

TRANSCRIPT OF THE
NEW YORK CITY
TAXI & LIMOUSINE COMMISSION

Thursday, September 18, 2014

33 Beaver Street
COMMISSION HEARING ROOM, 19TH FLOOR
BOROUGH OF MANHATTAN

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Taxi and Limousine Commission Meeting
September 18, 2014

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HEARING CONVENED AT 10:13 a.m.

COMMISSIONERS PRESENT:

Meera Joshi, Chair

Elias Arout

Frank Carone

Edward Gonzales

Lauvienska Polanco

Jacques Jiha

Nora Constance Marino

ALSO PRESENT:

Chris Wilson, General Counsel

Allison Siegel, the Assistant Commissioner of
Licensing and Standards

Staff

The Public

The Press

Reported by:
Jennifer Cassella

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THE CHAIR: Good morning. Welcome, everyone. It's now 10:15 and we're going to call the public meeting of the New York City Taxi & Limousine Commission to order.

First, I just want to welcome our newest Commission member, Jacques Jiha. We're privileged to have with him today -- have us with him today. He was nominated by Mayor de Blasio and unanimously confirmed by the City Council on August 21st. Commissioner Jiha serves as the Commissioner of the New York City's Department of the Finance, and prior to becoming Commissioner, Mr. Jiha was Executive Vice President, and Chief Operating Officer and Chief Financial Officer of Earl G. Graves, Ltd., a prominent multimedia company.

Just to name a few of his accomplishments, Commissioner Jiha has served as a Board Member of the Ronald McDonald House of New York, a Board Member of Public Health Solutions and a Trustee of Public Health Solutions Retirement Trust, a

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Member of the Investment Advisory Committee of the New York Common Retirement Fund, and he also serves as the Secretary of the Board of the New York State Dormitory Authority. We are very fortunate to have his intelligence, his expertise and his financial expertise on this Board. So thank you very much, and welcome Jacques Jiha.

(Applause.)

COMM. JIHA: Thank you.

THE CHAIR: I'd also like to take a moment to talk about accessibility. This week, Judge Daniels approved our historic settlement, a commitment to making half of the yellow taxi fleet accessible. It wouldn't be fair to acknowledge this milestone without acknowledging those who brought us to this point, but cannot join in the celebration.

Terrence Moakley was a tireless advocate for persons with disabilities and someone that the TLC has worked closely with for many years, recently passed.

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Terry was a true pioneer in working toward accessibility in the taxi and for-hire industries, going back to at least the more than 17 years that we've known him here at the TLC. There's no doubt whatsoever that the progress we've made has some of Terry's spirit in it. I think it's a fitting tribute to Terry that the United States District Judge George B. Daniels approved the accessibility plan agreed to jointly by the City and disability advocates. In the words of Judge Daniels, "We should not minimize the importance of this historic moment. Decades from now, most will take it for granted, but this is one of the most significant acts of inclusion since Jackie Robinson joined the Brooklyn Dodgers. It's an act of a City that equally values all of its residents and visitors. I commend the plaintiff's and their lawyers for their persistence, and the Mayor and the City's representatives for the good judgment that today's agreement represents. It makes us a better

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City. It's simply the right thing to do."

I also just want to take a moment to recognize some vision zero accomplishments that happened in the past few weeks.

Earlier this month, the TLC held its first annual Vision Zero Driver Safety Honor Roll, an event at Brooklyn -- I'm sorry, BMCC to honor 295 taxicab and for-hire vehicle drivers, and acknowledges their having a minimum of five-year safe driving record. We were honored to have Mayor Bill de Blasio there to thank the drivers for their commitment to safety and the Mayor's Vision Zero plan. The honor roll honorees are a great example for their fellow drivers and we look forward to seeing many more on next years list. And we learned after the event, that Fred Amofo, our keynote yellow cab speaker, was selected by the International Association of Transportation Regulators Board of Directors to be its driver of the year and will be honored in New Orleans next week.

