

Agent Rules  
June 22, 2015

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TRANSCRIPT OF THE  
NEW YORK CITY  
TAXI AND LIMOUSINE COMMISSION  
AGENT RULES

Monday, June 22, 2015

33 Beaver Street

New York, New York

Time: 11:10 a.m.

Reported By:

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2 A P P E A R A N C E S :

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4 COMMISSIONERS PRESENT:

5 MEERA JOSHI, The Chair

6 WILLIAM AGUADO

7 ELIAS AROUT

8 FRANK CARONE

9 EDWARD GONZALES

10 NORA CONSTANCE MARINO

11 LAUVIENSKA POLANCO

12

13 ALSO PRESENT:

14

15 Christopher Wilson, General Counsel

16 Christopher Tormey, Director of Applicant Licensing

17 Daniel Goddin, Assistant General Counsel

18 Staff

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20 The Public

21 The Press

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2 THE CHAIR: Good morning,  
3 everybody. The time now is 11:10, and I  
4 apologize for the wait. We're now going  
5 to begin our public meeting, and I'll  
6 start with the Chair's remarks.

7 First, I want to welcome our new  
8 Commission Member, Commissioner William  
9 Aguado, who is joining us from the Bronx.  
10 He was appointed by the Mayor and then  
11 confirmed by City Council on May 27, 2015.  
12 Commissioner Aguado has been a fixture in  
13 the Bronx since 1972 and is regarded as a  
14 leading cultural and community activist.  
15 Up until 2011, he was the Executive  
16 Director of the Bronx Council of the Arts,  
17 and now is on the boards of Bronx Works,  
18 En Foco, and Bronx River Arts Center.

19 Commissioner Aguado graduated  
20 from Hunter College with a degree in  
21 sociology and received his master's from  
22 Fordham University, also in sociology and  
23 education, and in May 2014 Lehman College  
24 awarded him an honorary doctorate of the  
25 arts. In honor of his mother, he's

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1  
2 established the Josephine Aguado  
3 Scholarship Fund at Hostos Community  
4 College to help support single mothers who  
5 maintain a B average. And for us, one of  
6 the greatest contributions Commissioner  
7 Aguado will bring to the Commission is  
8 that he's a lifelong passenger. He does  
9 not drive or own a car, and he, like so  
10 many New Yorkers, relies on our taxis and  
11 car services to get around the City. So  
12 his passenger perspective is a welcome  
13 addition to the Commission.

14 On the staff level, we have two  
15 announcements. Dawn Miller, who served  
16 the Agency with distinction as our  
17 Executive Director of Strategic Planning,  
18 has been promoted to Chief of Staff. Dawn  
19 started working for the TLC in 2011 as an  
20 analysis and has been a valuable asset to  
21 the Agency ever since. So,  
22 congratulations, Dawn.

23 And on a sadder note, on  
24 June 5th, someone who I'm sure everybody  
25 in this room knows in one way or another,

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2 our Director of External Affairs, Justine  
3 Johnson, and I don't think she made it  
4 today -- oh, she's there, there she goes;  
5 hi, Justine -- left after over five years  
6 with the TLC to be the Assistant Vice  
7 President for Government and Community  
8 Relations for the Economic Development  
9 Corporation, where she will be working to  
10 improve the City's ferry operations  
11 throughout the five boroughs.

12 (Applause.)

13 THE CHAIR: Justine always said  
14 that the TLC was her first real job, and  
15 from day one until the end she's played an  
16 essential role in the Agency's  
17 communications with the industry. She's  
18 organized and participated in countless  
19 outreach and community events, emceeding  
20 information fairs, making base and garage  
21 visits, attending Town Hall, community  
22 board meetings, and keeping peace wherever  
23 she goes, which is not an easy task.  
24 Sometimes she uses a bullhorn, but she  
25 gets it done.

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2 Her dedication to helping our  
3 industry partners navigate our rules and  
4 policies, as well as working through  
5 issues the industry has had with those  
6 rules and policies, will be very difficult  
7 to top and our next director will  
8 certainly have big shoes to fill.

9 While it's sad to see her go, we  
10 wish her nothing but success in her new  
11 position at the Economic Development  
12 Corporation and we're proud to have been  
13 the launching pad for what I'm sure will  
14 be a long and successful career. So,  
15 goodbye and good luck, Justine. We hope  
16 you come back.

17 (Applause.)

