihia Thomopoulos.

(No response.)

MR. WILSON: The next speaker is Jen Hensley.

MS. THOMOPOULOS: Hi, there. I'd like to cede my time to my colleague, Jen Hensley who's probably right after me.

MR. WILSON: Thank you.

MS. HENSLEY: Sorry. We were in the back room, so apologies for the delay there.

I'm Jen Hensley, Executive Director of the Association for a Better New York, the City's premiere civic organization that has for 43 years advocated to make the City a better place to live, work, and visit.

New York has always been a city that thrives on innovation, opportunity and

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dynamism, and it's exciting to see the evolution that's taking place in the taxi and for-hire vehicle industry over the past several years. There's no doubt that riders throughout the City have benefited from greater competition in the market and we applaud the TLC for their efforts to ensure that every car serving the public is in good repair and operating safely, and that every driver is screened and licensed. We also recognize that many of the regulations on the books already at the TLC are designed to protect passenger safety which is a goal everyone here should share.

We further believe that as more services and businesses migrate to app based technology, regulators throughout the City, including the TLC, should do everything possible to ensure parity among the regulations for traditional businesses and those that utilize technology like apps. We greatly appreciate the clarifications presented this morning by the Commissioner, the Chairwoman, and we

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appreciate the Commissioner's efforts to incorporate the feedback that's already been provided through your meetings and conversations into the rules between now and when they were first published.

With regard to the rules presented today, we think there are several modifications that would enhance their effectiveness at protecting passenger safety while still supporting innovation and competition in the marketplace. You've covered many of those and we appreciate your commitment to rewrite the language around the full disclosure of the source code, to refine the regulations around the cancellation terms, and we're also very happy to hear from the Port Authority and appreciate the challenges they're facing at the airports and their commitment with you to ensure that there are proper and adequate holding areas at the airports for the for-hire vehicles.

We urge every Commissioner to consider the tremendous growth of our

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economy made possible by technology in so many industries, including the for-hire vehicle industry, and of course regulation is critical to ensure passenger safety. We appreciate your efforts to work together with the industry to make sure this is something that works for all New Yorkers. Thank you.

THE CHAIR: Thank you.

COMM. MARINO: I'm sorry. You support the rules?

MS. HENSLEY: We support the presentation this morning with many of the changes. We had a lot of the comments. We've been fortunate enough to meet with the Chair and to be able to present some of our concerns about the draft rules as they were written, and we think a lot of progress has been made and we expect to see that reflected in the final regulations. Thank you.

MR. WILSON: Thank you.

The next speaker is Anthony Hoglebe.

MR. HOGREBE: Good morning,

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Madam Chair and Commissioners. I'm Anthony Hoglebe, Director of External Affairs at Engine, a nonprofit organization with offices in New York City and San Francisco.

Engine works to support the growth of technology entrepreneurship through economic research, policy analysis, and advocacy on local and national issues. Let me first say that Mayor de Blasio deserves much credit for making support of the startup community a key part of his economic development agenda, while also working to increase diversity and access to tech jobs.

The tech and startup community is increasingly responsible for job creation in New York. For that reason, we are always concerned about any government action that could have a negative impact on innovation in New York City. In particular, we have concerns about broadly written rule language in the current draft that could be used to require any software

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updates to be signed off on by the TLC,
essentially making the TLC an intermediary,
determining when --

THE CHAIR: I think we've covered
this subject so we should probably move on.

MR. HOGREBE: Yeah, I'm getting to
that.

We are glad to hear that the
Commission does not intend to intervene in
that level of app functionality and we
would encourage you to clarify and specify
this in the rule text.

We are also concerned about a rule
that prohibits bases from dispatching
vehicles equipped with more than one mobile
device in addition to the device used by
that base. Currently, many drivers
contract their services through multiple
ride sharing applications and often employ
more than one mobile device to do so.
While we understand some of the safety
concerns behind this rule, limiting drivers
to only one device could limit the number
of companies with which they are able to

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contract. This would give a distinct advantage to large incumbents and hurt potential new entrants into the market, making it a side of the anti-competitive policy.

The impact of these rules may seem limited to a specific industry but they will send the message about the type of restrictions that might be imposed on other businesses. We look forward to working collaboratively with the Commission and the startup community towards smart regulations that protect both riders and startups.

Thank you.

COMM. MARINO: I'm sorry. You're from where, External Affairs?

MR. HOGREBE: The organization is Engine and we're a nonprofit that advocates for polices that support startup and entrepreneurship growth.

COMM. MARINO: The name of it is Engine?

MR. HOGREBE: Engine. Yeah, like a car engine.

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COMM. MARINO: It's a nonprofit you said?

MR. HOGREBE: Yes.

COMM. MARINO: Thank you.

MR. HOGREBE: Thank you.

MR. WILSON: Thank you.

The next speaker is Peter Mazer.

MR. MAZER: Good morning, Madam Chair, Commissioners, and TLC staff. My name is Peter Mazer, and I'm General Counsel to the Metropolitan Taxicab Board of Trade, a 62-year old organization. We represent the owners of 5,500 taxicabs. The agents that operate these taxicabs, brokers, and taxi meter businesses that provide services to these owners, and more recently, many of these drivers who lease taxicabs from our members that need assistance in licensing and adjudication matters.

This comprehensive set of regulations will provide clarity and consistency to those entrepreneurs who wish to offer new forms of hailing technology to

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the for-hire industry. It is true that when the Charter and Administrative Code provision, and establishment in the TLC were created, the hailing app technologies prevalent in the for-hire industry today did not exist. However, one thing is clear, Section 19-511 of the Administrative Code mandates that the TLC, "Shall require licenses for the operation of communication systems used for conveying information to drivers with licensed vehicles including for-hire vehicles." Whether we call these communication systems an app, or a peer-to-peer or ride sharing program, or something else, the result is the same.

There are means for conveying information to drivers for the purpose of providing on demand for-hire transportation to the public, just as the TLC is charged with protecting the public by regulating vehicles and drivers that actually provide the public with for-hire transportation. The Administrative Code recognizes that the TLC's obligation is similarly to regulate

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those communication systems that arrange for these transportation.

Whether you get a livery or a black car the old fashioned way by calling a base or today by using the Internet or an app on your mobile phone, computer, or mobile device, the result is the same, you're using a communication system to connect people with transportation, and however the communication between passenger and service provider is accomplished, the communication's conduit should be licensed and regulated.

The reasons are evident, the public has a right to know who is ultimately providing the transportation, the driver, the vehicle owner and the transportation business. The TLC has the right and in fact the obligation to ensure that those providing each aspect of the service meets standards ensuring protection and safety of the public. The public has the right to know the true identity of these transportation providers and that the cars,

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businesses, and drivers providing the services are licensed and ensured. Too many apps and transportation service networks hide behind popular trade names that do not disclose the identity of the entity providing the service. They may even call themselves bases and advertising materials but they are not and such, they circumvent regulations intended to apply with this industry.

In the for-hire industry, immediate access to the transportation provider is essential whether it's we've lost property or a larger complaint. The public should be able to contact the business entity providing the service directly, not be merely sending an e-mail into cyberspace hoping for a response. And if the public needs to be in access, so does the TLC.