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And also, there's a tradition in the Policy Department, they do something called throwback Thursday, so we're going to do a little bit here. We're fortunate to have with us Caitlin Kelly, the great-granddaughter of the founder of Kelly's Car Service, who was kind enough to share with us as part of their hundred year celebration some photographs of Kelly's Car Service. And just to kind of give us an idea of what the face of the for-hire industry looked a hundred years ago. Also shared with us, her great-grandfather's hack license, as well as the rule book that was attached to it. And there are a few rules in here that drivers I think are happy that we no longer have; a \$10 fine for not providing a clean, heavy lap rope on the inside of public hack during the months of November, December, January, February and March; and for any three violations of a public hack ordinance, revocation; and for driving with a suspended or revoked license, \$50 fine, 30

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days in jail or both; and failure to notify office change of address within three days, a rule we still have that we now fine \$100 for, then it was \$10, but in today's present value, that's \$237. So, there's just a few rules that I think everybody's happy that we did alter.

Thank you very much, Kelly family for sharing this piece of history with us, and congratulations on your hundred years of bringing great service to New Yorkers. And I believe if Caitlin Kelly is here, if you'd like to say a few words.

MS. KELLY: Should I come up?

THE CHAIR: Yes, you can come up.

MS. KELLY: Hi. My name is Caitlin Kelly. I'm a fourth generation. My great-grandfather started the business and then his father -- his son, sorry, my father's father took over, then my father and then myself now. I've been working for for about several years. We're happy that we still have this business a hundred years later and we're hoping that luckily we'll

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be able to continue this on in the future.
Thank you.

THE CHAIR: Thank you very much.
(Applause.)

THE CHAIR: Next on the agenda is
adoption of the minutes from the August,
2014 Commission Meeting.

All in favor.
(Chorus of Ayes.)

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

And base applications, Chris Tormey
-- or Allison.

MS. SIEGEL: Good morning. I'm
Allison Siegel, the Assistant Commissioner
of Licensing and Standards. Today we are
presenting 41 bases for your review and
approval.

MR. WILSON: All in favor.
(Chorus of Ayes.)

MR. WILSON: Thank you.

THE CHAIR: Next on the agenda, we
have -- we actually have two rules relating
to stickers, one on the inside of the

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vehicle and the decal on the outside of the street hail livery. Dawn Miller, Director of Strategic Initiatives, is going to do a presentation on both stickers. We're then going to have one combined hearing and there will be two separate votes on these rules.

MS. MILLER: Good morning. My name is Dawn Miller and I'm the Executive Director of Strategic Planning here at TLC. This morning I'm going to do a brief presentation on two sets of proposed rules that are up for a public hearing today.

The first set of rules has to do with vehicle stickers to support the Vision Zero program to eliminate traffic fatalities by 2024. The second set of rules would require a new decal on Boro taxis to reduce passenger confusion about where Boro taxi's may make the cuts.

The first component of the proposed Vision Zero sticker rules would require the sticker you see on the slide in all TLC licensed vehicles. This sticker is called

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2 for in the Mayor's Vision Zero action plan.
3 It's purpose is to provide a daily visual
4 reminder to drivers to exercise particular
5 caution when turning. Members of the
6 industry we've spoken with have cited
7 turns, especially left turns, as a time
8 when vehicles are most likely to conflict
9 with pedestrians. This is confirmed by
10 Citywide statistics. 74 percent of crashes
11 in which a pedestrian was killed or
12 seriously injured occurred at
13 intersections. 27 percent of crashes
14 resulting in a fatality or serious injury
15 involve the driver's failure to yield,
16 especially when cars are making left-hand
17 turns on two-way streets. Several recent
18 crashes involving TLC licensed vehicles
19 have sadly followed this pattern.

20 The rules call for the sticker to be
21 placed near the top of the windshield near
22 the rearview mirror. This location was
23 selected by the Department of
24 Transportation and TLC's Safety and
25 Emissions Division because it is easily

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visible to the driver without obstructing his or her vision. The sticker would need to be affixed to each vehicle within 90 days of these rules going into effect. The TLC and other Departments, such as DOT are also putting the stickers into their vehicles as a reminder to the other drivers.