18 THE CHAIR: On June 9th, with  
19 the invaluable assistance of the New York  
20 City Council speaker Melissa Mark-Viverito  
21 and New York City media, we launched a  
22 public service announcement, which  
23 features many TLC staff members, by the  
24 way; if you look closely, you'll recognize  
25 almost all of them. In public service

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2 announcements we're highlighting the issue  
3 of service refusal. The goal is to raise  
4 awareness of the passenger's right with  
5 respect to service refusal by visually  
6 portraying examples of certain refusal  
7 types. The PSA can be seen and heard  
8 throughout the City's fleet of more than  
9 20,000 yellow and borough taxis, is also  
10 available on TLC's website, and like some  
11 of our other PSAs, such as the Buckle Up  
12 PSA, which is now playing as part of movie  
13 trailers, and our Drive Like Your Family  
14 Lives here video, which is now part of  
15 many agencies' curriculum, we hope that  
16 this PSA will be able to be distributed in  
17 a wider audience, not just inside cabs  
18 where people are already getting service.  
19 We'd like to see people that are still  
20 outside of the cabs who haven't gotten  
21 service an opportunity to see it.

22 This month we also began our  
23 Black Box Pilot. And on June 2nd, with  
24 Council Member Jimmy Vacca, we launched  
25 our Vehicle Safety Technology Pilot

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2 Program. It's an extension of our Vision  
3 Zero action plan and we hope that it  
4 brings about increased awareness of safe  
5 driving, and there's nothing like watching  
6 yourself drive to understand what you're  
7 doing right and what you're doing wrong.

8 The pilot's goal is to explore  
9 the ways in which vehicle technology could  
10 be helped to improve driver safety. The  
11 initial pilot participants are IonFleets  
12 and Mobileye, and they've installed their  
13 systems in a total of eighteen vehicles,  
14 green, yellow taxis and FHV's, and there's  
15 more vehicles in the pipeline to have the  
16 technology installed. It will allow us to  
17 evaluate the unique driving conditions  
18 found in the urban setting, such as New  
19 York City, and their effects on the  
20 for-hire industry.

21 So, we'll keep you posted as we  
22 learn more through this pilot. We expect  
23 it to run for at least a year. And it's  
24 still open, so if there's other technology  
25 providers that would like to join, please

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contact us. We'd like to have as many as possible.

On June 25th, later this week, we'll hold our first yellow taxi accessibility drawing. This is the first concrete step, I think, in furtherance of our commitment to make the taxi service really available to all of New York, and that is by making it 50 percent accessible we're doing about 40 percent accessibility on the green taxi side. But, on June 25th, we will start identifying those Medallion Owners whose unrestricted independent medallions are scheduled for conversion between January 1, 2016 and January 31, 2016, and I think that this is going to be a huge public statement of the City's commitment. But there's a lot more work to be done as our -- as the for-hire industry generally grows, that the ability for people to get service when there's not accessible vehicles in every sector is highlighted. So, we're focusing and have mandated in the yellow and green, but

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there's lots of work to be done in the future on the rest of the black and the livery car sectors to make sure that all passengers have access to those vehicles.

And, finally, we published proposed fare lease cap rules. So I would like everybody, if they're interested, to take a look, and we welcome your comments. They allow Dove Leasing to be spread out over more than three years, and that would result in a lower cost for drivers. It allows drivers to be paid out in non-cash methods so long as there's no fees to those drivers for the payouts, and provide an evening rush-hour surcharge for JFK trips.

Additionally, based on a lot of the outreach that we did in coming up with these rules, we got a lot of feedback from drivers who said they'd like more flexibility in general in the shift structure that we currently have, so we expect to be putting together some pilot proposals that would increase tremendously

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2 the amount of flexibility drivers have in  
3 determining what hours they work in yellow  
4 taxis.

5 And we will also be -- another  
6 one of our future projects is looking at  
7 our overall penalty structures with  
8 licensees to determine that they are  
9 equitable and fair across the board, so we  
10 look forward to giving you updates on that  
11 project as well.

12 And with that, we'll move to  
13 adoption of the minutes. All in favor of  
14 adopting the minutes from the May 2015  
15 Commission Meeting?

16 (Chorus of ayes.)

17 THE CHAIR: And with that, the  
18 minutes are unanimously adopted.

19 Next, we have base applications  
20 for determination.

21 MR. TORMEY: Good morning. My  
22 name is Christopher Tormey, Director of  
23 Applicant Licensing with the Taxi and  
24 Limousine Commission. This month we have  
25 three renewals and one denial for



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2 unanimously.

3 Next on the agenda -- oh.

4 THE CHAIR: Next on the agenda  
5 we have a vote on app rules, which we had  
6 a very long hearing on last month. Chris  
7 will go through some of the technicalities  
8 required to put on the record before we  
9 vote, but I just wanted to give a very  
10 brief summary of what the public gets out  
11 of these rules.