Then there's always the question of price transparency. The medallion taxicab has set the gold standard with the sanctity of a certified inspected meter and regulated rate of fare. By the way, the

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Commission has the charter authority to set fares in for-hire vehicles but has chosen not to do so. Licensing and regulating apps and similar service providers is an important step to protecting the public from price gauging and other unlawful practices. These rules take the added step of requiring greater disclosure of the cost of rides provided by the for-hire industry. Sticker shock is not a viable alternative.

In summary, we urge favorable consideration of these rules, and we'll be happy to answer any questions you may have.

MR. WILSON: Thank you.

The next speaker is Bhairavi Desai.

THE CHAIR: There seems to be several speakers for the same group, so I'm just looking at it from NYTWA there's several speakers, so if you wouldn't mind in the interest of time if we can do a group presentation. And I'm going to ask the same for other groups where there's several speakers representing the same group so that everybody gets a chance to

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share.

MS. DESAI: I think most of them are in the other room.

THE CHAIR: Do you want to call them out? You can start and they can join you.

MS. DESAI: Sure.

Good afternoon. My name is Bhairavi Desai. I'm the Executive Director of the New York Taxi Workers Alliance. I would like to say that we are in strong support of the passage of these rules.

What makes absolutely no sense is that, first of all, there's nothing in these rules that is explicitly harmful to the drivers. If anything, we would like to see, you know, further development of the rules to include things that would be protective of drivers. For example, a minimum fare requirement so drivers are not undercut when an app, you know, reduces the fare to like \$8 or \$5, and meanwhile the driver has purchased a vehicle at \$60,000 to \$70,000. You know, you can't make ends meet when you pay that much for a car and

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they keep cutting your fares. It's unconscionable and it just pins drivers against each other on the streets while these companies bear no responsibilities. In fact, we also think that there should be a cap on the Commission that these companies charge to the drivers.

So while we don't see anything harmful to the drivers, in further development, we would like to see these protective measures be put into the rules in the future for the drivers. What really makes no sense is the fact that, you know, the main company that's out here creating all the drama and the circa is that they're against these rules and regulations. In fact, where they have an app for the taxi industry have to apply for an e-hail license. So why -- you know, if you have to apply for a license in order for your app to be used to call a yellow or a green cab, why should you not be under rules and regulations if your app is going to be used to call a black car? It's completely fair

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and it makes no sense, you know, besides -- really the only reason that they created all this drama is because they are fundamentally against regulation. If in these rules you require that all of these multi-billion dollar apps had to provide a livable income, and health insurance, and a pension plan to every single driver, I assure you --

(Applause)

MS. DESAI: -- they still would have sent messages every 15 minutes to the driver saying, oh, no, the TLC is going to pass rules that is going to destroy us and take away your jobs.

I mean, it's the, from the labor union movement perspective, it is just like the sleaziest thing to do for a bunch of billionaires to try to put drivers as the front face of an anti-regulation agenda. Everybody in this industry gets regulated. Everybody gets regulated. There should not be special treatment just because these are corporations that have more billions, you

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know, to throw around on an anti-regulation agenda.

Lastly, I would just like to say that we would like to very much, you know, appreciate the Port Authority in being cooperative with the rules that the TLC has proposed. I mean, black car drivers, we have many members ourselves, will tell you they've always used a lot. If I can show you pictures of what's happening at the airports, nobody can move around, not the yellows, not the black cars, not even the private plates and it is utter chaos. And we as a city that is the biggest city in this country with millions of tourists, we have a responsibility to not have the chaos be the first thing that people see when they get off those airplanes and onto city streets.

And so this rule is extremely necessary. We think more should be done, especially at LaGuardia Airport in light of the construction which has essentially taken away the taxi line outside of

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Terminal C, you know, the Delta Terminal.

Finally, I would actually like to say that, you know, in other parts of the country where these same companies have relentlessly lobbied for no regulation, the professional regulated licensed taxi drivers can barely make \$100 booking. I'm not talking about their take home pay. I mean, literally just their booking for the night. You know, they call themselves TNCs, Transportation Network Companies in cities and states where they directly dispatch to private individuals, not professional TLC licensed drivers, to private individuals with personal cars and personal insurance, same thing that they're trying to get passed in New York State and I assure you they will not succeed. But in those states where they have the TNC model, not only are the professional licensed drivers not earning a living, even the TNC drivers themselves are going deeper into poverty, because at the end of the day what this entire unregulated model is really

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about is making a full time profession for generations and generations into a gig where it is part-time, subservient labor, where you have no guarantee of any kind of income or any kind of protection. And for, you know, these companies are raking in billions and billions of dollars and they're doing it at the expense of the drivers and they're doing it at the expense of the consumers.

And so to New York City, which is the biggest taxi industry in this country, I want to say to you, Commissioner Joshi, we applaud you, we're thankful for your integrity, we compel all of you, Members of the Commission, do not look, do not be swayed by these billion dollar companies. Please do the right thing. These rules are a small step, but they are only fair and they're absolutely necessary. Thank you.

(Applause)

MR. WILSON: The next speaker is Colin Alix.

(No response.)

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COMM. CARONE: While we're waiting for the next speaker, I just want to make an observation. Since this morning, we began at 10:00 a.m., notwithstanding your comments, I don't know how my fellow Commissioners feel about this, but I haven't heard a lot of testimony that speaks to the substance to these rules, particularly against the rules. I heard a lot of generalizations about potential danger, but not a lot of substance and as far as I'm concerned, of course we're sitting here with an open mind. It sounds like almost unanimous consent for the rules. And I say that because, if there's not a lot of statements directed to the substance, I have to conclude the testimony is for it.

MR. WILSON: I think Mr. Alix isn't here.

The next speaker is Ethan Gerber.

MR. GERBER: Good morning, Madam Chair, and Commissioners.

First, something I rarely get to

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say, I agree with everything Bhairavi Desai just said. And also as one lawyer speaking to another lawyer, Madam Commissioner, I just want to say it was a masterfully done opening statement.

There are two specific problems I wish to address before I get to my general comments which are in favor of the proposed rules. First, on page eight of the proposed rules under Section 9, you make what I think is a potentially disastrous change to the existing rule that prohibits meters in FHV's, except in street hail liveries or medallions. You changed the word meter to taxi meter. Since your rules define taxi meter as specifically only a meter for use in FHV's and yellow cabs, this seems to mean that any FHV can put a meter device in their cabs and it won't be the prohibited device anymore because it won't be a taxi meter because it's not an SHL or a yellow cab. I ask you to look at that rule more carefully and address it.

The second specific issue I have is

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something Bhairavi touched on herself which is you're codifying app companies, the stacking up at the airports. While we heard from Port Authority that they're making some changes, the changes aren't there right now so the end result right now is that the yellow cars are not getting rides because there's simply hundreds, and hundreds, and hundreds of FHV's waiting for an Uber call, many stealing potential drivers and actually soliciting them.

What's been truly remarkable at this hearing from the Uber representatives as well as in the press generated by the multi-billion dollar monolith and who dominates the for-hire transportation, is how the growing monopoly has cried and screamed over the very minor tinkering that most of these rules attempt. For almost a decade, I have stood at this podium discussing rules that impacted virtually every aspect of our business; the types of vehicles, their markings, their equipment, when they must be retired, the rates

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1 charged to passengers, the leases to
2 drivers, the locations we operate, the
3 technology we use, even the wording and
4 content of the contracts we sign were all
5 specifically regulated and enforced by the
6 TLC with grave consequences from severe
7 fines to revocation of our valuable
8 medallions if we do not. No item was too
9 big or too small for you to regulate. We
10 received fines for as little as reported \$3
11 charge to drivers or for misloading
12 reference numbers in our contracts with
13 drivers. We have even been fined when we
14 couldn't get our cars out despite of being
15 our sole way of earning a living.
16

17 Today we are competing with virtual
18 street hails with companies that have none
19 of these restraints. It is not a crystal
20 ball reading or hyperbole to anticipate
21 where Uber is trying to get to. It has
22 already happened as they have taken the
23 reverse manifest destiny march from Pacific
24 to the Atlantic. In California, they have
25 destroyed the medallion system, from San

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Francisco to Los Angeles to San Diego.