The second component of the proposed Vision Zero sticker rules would make the bumper sticker you see on this side permitted, but optional on any TLC licensed vehicle. By placing this bumper sticker on their vehicles, TLC licensees can become rolling billboards to remind other drivers that their own decisions to focus on safe driving can make a real difference and save lives. The TLC will provide these bumper stickers free of charge to interested licensee's as they visit the Woodside Safety and Emissions facility. They're actually part of a broader Citywide campaign on this message that DOT will be launching this fall, and TLC has already

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put these bumper stickers on many of its own fleet vehicles. These bumper stickers would complement passenger messaging already in many TLC licensed vehicles.

In the past couple of months, the TLC has already given out ten thousand "LOOK" stickers in Woodside to licensees who volunteered to put these stickers on their vehicles to remind passengers to watch out for cyclists and cars while exiting vehicles.

The next set of proposed rules up for a hearing today would require a new decal on all Boro taxis. The proposed decal is on this slide and its purpose is to help educate passengers about the fact that Boro taxis may not pick up in the exclusionary zone. It stems from issues we incurred from the industry in which a Boro taxi driver has just dropped off a passenger in the exclusionary zone and another passenger attempts to get in the vehicle. This sticker will inform passengers that pickups are not allowed in

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Manhattan, South of West 110th Street and East 96th Street. It will also help drivers by providing a decal to point to that will support them when they explain to passengers who try to enter their vehicles in the exclusionary zone that they may not pick them up. The decal would be required in all newly hacked-up Boro taxi's and on existing Boro taxis by the vehicle's next scheduled inspection.

And here on this slide you can see the proposed placement of the sticker. It would be on both passenger -- rear passenger doors and would go below the existing decals.

Thank you very much for listening to my presentation, and I'm happy to answer any questions you might have.

(No response.)

MS. MILLER: Thank you.

MR. WILSON: Okay. So we will go to testimony on both rules. We'll take the testimony on the street hail decal rule first, and the only speaker signed up is

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Mr. Erhan Tuncel.

And Mr. Tuncel, since I know you signed up to speak on both stickers, if you want to do both of them now.

MR. TUNCEL: Sure. I'm not sure if I gave you enough. If you need more, let me know, please.

Good morning, Chairwoman Joshi, Commissioners. My name is Erhan Tuncel. I'm the Managing Director of the League of Mutual Taxi Owners. Thank you for allowing me to testify today.

On the safety decal, we are in full support of the decal. We think it's an excellent idea to remind drivers that are turning, and especially the left turns, it offers a great deal of a blind spot and to be careful on those turns, and we think it's a good idea. And I personally feel the bumper sticker should be mandatory, not optional, but, you know, that's your call, Commissioner.

And on the street-hail decal, SHL decal, we -- I appreciate the opportunity

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to comment on this important issue, on the issue of clarity of SHL decals. I'd like to support this change of the SHL decal. However, we feel -- we believe that it doesn't go far enough. There still remains a tremendous amount of confusion around the public. They're having difficulty figuring out the role SHL plays in New York City's transportation industry. They're having difficulty telling them apart from the yellow taxis. The striking similarity between the SHL and the yellow taxi decal is causing unnecessary challenges, not only to the riding public, but also to the yellow taxi and SHL drivers.

We suggest that the airport -- we suggest that the airports be included in the proposed decal, since JFK and LaGuardia Airports are in the hail exclusionary zone. We also suggest that the T-dot decal for the SHL should be changed to a B-dot decal to be more in line with the role SHL plays in the transportation industry.

We had the opportunity to address

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some of the issues with the SHL decals today, and we ask you that you consider our suggestions for everyone's benefits. We should be free from all confusion, once and for all. Thank you for your time. I'm happy to take any questions.

THE CHAIR: Thank you.