12 Number one, we made some  
13 modifications based on feedback. One of  
14 them was, we modified the modification  
15 section. We streamlined it and we changed  
16 it from a pre-approval to a notice. And  
17 on that issue, since the modification  
18 section lives in the green taxi world and  
19 the yellow taxi world, and in e-hail and  
20 in TPEP and in LPEP, we're going to make  
21 the similar changes to the modifications  
22 section in those rule packages, because if  
23 we are lessening the requirements on  
24 modifications in one sector, we're going  
25 to do the same for all of the sectors.

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Some of the other issues that were raised were drivers unable to cancel. We made no change to that section after explaining on the record that there was nothing about the rule that prohibited the drivers from canceling.

Testing devices, again, there was some criticism that we were asking for devices to be provided with us. We made a slight change just to clarify that that just meant make those devices available.

And we also re-stylized the rules so they're tech agnostic, because our point is not to go after one particular technology -- things change quicker than we do -- it's to provide baseline consumer protection and driver safety requirements that are in place regardless of what the latest and greatest technology being used in the cars is.

What did the rules provide for the public -- which, I think, is what is of greater concern -- is they do provide requirements on driver safety. The apps

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2 must be locked down when the vehicle is in  
3 motion.

4 Passengers getting receipts need  
5 to get itemization on those receipts so  
6 that they know what the charge is  
7 line-by-line, the charges that they're  
8 being charged.

9 App companies must report to us  
10 if there's a security breach.

11 Those that engage in surge  
12 pricing must provide the passenger an  
13 opportunity, get a fare estimate in  
14 dollars and cents so they understand what  
15 that surge price will be up front before  
16 the ride begins.

17 Rates must be displayed for all  
18 customers so you know before you begin  
19 your ride what the rates -- you would be  
20 charged.

21 Passengers must be informed  
22 about how to complain directly to the TLC  
23 and be told that only the TLC can suspend  
24 or revoke a driver's license. An app may  
25 kick you off a platform, but if the

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customer really wants the driver not to drive again professionally because of something they've done, they need to contact us, and that's information the apps must provide the customers.

All bases must have privacy and security policies if they collect geolocation and private data.

Apps must provide wheelchair-accessible vehicles to those customers that request them, so there's got to be an option on the app to request a wheelchair-accessible vehicle.

And all apps must have a customer service contact. It can be an e-mail or a telephone, but you've got to let the consumer have an avenue for redress in contacting the base or the app directly.

MR. WILSON: Thank you.

So, these rules were published in the City Record on April 24, 2015 with a comment deadline of May 25, 2015, and a public hearing was held on these rules on



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and have a passenger interface.

As local law requires, the final rule for Commission action was posted on the TLC's website on June 17, 2015 and was sent to the Commissioners on that date.

Any discussion, or are you ready to vote?

(No response.)

MR. WILSON: Okay.

All in favor?

(Chorus of ayes.)

MR. WILSON: The rules pass unanimously.

Next on the agenda for both a public hearing --

MR. CARONE: Mr. Wilson, before you move on to the next topic of the agenda, I just want to make a quick comment on the rules which we just voted on unanimously.

Although I don't recall hearing any testimony on the topic of accessibility and these rules at the hearing, the extensive hearing on the

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2 28th, I know we all are anxious, and  
3 certainly I'm very anxious, to hear on --  
4 how any rule or anything we do affects  
5 accessibility. I just think it's  
6 important to note that we do have an  
7 ongoing accessibility committee which  
8 considers accessibility issues, and  
9 together with the Commission's overall  
10 commitment to the issue, I think we're  
11 doing our very best. But, in the last 24  
12 or 48 hours, I know I've received letters  
13 asking that we not vote today because of  
14 the impact of these FH -- app rules on  
15 accessibility, and I for one don't see any  
16 nexus from these rules codifying and  
17 regulating the apps to accessibility of  
18 any kind, and I just see the letters as a  
19 tactic or strategy to avoid a vote, and  
20 I'm very comfortable with the rules.

21 MR. WILSON: Thank you,  
22 Commissioner Carone.

23 Next on the agenda for a public  
24 hearing are proposed rules regarding  
25 Taxicab Medallion Agents and their duties,

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2 including to remit taxes, surcharges, and  
3 other funds collected on behalf of owners,  
4 and to establishing penalties, including  
5 licensing suspension for Agents who fail  
6 to do so.

7 Daniel Goddin from the legal  
8 staff is going to give a presentation for  
9 the Commissioners.

10 MR. GODDIN: Good morning. I'm  
11 going to take a moment to go over proposed  
12 changes to the rules that govern Agents.

13 Agents assume the  
14 responsibilities of Medallion Owners when  
15 they are hired to manage medallions. Two  
16 responsibilities that the Agent assumes  
17 are, one, the collection of taxes owed to  
18 MTA, and two, the collection of surcharges  
19 owed to the TLC, for example, the  
20 surcharges for the Taxicab Improvement  
21 Fund.