What are the results now that there is no competition in those markets?

In September, 2014, Forbes reported that Uber unilaterally increased its commission from drivers from 20 percent to 25 percent while yellow gets fined, perhaps rightfully so, for taking a couple of dollars a day. Uber, at the stroke of a keyboard took literally thousands of dollars a month from each and every driver, all perfectly legal. A couple of weeks ago on May 18th, 2015 they changed that 25 percent and drivers became 30 percent. Again, at the stroke of a key, dramatic decrease in drivers' income.

The monolith doesn't just pray on drivers. Business Insider reported that fares went up to seven to eight times in the New York City snow storm, even though our Mayor called it illegal and asked drivers to stay off the roads for safety reasons. Uber says it works jobless to incentivize drivers when they want to.

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This, one, is not only bad for the passengers, it also begs the question, do you really want to make an offer that drivers can't refuse to drive when he or she feels it's not safe to? Not only can Uber manipulate the fare, drivers can also. On May 19th, 2015, NBC News reports showed an Uber forum posted video, where drivers were taught how to manipulate surge pricing by temporarily creating unofficial shortages.

THE CHAIR: Can we stick to the content of the rules?

MR. GERBER: I'm in favor of the rules, Madam Chair. My point here is that they don't go far enough.

The so-called surge pricing, which is criminal when done by anyone else, like as mentioned by Commissioner Marino, in Australia when they charged actually four times the metered rate with a \$100 minimum, according to Time Magazine. They hide behind their technology, their logarithms, as if math makes it legal, ethical, and

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moral.

Members of the Commission, there's a double standard here. Uber portrays us as a monopoly when in reality we are thousands of highly regulated owners and tens of thousands of drivers with brick and water businesses located in the City and each borough. They are a monolithic company that argues that no rules, no matter how slight, should apply to them and once they dominated a market that demonstrated a track record of fleecing their customers and their drivers. It's time to level the playing field, regulate this company while passengers and drivers still have choices. Pretty soon they won't and all you will be left with is a mega corporation who could care less what this little Commission has to say. Thank you.

COMM. CARONE: Mr. Gerber, just a quick question. When you were referring to the minor tinkering, are you referring to the fact that the rules essentially mirror or are very close to the 2012 e-hail rules

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and the MOU's that followed? Because they are very similar to that rules that's been on the books for quite awhile. Is that what you were referring to?

MR. GERBER: That's absolutely correct, Commissioner Carone. I don't see this as any dramatic change despite the pride from the companies. I see this as very minor changes and just codifying what's already been done already.

COMM. MARINO: Can I just make a comment? I know I've seen and I've heard it here today that the TLC should not be in the business of regulating technology, and I'm a little offended by that because we regulate, you know, advertising on top of taxis, we regulate a lot of collateral and derivative issues, and I just think it's a little -- it's offensive to me when someone says you're not in the business of regulating technology. To me we are if it's a collateral derivative issue of technology, and I've just heard that several times today and I just wanted to

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get that off my chest, frankly.

I also want to just comment about the airports. I was at Kennedy Airport about two months ago and it was a disaster. I had a friend pick me up, he was maybe half a mile away and it took about 45 minutes to get to me. It was utter chaos and there absolutely needs to be something -- and I'm just saying that as a citizen of the City, it was absolute chaos.

MR. GERBER: There was a great story about that in the Observer --

UNIDENTIFIED SPEAKERS: Like the streets of Manhattan, same thing. Uber has 50,000 cars, how are you going to drive anywhere? Cars that leave from --

THE CHAIR: We're going to do speakers in order. We will get your comments, but we are going to do speakers in order.

MR. GERBER: Thank you, Commissioners.

MR. WILSON: I'd just like to point out that your comment regarding the meter

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fare was just to align with the defining term that's already in the rules.

MR. GERBER: I understand that but if you read it the way I'm looking at it, I'd like you to pay attention to it because what it actually does is change the word meter to taxi meter, and since taxi meter is specifically defined as only devices that are in FHV -- in the street hail liveries and yellow cabs, this seems to imply I can have an FHV and stick a meter in it and it would be perfectly legal. So I would ask you to change that. Thank you.

MR. WILSON: Thank you.

I see our next two speakers are both from, Diana Dellamere and Robert Henderson, so could I ask you to do that together?

MS. DELLAMERE: Hi. I'm Diana Dellamere from Lyft. I'm the Public Policy Manager. I think most of you know me and I will try to keep this short and really responsive to what you asked you us to do in terms of providing specific comments and clarifications.

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We very much appreciate the earlier clarifications on some of the intents for what edits will be to these rules in response to feedback and, you know, hope to keep working on that with the TLC so that there aren't unintended consequences here.

So as to Commissioner Carone's point on specifics, I think there still are some misunderstandings that exist, partially because this is very complex. This is actually a big change in some senses to what the rules are. I think one of the main -- the main issues here is that there are different -- this idea of enhanced standards is being applied to some types of dispatch and not other types of dispatch, and I think that is problematic for, you know, creating two different classes, creating an unlevel playing field that doesn't currently exist.

So if, you know, all bases have the same requirements, whether they use an app or the phone, that I think is the way that you get the enhanced standards throughout

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the industry that are being exposed. The fact that they aren't there yet are being exposed of it by technology, and so those standards should bring the whole industry up, not be applied to different types of dispatch methods.

I think the other really big concern here is restricting competition. We believe it's unintentional, but I think the single device issue or the two devices total issue is a big concern and it's a big concern because, you know, these pictures are very impactful. It does seem ridiculous, they do seem absurd to think that that's in cars that way. I think we've all experienced in reality that that's not really the standard situation that you see when you get into a car, but the real risk here of limiting the devices is that there will be restricted choice for the drivers and that any company could then use these rules to box out other companies. They could require one device, they could require two devices, and drivers who might

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want to experiment with different companies or different bases, different bases with different apps, will be forced to choose and of course rationally they will choose the biggest company. Then you can really have a little bit more --

THE CHAIR: Just to interrupt you, to that point, we have to do the balancing between safety and making sure there's availability, and there is definitely -- I think it's true that it's difficult for a driver to toggle between apps on one device then it's easier to toggle between apps on two because you can have both up so you're not doing as much touching the screen which takes away from driving.

So we've heard the comments and, you know, they resonate with us about whether there will be a limiting effect if we are too prescriptive on what two devices can be, and we're definitely going to take that into consideration as well as look at safety protocol from NHTSA about distractive driving to strike the right

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balance.

MS. DELLAMERE: We appreciate that and I think that's a -- you know, it's pretty distracting to be looking on the side of the road for the people that put their hands up all the time. It's distracting -- there are ways to limit this but these devices work such that you're not looking at them and there's a one-touch requirement for responding. So I think it's just important to keep in mind that the drivers are not looking at these devices.