MR. WILSON: Next we'll move to the public hearing on the left-turn decal and the safety decals. The first speaker after Mr. Tuncel is Paul Steely White.

MR. WHITE: Good morning, Commissioner Joshi, and Members of the Taxi & Limousine Commission. My name is Paul Steely White, I'm the Executive Director of Transportation Alternatives. We are a 40-year old nonprofit with more than one hundred thousand activists in our network dedicated to improving the safety of New York City streets.

I'm here today to testify in support of a rule requiring TLC licensed vehicles to post a safety reminder for drivers. This proposal will save lives and prevent

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injuries by reminding drivers to utilize extra caution while making turns on our pedestrian and increasingly bicyclist-rich streets.

Failing to yield to pedestrians is the leading cause of injury in traffic crashes in New York City. The TLC's Vision Zero Safety Decal will serve as a daily reminder to drivers to exercise caution while driving. Vision zero, of course, is a collective effort. It involves constant awareness that our friends, neighbors and loved one's lives are at stake.

Pedestrians, even when in the crosswalk are some of the most vulnerable people on our streets. This decal will help remind drivers that they are active stakeholders in achieving Vision Zero.

And finally, as has been pointed out by the two previous speakers, we know that left turns are three times more deadly than right turns. So looking at the placement of the sticker, we should bear that in mind. Thank you.

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MR. WILSON: Thank you. And I'd like the record to reflect that Commissioner Marino joined the meeting at 10:30. And the next speaker listed is Mr. Osman Chowdhury.

MR. CHOWDHURY: Hello. Good afternoon. My name is Osman Chowdhury. I'm with the United Taxi Drivers Association. First of all, the sticker is not a solution. It's probably going to turn into something because if crossing in the crosswalk type, no one follows the traffic law. If you put the sticker, the closer to people never follow any traffic law. It doesn't mean that's going to have the solution. Otherwise, if you sticker, it might not be the solution. Thank you.

MR. WILSON: Thank you. Do any of the Commissioner's have any comments, questions? Are we ready to vote on any of these?

COMM. POLANCO: Yeah. I don't understand -- someone mentioned something about the placement of the sticker. Is it

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that it's not -- it's not on the right or left? I didn't understand what he was staying.

THE CHAIR: I think -- I don't know if we can go back to the slide that shows where it's going to be placed. Is that possible?

(No response.)

THE CHAIR: It's right behind the rearview mirror.

COMM. JIHA: Is the issue is it should be on the left side or --

THE CHAIR: I think the placement is where the driver tends to look up at the rearview mirror, so it's where the driver would see it.

Paul Steely White, I think that was your comment on placement. Is that your comment that it should be on the left-hand side rather than behind the rearview mirror?

MR. WHITE: Correct.

THE CHAIR: Yes.

COMM. MARINO: My concern, and I

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think we spoke about this, my concern was that it just doesn't obstruct vision, which would be really -- defeat the purpose.

THE CHAIR: So the placement that was selected was done after vetting with Department of Transportation.

COMM. POLANCO: I'm okay then. I mean, I just had a question about that.

MR. WILSON: Okay. So we'll take the two rules in order. The first rule which we'll ask for a vote on, is the rule arising from Mayor de Blasio's Vision Zero Initiative, requires the left turn sticker and also authorizes, but does not require the bumper sticker. These rules ran in the City record on August 13th, 2014 and the comment deadline was -- I meant to say September 12th, 2014. No written comments were received. It is required by local law the final version for commission action was posted on the TLC's website on September 12th and sent to the Commissioners on that date.

All in favor.

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(Chorus of Ayes.)

MR. WILSON: Thank you.

Next on the agenda is the rule to enhance the markings of street hail liveries and ways to clarify for the public where SHL's cannot be hailed. These rules ran in the City record on August 14th, 2014 and the comment deadline was September 15th, 2014. Two comments in the form of a proposed modification were received. As local law requires, the final rule for commission action was posted on the TLC's website on September 12th and sent to the Commissioner's on that date.