22 At times, the Agent does not pay  
23 the taxes or surcharges owed and  
24 medallions are suspended or not renewed as  
25 a result of this nonpayment. The

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2 Medallion Owner often reasonably assumed  
3 that the Agent who did collect the money  
4 and has the legal responsibility to pay  
5 paid the money owed to New York State or  
6 the TLC. Current rules do not provide a  
7 way for the TLC to penalize the Agent for  
8 his or her failure to pay money that is  
9 already collected and due.

10 The proposed rule accomplishes  
11 two goals. First, it will prevent the  
12 suspension or non-renewal of medallions  
13 caused by Agent nonpayment, and two, it  
14 will provide the TLC with tools to  
15 incentivize the Agents to pay taxes and  
16 surcharges that they owe on time.

17 The proposed rule will provide  
18 the following tools to the TLC to  
19 incentivize Agent compliance: One,  
20 clarified Agent responsibility to remit  
21 collected funds; two, added penalties as a  
22 possible consequence for non-compliant  
23 Agents, such as suspension until  
24 compliance under Rule 63-08(e) and fines,  
25 a \$500 to \$1,500 fine for improper

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2 Medallion management while the Agent is  
3 suspended under Rule 63-05(d)(3) and a  
4 \$1,000 fine for failure to remit taxes and  
5 surcharges collected on behalf of the  
6 Medallion Owner under Rule 63-11(g);  
7 third, a new requirement that the  
8 suspended Agent notify Owners of  
9 Medallions it manages of the Agent  
10 suspension; finally, a requirement that  
11 the Agent applying for renewal license  
12 must first remit all collected taxes and  
13 surcharges before being renewed as an  
14 Agent.

15 We expect the new rules to have  
16 the following impact: Most Agents and  
17 Medallion Owners pay taxes on time and  
18 will be unaffected by these changes to the  
19 rules. Agents that were not paying on  
20 time now have greater incentive to do so  
21 and Medallion Owners will be likely to  
22 face penalties caused by the their Agent's  
23 nonpayment.

24 MR. WILSON: Thank you.

25 We have two speakers listed for

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2 today's rules. The first speakers is Gary  
3 Farber.

4 MR. FARBER: Good morning,  
5 Commissioners. My name is Gary Farber. I  
6 represent Abba Local Transportation.  
7 Happy belated Father's Day to the  
8 gentlemen of the Commission.

9 Okay. Once again, we're here  
10 talking about proposed rules for Medallion  
11 brokers. We understand the advantages the  
12 system has while having some kind of  
13 accountability through these brokers. I'm  
14 here to just advise you that the same  
15 system is needed on the green taxi side.  
16 I represent over 650 green taxis, or  
17 street -- SHLs. Half of my fleet is  
18 wheelchair accessible.

19 While we're going to focus on  
20 accessibility, okay, the best way to start  
21 to be able to pick up people who are in  
22 need of accessible transportation is to  
23 worry about the vehicles that are already  
24 on the road. Okay. I believe that  
25 brokers will be able to centralize that

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2 system and bring some kind of  
3 accountability to TLC and have more  
4 responsibility to put these cars on the  
5 road and actually manage the pickups.

6 I know that there is some  
7 legislation or some kind of discussion  
8 that's going on about making the system  
9 happen, available to the green side. I  
10 just want implore you to speed that up and  
11 bring some kind of semblance to the green  
12 taxi, because right now there is no  
13 semblance, and that is the reason why  
14 there's a lot of taxis that are standing  
15 in parking lots -- that are  
16 wheelchair-accessible taxis, are standing  
17 in parking lots and not in the road, and  
18 if we're going to be talking about making  
19 these cars available to people who need  
20 them, I think that that's one way to  
21 ensure that these cars are actually on the  
22 road.

23 That's all.

24 THE CHAIR: Thank you very much.

25 MR. WILSON: Thank you.

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And the next speaker listed is  
Edith Prentiss.

MS. PRENTISS: I'll pass.

MR. WILSON: Thank you.

So that's it for the speakers.  
Do any of the Commissioners have any  
questions or comments?

(No response.)

MR. WILSON: Are we ready to  
vote?

Okay. Let me just say, these  
rules were published in the City Record on  
May 6, 2015 with a comment deadline of  
June 5, 2015. No written comments were  
received. As local law requires, the  
final rule for Commission action was  
posted on the TLC's website on June 17th  
and sent to the Commissioners on that  
date.

All in favor?

(Chorus of ayes.)

MR. WILSON: And so, the rules  
pass unanimously.

THE CHAIR: Okay. With that,

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this is the end of our Commission meeting.  
The time now is 11:32.  
Thank you.  
(Time noted: 11:32 a.m.)



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