THE CHAIR: I do think you have to look at it to touch it. I mean --

MS. DELLAMERE: But the situation -- the idea would be you're interacting only with whichever device you got an audio ping from to say -- and then you look to that and touch it in the way you would for any device.

THE CHAIR: There's time away from the wheel every time you're looking at the device and we just have to figure out what

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the right balance is to minimize that.

MS. DELLAMERE: Sure. I just don't think that that's related to the number of devices unless, you know, a really rare situation you get a ping from all the devices at once, then the one you don't touch anyway will be irrelevant to you, it will just go away, it will be a non-accepted trip.

But I just think it's very important because there are potential risks here, to continue working on what the right balance is here, and as you said in the beginning, to look for data and fact here, rather than, you know, sort of anecdote and fear of something without the backup here.

And we also have to Commissioner Carone, one last point. One last point, we have submitted detailed comments on the substance. I'm sure other companies have done that too. So the reason that I think it's hard to comment on all of those things here is because the devil is in the details here in some ways of the rules, so we just

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can't talk about all of those in three minutes, but we hope that those will be considered carefully. Thank you.

THE CHAIR: Yes. We received those and we thank you for them.

COMM. CARONE: My point was not to stymie testimony, but when there is nothing to say on specifics, hyperbole is not helpful and I view that as an admission or a vote in favor of the rule.

MS. DELLAMERE: Well, I hope this wasn't hyperbole and I appreciate the time.

COMM. CARONE: You are correct. You submitted the statements, we have them, we looked at them and I think the Chair addressed them in her opening remarks and again just now several times and some of those changes will be looked at.

MS. DELLAMERE: Okay. Great. Thank you very much.

(Applause)

MR. WILSON: Thank you.

The next speaker is
Michael O'Loughlin.

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MR. O'LOUGHLIN: Hi, everybody.
Michael O'Loughlin, Cab Riders United.
I'll try to be brief, which I thought there
would be an applause on, actually.

Cab Riders United is a public voice
for passengers who pay for taxis and
for-hire vehicles, and our three-part
agenda in short is to improve the safety,
and the quality of service, and the
environmental impact of the taxi and
for-hire vehicle industry.

We urge you to evaluate the
proposals today, first and foremost, based
on the extent to which they benefit the
broad public interest and the interest of
the consumers, who, please remember, spend
every single dollar that gets circulated in
every part of this industry.

Cab Riders United believes that the
proposed changes will broadly benefit
consumers by improving accountability,
safety, and transparency, as long as care
is taken to do so without stifling
innovation or restricting fare competition.

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We don't think that's your intention here today. Innovation can be a good thing. The apps that we're discussing today have created new transportation options that benefit New Yorkers and New York as a whole every day, but innovation has to be weighed against other principles and other values as well to make sure that it does impact the public good.

Let's talk about some of those.

Safety: Cab Riders United strongly supports the goals of Vision Zero to eliminate death and serious injury on the streets of New York. As such, we very much welcome the proposed rules to minimize driver distraction from apps, requiring that apps be locked down while the vehicle is in motion, one-touch functionality only allowed, limiting the number of devices that a driver can use at one time. At the same time, we do also urge the TLC to continue to consult with stakeholders and to closely monitor how this rule is implemented, to make sure that there are

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not unintended effects that push the market towards monopoly and limit the choice of either consumers or drivers.

Through proposed rules, we require apps to inform consumer with customer complaints that only the TLC can investigate, and if appropriate, suspend or revoke the TLC licensed driver's authority to operate a vehicle. While some app companies have internal policies that hold drivers accountable, these can be opaque to the consumer and even more importantly are limited to only one company. If a driver speeds, runs red lights, recklessly fails to yield to pedestrians or otherwise endangers the public, we want the driver held accountable appropriately under the law, not merely driving dangerously for a different company.

Transparency: The proposed rules require apps to make important information that should be available to consumers, available to consumers; pricing, responsible base, et cetera, easily

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available via the app. Many apps already do this but all of them should. In fact, we strongly urge the Commission to consider whether there are ways to make other for-hire vehicles also disclose this information upon request. That would be a good example of leveling the playing field up also.

Number four, protecting passenger civil rights. Thank you. The rights of all passengers deserve equal protection regardless of how they hail their transportation. The proposed rules require FHV apps to provide wheelchair accessible vehicles if requested by the passenger. This is quite simply the right thing to do and it is essential if the City is going to continue to make progress toward making for-hire transportation available for all New Yorkers whether they use a wheelchair or not.

And additionally, the proposed rules would prohibit drivers from refusing a trip based on passenger appearance or

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destination after the driver has accepted a trip through the app. As we understand it, the proposed rule does not prohibit a driver from canceling a trip for operational reasons, prohibiting discrimination, on the other hand, against passengers or on the basis of appearance or destination is just, it is equitable, it is the standard that applies to taxis, and it should be celebrated as a complement and a backstop to what any of the companies are intending to do themselves.

Finally, we would strongly urge that all of the data collected pursuant to this package of rules be made publicly accessible for analysis and subpoenas or investigation in the case that that becomes necessary. I said I would be brief. Thank you.

MR. WILSON: And the next speaker is Tweeps Phillips.

MS. PHILLIPS: Good afternoon, Commissioner Joshi, and Commissioners. On behalf of the Committee, we'd like you to

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reconsider this rules package today. These rules as drafted do not reflect how many black car companies and drivers currently operate and to further confuse and confound the issues these rules blur, excuse me, and in some cases get rid of the distinction entirely between a yellow taxi hail service and black and livery, which is prearranged service.

To that end, we carefully reviewed these proposed rules today and I would like to highlight just a few key points. We also provided you a 15-page document that highlights in more detail our specific concerns.

An e-hail is nothing more than a hail. It provides for immediate pickup and is not prearrangement. If an e-hail is a hail as the TLC's own rules set forth, then there's no rational basis to allow black cars which are not allowed to pick up a hail, to now be able to pick up e-hails everywhere.

Accordingly, yellow medallion

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taxicabs should be the only authorized e-hail providers allowed to pick up by e-hail in the hail exclusionary zones as set forth by State law. E-hail is not a prearranged transportation service. E-hail is for immediate pickup service. You could not call for an e-hail to pick you up tomorrow, next week, or the week after. Black cars have always been limited to prearrangement and that distinction should not be discarded now.

Secondly, allowing for for-hire vehicles to be dispatched from holding lots at the airports, it eviscerates the legal exclusivity that yellow medallions have had for picking up by hail at the airport. The proposed regulations should not be about from where cars are dispatched but rather if cars are being dispatched for prearranged call, not an illegal hustle by people soliciting for Uber's service on the curb on terminals as we have documented and actually sent to you.

If this rule is promulgated as

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2 drafted, it basically will encourage
3 hustlers to continue to solicit and put
4 unsuspecting passengers in potentially very
5 dangerous situations. We do support the
6 requirement for disclosure of all
7 modifications made to an e-hail app to be
8 sent to the TLC for approval.

9 Modifications made for the good of the
10 riding public and shared with the TLC will
11 not hinder job growth, stifle creativity,
12 or prevent out of the box thinking,
13 contrary to the assertions made by Uber and
14 its delegates in the tech sector. We do
15 not see this as an overreach of government
16 but instead a tech company is attempting to
17 hide the data that is available to them and
18 how that information is used.

19 The Committee has repeatedly called
20 for a more leveled playing field. Whether
21 it is the fact that companies like Uber do
22 not have to pay the MTA tax, blatantly
23 flaunt rules and regulations, or do not
24 provide true accessible service, the
25 consumer, drivers, and hardworking business

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men and women who mortgaged and toiled to purchase an asset they were told came with certain rights are being harmed and put at a disadvantage.

We look forward to continued discussion with you and hope that you do not vote on these rules today. Thank you very much.

COMM. MARINO: I have a question. You think there's not enough regulation on Uber but you're against these rules? I'm a little confused.

MS. PHILLIPS: We don't think they do enough.

COMM. MARINO: The same as what Mr. Gerber said?

MS. PHILLIPS: Correct. And in the 15-page document that we sent, it outlines detail by detail what we think should be done.

COMM. MARINO: Are you against what these rules do in and of itself or is it that you just think these rules are good but you think they should go further?

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MS. PHILLIPS: Exactly.

COMM. MARINO: Thank you.

MS. PHILLIPS: Thank you.

MR. WILSON: Thank you.

The next speaker is Daniel Panzella.

MR. PANZELLA: Hello. Thanks for giving me the opportunity to speak. Despite the shirt I'm wearing, I drive for both platforms. I'm a driver. I'm in the streets every day. I just started driving for both platforms and Lyft, I came from being a black car driver, unfortunately the black car market is not really doing so well so I couldn't really make enough income there. I only drive part-time, three days a week because I'm also a part-time stay at home dad.

So I understand absolutely the safety concerns of the multiple devices, however, TLC rules already state that we should not be handling devices while driving. And obviously I understand that there's the practical matter of there are going to be times when we are driving, but

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I think as Diana mentioned, it's pretty accurate from a driver's perspective that if you're driving -- and I have two devices, I have a phone and a tablet both attached to the dashboard -- and if I'm driving and I hear the audio ping, I could just pop, pop, whichever one that comes up and now the other device is taken out of play.

So while I believe that the TLC rules already in place do kind of already cover the safety issue and I think that this could just become an issue for TLC inspectors to, if they see two devices, they can pull me over and, you know, take away my income from that week. So it would -- being that I'm a part-time driver, I have to pack all my driving into three days and being that -- coming from black car where I was not making enough money per day to really -- to make it worthwhile for me to do it, to be able to drive for both the major platforms really has been able to do it. I mean, listen, I'm not, you know,

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saving for my son's college yet, but I can pay the bills, I can keep my lights on. And so if I have to take away those two platforms which I understand technically you're not taking that ability away, but by not being able to use the two devices -- I've tried to use both platforms on one device and it does not -- technologically it doesn't function.

So I mean, I guess -- I'm struggling, you know, every day in the streets and the other drivers are too, and I understand that the yellow taxi drivers are too. I'd like to just quickly comment on someone else's comment that these platforms are destroying the medallion industry. And I would just say that, you know, it's a market and no entity can destroy a market. The consumers choose. If they prefer the experience of Uber and Lyft and therefore they're not hailing as many cabs on the street, or in the airports, or whatever it is, I mean, that's the consumer's choice. The consumers

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should have that choice, the drivers, we should have that choice who we want to drive for and certainly the business owners should have the choice or what type of businesses they would like to try to -- as long as they're providing legitimate service to the market, I think that should be protected. Thank you.

MR. WILSON: Thank you.

Rob Angelillo.

MR. ANGELILLO: Good morning, Commissioners. Thank you for allowing me to speak today. I'm a lawyer at Arkin Solbakken and we represent XYZ Two Way and we're easing to black car bases here in the City.

I've heard the desire to hear specifics about the rules and I'll say this, we're not anti-technology, but we are in favor of any rational implementation of that technology within the existing framework. So we urge the TLC to reject the plans -- the current rules as written or the proposed rules as written. Why? We

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think it's contrary to the existing regulatory framework and the longstanding distinction of prearrangement for-hire vehicles versus medallion yellow cabs.

Secondly, it's directly contrary to existing regulations on the books and it's going to put the black car bases in the quantity of what rules are they to follow and what rules they are not to follow.

Now, the genesis of this in our mind is the e-hail rule from about four months ago.

That rule specified that the e-hail which is in fact a hail, was for yellow cabs. It is being done by cars other than yellow cabs right now so we think that this rule that we're speaking on now is really an extension of that rule.

Now -- and permitting the black cars to essentially e-hail when for decades they have not been allowed to do that, and we think immediately that will render the medallion virtually meaningless. Why would you make that significant investment if you don't need to? But from a black car base

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perspective, look at the existing regulations and it says only prearrangement, only through the base, and in our written materials we cited to a dozen existing regulations that mandate that that's what the black car bases can do.

In looking at the e-dispatch rule, as we understand it, it is not a base affiliated app. In fact, the base affiliated app which we see is the right way to go about this, is specifically accepted from the FHV dispatch app. So what we see here is direct passenger communication with drivers by black car companies. Once that is in place and TLC has approved that, the base will lose its reason for being, and all the protections that the base provides for the public, for the drivers, to the industry which allows TLC to regulate those entities will evaporate. And we do not think this is hyperbole, we think this is inherent in why the protections were there in the first

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place and we see these rules as currently constructed as eroding those almost immediately upon their passage.

So we certainly urge the Commission to consider the apps being through the particular bases. What I mean by that is so you don't have to necessarily pick up the telephone and call the base, but if there's an app through which a dispatcher at a base can dispatch a vehicle, we see that as a very profitable and very good development for the industry. But what we're seeing now with these dispatched apps, as we understand them, is an extension of an e-hail to all cars, which we believe there are devastating effects, not only on black car but on medallion as well. And we address these issues in more detail in our submission and we would be happy to speak with the Commission about that at any time. Thank you.

MR. WILSON: The next speaker is Mohammed Moaki.

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MR. MOAKI: Good morning, ladies and gentlemen. My name is Mohammed Moaki and I am an Uber drive from Staten Island. I used to be a yellow cab driver. Driving with Uber has allowed me to earn more money and the flexibility to spend time with my family. Yesterday I was able to take care of my son, he was sick.

Recently I signed a letter with many of my Uber colleagues. That is being sent to Commissioner Arout. I am here today to read it.

"Dear Commissioner Arout, as someone who was born and raised on the Island, you understand the transportation challenges there that like us face every day. There is no subway connecting us to the rest of the City and there is limited access around our borough, but --

THE CHAIR: Excuse me, I just want to interrupt you for one moment. We're happy to convey specific issues related to transportation on Staten Island to Commissioner Arout and we can have somebody

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in the back talk to you and gather all of them to make sure that Commissioner Arout gets them, but today were discussing a set of rules packages that talk about regulating bases that use apps for dispatch and for apps. So if you have comments on that particular subject --

MR. MOAKI: No. I'm good.

THE CHAIR: Thank you very much. Please talk to someone in the back so we can make sure that we get all your Staten Island based comments. Thank you very much.

MR. MOAKI: No problem. Thank you.

MR. WILSON: Thank you.

The next speaker is Rafael Rosario.

MR. ROSARIO: Good morning, all Commissioners. Thank you for the opportunity to talk here. I want to ask you to reject the proposed rules. I am against it. I am an Uber driver and the reason is because as you clarify and I thank you for that early in the morning, that it's not about canceling, it's about

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not refusing a trip, but as it's written, it is canceling. And my question is, why am I going out of my house to cancel trips? I don't want to cancel trips, but sometimes there are things that happen.

THE CHAIR: So now that you have the clarification --

MR. ROSARIO: It still needs to be changed because it says that I cannot cancel.

THE CHAIR: It doesn't say you cannot cancel.

MR. ROSARIO: Yes. I read it last night.

THE CHAIR: We can read it out loud again. It says you must not refuse a passenger by words, gestures, canceling a dispatch or other means.

MR. ROSARIO: Yeah, but it says canceling a dispatch and I -- look --

THE CHAIR: Refusing a passenger means the passenger -- in reality, and this we're happy to clarify in the rule, means the passenger comes to us and says I was

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refused service. If you cancel a ride and nobody complains and nobody cares, there's no problem. That's not an issue. And I don't think drivers actually really -- I mean, all the drivers I speak to are not, you know, they're not going to support anything that says yes, allow us to be discriminatory. That's not something drivers hold high.

MR. ROSARIO: Thank you. And I can tell you that out of probably one fare that I canceled, either because my car didn't start at the time or because there's so much traffic that I know I won't be able to, I have like a hundred canceling from passengers. So I think it should be kept like this because -- for several reasons. Drivers and passengers, sometimes we have the need to cancel the trip. So it's not that we go out there thinking oh, I'm going out there to cancel trips. It's not about that. Once we get to the destinations, we would not refuse trips, we would not refuse customers just because of any other reason,

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you know, but it says canceling and it shouldn't say that.

Now, I want to talk about the airports because I also happen to be a worker for ten years at LaGuardia Airport and the Port Authority was stating that Uber drivers are in the airport causing traffic and all this, and I want to clarify and assure you that that's not the case. Because Uber drivers, they are dispatched through an app that immediately connect drivers with passengers and they see the picture of you, they see your information, and they even get your phone number and they can call you. These people are hustlers but it doesn't mean that -- Uber doesn't have the authority to go there and grab them, take them out of the airport. The Port Authority Police does and they do, and they find the car that they're driving, they get impounded, they get \$10,000 tickets and everything, but Uber cannot go there to enforce that.

So there is confusion here thinking

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that oh, that's an Uber driver. No. It's a hustler that probably is not even working for Uber because Uber drivers, we don't need to do that because we have direct connection to the passengers and they call us, we know where they are, they see the location, they see how we get there. Sometimes I drive, I'm picking up somebody and they just come to me and I'm like, oh. They say yeah, I know, Raphael, I saw your plate number, I saw everything. So there's confusion here between Uber drivers and hustlers. It's a whole different thing.

Now, any law, any rules and regulations that affect drivers, that affect bases like Uber and Lyft have to be really reconsidered because Uber serves communities in New York City that never had a taxi service before because it's not profitable for bases. There are locations that I picked up people that they say, wow, I never had a taxi service before because in my community we don't have that. I picked up people that live in Brooklyn, in

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Long Island, places where it is gray.

And I want to finish by saying that Uber, Lyft and many other taxi companies help the TLC, help the TLC to comply with the actual creation why the TLC was created back in 1971; that is, serving and providing taxi service to everyone equally and that's what is being done here. Trust me, Uber passengers, they are satisfied with the service. We should keep it the way it is, everything is regulated and I ask you please to reject these new rules and regulations that will just make it hard for us to work. Thank you.

THE CHAIR: Thank you very much.

MR. WILSON: Thank you.

I think now is the time, since we've been going for about two hours to give our antithetical reporter a break. So if we could stop for about 15 minutes and resume at 1:00 because we've got about what looks like about 15 more speakers.

(Whereupon, a recess is taken.)

THE CHAIR: The time now is 10:13

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and we're going to resume our public hearing. I'm going to go a little bit out of order because we had two hearings on the schedule for today, one on an SHL Fee and one on the FHV App Rules. So in deference to people that came for the SHL Fee Hearing, if we have any speakers on the SHL Fee Hearing, please come forward, I'd like to allow you to testify now and then we'll resume to speakers on the App Dispatch Rules. I had one speaker registered, Nancy Soria.

(No response.)

THE CHAIR: Okay. So we'll call again later in the proceedings if she comes back. With that, we'll go back to speakers on the FHV Dispatch App Proposed Rules.

MR. WILSON: And the next speaker is Richard Thaler.

MR. THALER: Chair Joshi and Commissioners, my comments are actually a question and the question regards the confirmation of the FHV Dispatch Application Provider company licensing

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requirements.

So I'd like to please confirm that under the proposed rules, an FHV Dispatch App Provider company that sells a white labeled FHV Dispatch Application license and that would be named under the name of the base because it's white labeled, but the base would be the sole -- the base -- it would be under the name of the base for the sole use by a licensed FHV base, its affiliated drivers and passengers, that would not require an FHV Dispatch Application Provider company license.

In this case, the FHV Dispatch Application Provider company is prohibited from operating any dispatch function on behalf of the license base, which must be compliant under the base rules which must be compliant with the dispatch rules for licensed bases. If the licensed base and the FHV Dispatch Application Provider company are compliant with the above rule requirements for base operation, could the

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FHV base use of the FHV Dispatch Application Provider company's software name of the dispatch software application be used?

And I wanted to make a direct analogy. If you are a company and you buy, let's say Microsoft Office Software to use in your company or you buy accounting software to use in your company, Microsoft is not going to operate it on behalf of your company and the accounting company is not going to use it on behalf of your company. And therefore, if there's any regulatory authority that licensed your business, whatever business it is, they would not have to license Microsoft or the accounting software company because they licensed you the software, and I think that's a direct analogy here.

So in the initial presentation that started this hearing, I don't think that issue was addressed and I was hoping I could get an answer to that if I explained it.

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THE CHAIR: So if it's an off the shelf solution, you're asking whether it would be covered by these rules or it should --

MR. THALER: Well, it would be used by the licensed base that bought the software, but would it have to be white labeled so that the base that bought the software would have to put its name on the software or could they just use the name of the company that provided, like Microsoft? Do you follow me?

THE CHAIR: Yeah. I actually don't think the rules even address that issue, so that leaves it open.

MR. THALER: Okay. Because if a company is an app provider but doesn't operate the app, no fingerprints, it sells the license to the base and the base uses it, under the rules for base dispatching, then that FHV Application Provider company would not need to be licensed?

MR. WILSON: I think that's right. I think under your analogy, we wouldn't be

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seeking to license Microsoft. We would be seeking to license the base using Microsoft.

MR. THALER: Thank you. That's all I needed to know.

MR. WILSON: Thank you.

The next speaker is Mr. Osman Chowdhury.

(No response.)

MR. WILSON: The next speaker is Avik Kabessa.

UNIDENTIFIED SPEAKER: My apologizes to the Commission, Avik had to leave and he asked that I read the testimony on his behalf. If that's okay with the Commission, may I continue?

THE CHAIR: Yes.

UNIDENTIFIED SPEAKER: Good morning, Commissioners. My name is Avik Kabessa. I am the CEO of Carmel and a Board Member of the Livery Roundtable.

I would first like to say this it is about time. These app companies were allowed to make a mockery of our entire

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grounds transportation system for too long. They were allowed to fly below the radar, above the radar, and even smash the radar altogether. You have allowed them to concede our entire City by pretending to be legal, claiming they have a base, when in reality there was never any legal connection between their apps and the bases they owned, not in a way that could hold them accountable.

Just as an example, when I complained to the TLC and provided proof that Uber, not UNTER is dispatching legal rides to Carmel's drivers, in violation of the TLC's industry notice, you admitted not to be able to do a thing because Uber was not licensed and there was no legal tie between UNTER and Uber. But better late than never, and for that I am in complete support of the rules that will force the app companies to either attach themselves legally to a base or obtain a license that will hold them accountable.

It is unfortunate, however, that

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instead of limiting their action to longer overdue licensing of the app companies, we felt compelled to also propose rules that will add an unnecessary burden on the for-hire bases.

Those are, one, requiring customers to create a log in when reserving them a car or vehicle. Only 20 percent of customers that are being offered the opportunity to create the account after they have made a reservation choose to do; i.e., even after they have entered all of the information, and all that they are required to do is open an account and a password and they still decline. Forcing customers to create a user account against their will when it does not serve any protection whatsoever is a gross violation of customer rights and no way we're doing business.

Number two, unjustify the \$1,000 fee based on leasing. Existing TLC license bases that have paid a licensing fee already should not be penalized for adding

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an app --

MR. KABESSA: So you do not charge a telephone fee for a reservation made by phone, you do not charge a website fee for reservation made by the website, you do not charge a visitation fee for a walk-in reservation. There's really no justification for a technology fee. So when it comes to license base, app reservation is just like any other reservation, it should not be taxed. Thank you.

MR. WILSON: Thank you.

The next speaker is Tarek Mallah.

MR. KABESSA: Tarek is gone.

MR. WILSON: Tarek is gone. Thank you.

So the next speaker is Stefano Pascucci.

MR. PASCUCCI: Good afternoon, everyone. I guess I have the fortune of being the after lunch hour speaker which is always the toughest. I would like to say that I feel unique in this audience in that

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I have no issues with technology or companies that are represented. I'm more here specifically for Section 6, sub letter C of the proposed rules as it relates to the airports.

I am the Executive Vice President for a company known as Airport Plazas. We develop travel centers across the country. We're in many major airports and others that continue to grow. My interest and my concern is the impact that that ruling would have on the brick and water businesses that surround the airport that cater to all the for-hire vehicles. The reason I raise this concern is that the lots that the Port Authority highlighted earlier in their presentation have existed for years and they are still barely utilized because they really don't offer any facilities for drivers or for all businesses.

Our business provides drivers with an air conditioned food court scenario, restrooms, restaurants, fueling, and the

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impact of that rule change would move what is presently about 65 percent of our customer base would be directed to lots that have no such facilities other than perhaps a porta-potty and would, I guess put drivers in a position to sit in a lot and idle their engines which I believe the City of New York also has non-idling rules and regulations. So when it's 90 degrees out and you direct the drivers to a barren parking lot with a porta-potty, I don't see how you can expect them to sit in their vehicles with the engines off and arrive at their fare looking fresh.

I have had my observations and I think a gentleman earlier made a very good point, is I have had the fortune of traveling extensively around the globe, I've been to more than 80 countries, and I can say that the situation of hustlers at airports for fares is not unique to Kennedy, LaGuardia, or any of the New York City airports. I think it's a global situation and I really don't believe that

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directing vehicles to be staged out of a specific lot is going to do anything to deter hustlers who are going to be working the terminals. Kennedy, I believe is a more extreme example because it's an international airport and many of the hustlers are praying on the fact that people are coming from overseas, may have some language barriers, and not be familiar with the infrastructure that we provide at our airports and they're praying on those individuals.

So I ask that you reconsider your position and I believe that it's also important to bring stakeholders such as ourselves who have invested considerable amount of capital in building and infrastructure that caters to the for-hire vehicle drivers, that provides them a very comfortable venue to be in, that provides them restroom facilities that are cleaned on a regular basis, that operates twenty-four by seven, that has security, that you look at perhaps broadening your

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policy in not making it specific desolate lots or parking areas at airports, but perhaps opening that language to include operators such as ourselves whose business, as I mentioned in the case of Kennedy, perhaps 65 percent of that business is derived from the for-hire market.

That's all I have to say. Thank you.

MR. WILSON: Thank you.

The next speaker is Reuben Tinkel.

(No response.)

MR. WILSON: The next speaker is Harmanto Tanusantoso.

(No response.)

MR. WILSON: The next speaker is Adalgisa Sanchez.

MS. SANCHEZ: Good afternoon, everyone. Let me introduce myself. My name is Ada and I'm here today to explain how the proposed TLC rules threaten the weight that burden all the drivers.

THE CHAIR: Can I ask you to speak up? I want to make sure we hear you.

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Thank you.

MS. SANCHEZ: My name is Ada and I'm here today to explain how the proposed TLC rules threaten the weight on thousands of drivers partners.

I immigrated to the Bronx in 1993. In 2013, my daughter became ill and I needed to find full time work to work and not only cover her medical bills, also allow me time to be home and take care of her. I heard about Uber from my brother and I changed my life. My son is also an Uber driver partner who drives between classes on weekends.

As all of you know, we have one of the worst rates in the general state, but Uber has allowed many of my neighbors, my friends and I to be able to support our families in the borough that we love. However, these proposed rules threaten that unique opportunity is false. Drivers will be not allowed to use Uber and we would like a sense of relief alleviated from working, cutting our profits, an important

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trait for us.

I am here today on behalf of Uber drivers partners to ask you to please reconsider these rules and ensure that we can continue to enjoy a great economic opportunity that Uber has offered us.

THE CHAIR: I just want to make two things clear. There's nothing in the rules that stifles drivers' flexibility or opportunities to earn income, and that's certainly not the intent or goal of the TLC ever.

There are two things you mentioned that I want to make sure you understand what the rules are. One is that at LaGuardia, we don't want people waiting and the Port doesn't want drivers waiting in the passenger pickup area to pick up waiting for dispatches. That's not prohibiting people from picking up dispatches at LaGuardia at all. That's an excellent service that helps throughput at LaGuardia and to the extent that that's generated some additional comments and some

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additional work on the Port's part by locating extra waiting space, I think that's a good thing.

And on cancellations, there's no prohibition on cancellation. It's the rule that's always been on the books, you can't refuse a passenger. So we're always here, definitely speak to us if you have any questions about the rules. It's not our intent to stifle flexibility, but it is our mission to make sure that there's good communication and the drivers truly understand what the rules are about. So I appreciate your presence today.

MR. WILSON: Thank you.

And the next speaker is Hent Nicolae.

(No response.)

MR. WILSON: Not here.

Solomon Neuschatz.

(No response.)

MR. WILSON: Matt Mincieli.

MR. MINCIELI: Good afternoon.

While I waited, I looked up the

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sub-synonyms for stifle and chilling in case you guys are tired of hearing those.

Madam Chair, Members of the Commission, my name is Matt Mincieli and I'm the Northeast Region Executive Director for Tech Net. TechNet covers many of the nations leading companies in the technology industry. TechNet champions policies in a foster climate for innovation, allowing technology companies to create, thrive, and compete to the benefit of their consumers. TechNet monitors and advocates on behalf of high tech policies across 50 states and at the federal level that propose New York City Taxi & Limousine Commission's regulations concern of TechNet because it would negatively impact such a wide and diverse segment of our membership, and we are opposed to the regulations as drafted.

I won't get into hyperbole and I do appreciate the Chair's comments earlier clarifying some of the software sections of the proposal. I did want to mention though since I've been waiting a few hours, that I

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was in Albany yesterday at Senator Golden's Cyber Security Hearing, another big issue for the tech community, and afterwards, multiple Senators asked me, they said how can we continue to build the tech industry in New York, specifically in New York City, you know, and I think the City and State have made great strides in both Startup New York and other initiatives.

But one thing that we talked about with some of the Senators at the hearing were, you know, the thought that perception is reality and New York and New York City in particular need to foster the opinion that they're open for business. And so when our members and the tech industry hears that a municipal level of government is inserting themselves in any way, front end, back end, interface of software, they get concerned.

So that's why I'm here today and I think the rule of perception is reality is real.

THE CHAIR: So let me just say on

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that point, I would encourage you then to also reach out to us directly so that we can have that conversation with your tech groups as well as, you know, other interested parties to explain what is reality versus what might be the perception which might not match reality.

MR. MINCIELI: I appreciate that offer. That's what I was going to offer. I want to be a resource. Tech Net members, I would love to, you know, in the next -- as you go through the process of reviewing the proposed rules and maybe drafting new ones, you know, we would love to be a resource.

And then I just have to mention one comment earlier I heard that someone mentioned, they thank the Commission for reigning in companies operating outside of the judicial framework. And, you know, at the end of the day, that's technology and innovation. Our companies work outside of framework.

THE CHAIR: But here in New York

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City, all of the companies mention work within the regulatory system.

MR. MINCIELI: Right. But to have the TLC implementing rules that go maybe outside transportation is a concern for some of our members.

So I just wanted to say, you know, sometimes innovation crosses boundaries and that's what tech is, it's disruptive at a certain level. And so I think sometimes that's why we get into these issues and that's one of my jobs and roles here, is to offer to be a resource to the Commission. So I look forward to continuing the dialogue. Thank you for your time.

MR. WILSON: Thank you.

The next speaker is Julian Constantin.

(No response.)

MR. WILSON: And the next speaker is Kurt Dimitriadis.

MR. DIMITRIADIS: Good afternoon, Commissioners. I'm one of the 76 companies that have apps. I've been in business

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since 2011. So I want to give you my thoughts on these specific rules and maybe make some suggestions, if I may.

So the first rule is the one device limitation. I agree with the previous person, I forget who, who mentioned two devices would be better in the sense that most people go with the monopoly because they think they're going to make more money vis-a-vis Uber or Lyft. It behooves us for the little guys to compete, vehicle bases or bigger bases, to allow people that are already receiving calls via Uber or Lyft to have a second option.

THE CHAIR: So that is something we're definitely considering. We're empathetic to that argument. We've got to balance that with safety.

MR. DIMITRIADIS: Safety, exactly.

The one-touch use, I completely agree with that and I'll speak later to safety. And let me see, I agree with the previous speaker with the no login, no user account. A person should be able to pick

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up the phone from a private line, call a base and arrange a call. It should be the same with the apps. Actually, many of my customers prefer that, vis-a-vis the login that customers don't like to use for whatever reason.

Vis-a-vis fees, when we're talking about the \$1,000 fee, that seems reasonable to me as a business person but in my opinion, it should be more like a token fee so that everybody's registered. So maybe make it 500 over the three years. I heard previous testimony of a person saying it should be graduated, you know, if you're a huge base you have, like Uber does, 15,000 vehicles, you should pay based on the vehicles that are registered.

I also don't understand, maybe you can refer me to a person in your staff, about the million dollar insurance per claim issue. I'm a tech guy. I mean, I have businesses, I'm a CPA, I don't know where to get this insurance. And I don't know how it helps me because the ultimate

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user, be it the vehicle driver and the vehicle that the base is registered to carries insurance, so I don't know why should I pay insurance on top of insurance, but, you know, that's my suggestion.

THE CHAIR: Have you actually come in yet and spoken to our staff? Because if you haven't, you really should.

MR. DIMITRIADIS: I should. That's one of my recommendations. Bear with me, Madam Chairperson.

So that's the million dollar insurance, I say we do away with it because the vehicle carries insurance in and of itself.

Now, I would like to focus on safety and I want you, if you hear anything about this meeting, about the 50 people that spoke, Uber, non-Uber, I don't care, I care about safety. Why? I'll tell you a personal issue. Five months ago my daughter which is four-and-a-half, dashed on the road and a middle-aged lady thankfully stopped and my daughter lives

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today.

Now, I sell these things to drivers and I have competitors and some of the competitors or some of the bases specifically request for rolling lists. So in other words, people are driving, they're getting a rolling list of available calls while they're driving and selecting them. Madam Chairperson, this is a recipe for disaster and I urge if you do nothing else, you create a group of all of us, invite us all, anonymous suggestions, an anonymous thing. I don't want to blame any of my competitors for selling this stuff, but this is a recipe for disaster. I mean, people are driving distracted, we have 70,000 vehicles on the road the last I checked. Let's assume that it's 20,000 that are the car services bases and 20,000 that are the black cars, it's a recipe for disaster.

So you should create a roundtable for safety including us as members because we cannot say no to our customers, we have

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to sell this. So I don't want to be part of this, you know, I do not want to be part of this non-safe operating status.

And the last thing I would urge is to include the safety as part of the Vision Zero. I know Vision Zero works. I've been at bases where the Vision Zero people come in and give a presentation and gave out pamphlets. I know Vision Zero works. So I would include the safety under the Vision Zero umbrella so that drivers and base owners are educated with these serious issues. Thank you.

MR. WILSON: Thank you.

The next speaker is Goraldo Cabrera.

(No response.)

MR. WILSON: And the next speaker, and it's the last speaker for this hearing, is Diao Ibrahima.

(No response.)

MR. WILSON: So then we'll quickly do the public hearing because I think we only have one speaker on the SHL -- Proposed SHL Renewal Fee.

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THE CHAIR: And we did call your name but you weren't here.

MR. WILSON: We'll call you again because we saw you come back, Nancy Soria.

MS. SORIA: Hi. Good afternoon, everyone, the Board. My name is Nancy Soria. I represent Green Taxis of New York.

THE CHAIR: Let me just say one thing. On the agenda, this was scheduled for a hearing and a vote. Today we will not vote. We'll just have the hearing.

MS. SORIA: Well, I'm speaking on behalf of Green Taxis of New York, a relatively new organization, just started February 3rd of this year, and we solely -- our purpose is to advocate and help our fellow SHL livery drivers with everything regarding the industry.

We were told that you guys were voting on this on the \$400 a year, 1,200 for the three years. We haven't had any industry meetings with you guys to talk about it. We were hoping if you could

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postpone it and you could have meetings with maybe Green Taxis of New York or any association that might want to say maybe something lower.

MS. POLANCO: I'm sorry. I think that's what the Madam Chair said, that we're not going to vote today.

THE CHAIR: So we'll use that time to meet with you and any other drivers' groups about that.

MS. SORIA: I appreciate it. Thank you.

THE CHAIR: You're welcome.

Okay. With that, I had made a misstatement when we went back on the record. I said it was 10:13, that was my fantasy. It was actually 1:13 and now we're ending the meeting and it is 1:40. So thank you very much for everybody who stayed for your longevity.

(Time noted: 1:40 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)
COUNTY OF RICHMOND) ss:

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 5th day of June, 2015.

JENNIFER CASSELLA

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