All in favor.

(Chorus of Ayes.)

MR. WILSON: Thank you.

THE CHAIR: Next on our agenda is a hearing on local law -- first we'll have a presentation and then we'll have a public hearing on three local laws implementing Vision Zero Initiatives.

Before I begin, I just want to thank everyone who's in attendance today and

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everyone who plans to testify. This is a difficult and necessary area of legislation and regulation. And most of all, it's an issue that invokes emotion around loss of livelihood and loss of life. So thank you, everyone for your continued feedback. Your participation in our process makes for better regulation and a better City. Thank you very much.

Cindy Davidson, who is the Director of Policy and Governmental Affairs is going to do a brief presentation on the implementation rules proposed.

Just for the record, we noticed this for a hearing and not for the vote. The vote will happen next month, probably October 16th.

MS. DAVIDSON: Good morning, Commissioners. My name is Cindy Davidson, and I'm the Director of Policy and Governmental Affairs. This morning I will be giving an overview of the rules implementing Vision Zero laws.

More people are killed by motorists

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2 than by guns in New York City. On
3 February 18th, the Mayor announced the
4 Vision Zero initiative to eliminate traffic
5 fatalities by 2024. Earlier this year,
6 City Council passed 11 bills to support
7 Vision Zero. Three of these bills require
8 the TLC to implement by promulgating rules.
9 The first two laws here, Local Law 27, also
10 known as Cooper's Law, and Local Law 28
11 apply to drivers who are involved in
12 crashes that result in critical injury or
13 death. The third law, Local Law 30, allows
14 the TLC to restructure the critical driver
15 and persistent violator programs. I will
16 explain each of these laws in greater
17 detail later on in the presentation.

18 But first, I would like to thank all
19 those drivers who make smart decisions
20 every day and drive safely every day. The
21 vast majority of TLC licensed drivers are
22 safe, and according to 2013 crash data,
23 79 percent of drivers are roughly 90,000
24 drivers, were not involved in a reported
25 collision in 2013. The sole purpose of

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these rules that we are discussing today is not to penalize the majority of drivers that do the right thing. Instead, the purpose of these rules is to penalize the very few dangerous drivers and encourage safe driving patterns.

Cooper's Law: Losing a child is a terrible tragedy, and on January 10th, Cooper Stock, a nine-year old boy, was killed in a crash involving a taxi. Earlier this year, Local Law 27 was passed in his honor. The purpose of Cooper's Law is to set specific penalties for drivers who are responsible for critical injury or death because of a crash.

Cooper's Law is triggered by two events. First, a driver would have to be involved in a serious crash that results in a critical injury, a death or someone is likely to die. Under guidelines developed by the Police Department, the Fire Department and EMS, a critically injured person is someone who is receiving CPR, is in respiratory arrest or requires a

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life-sustaining ventilator or supplementary support.

The second event needed to trigger Cooper's Law, is that the TLC licensed driver would have to be summonsed or charged with a crime that is directly related to the crash. For example, the driver would have to be summonsed for speeding. If these two events occur as a result of the crash, the TLC may summarily suspend the driver's TLC license. As with any summary suspension, the driver may request a hearing at oath. If the judge upholds the TLC's decision, the driver will remain suspended until the driver is dismissed or convicted of the summons or crime he is charge for in relation to the crash. If the driver is convicted of the summons or crime, the TLC must revoke the driver's TLC license.

Local Law 28 applies to drivers who are involved in a critical injury crash, but who do not receive a summons or who are not charged with a crime related to the

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crash. To comply with this law, the TLC must review the Police Department's reports to determine if the driver was at fault and whether or not to seek summary suspension. After the police investigation is complete, the TLC will then review the report and the driver's TLC record to determine whether or not to receive revocation.

So how many drivers will be affected by this law -- these laws? We believe very few drivers because the majority of TLC drivers are safe drivers. The TLC licenses approximately 115,000 drivers, and based on available data and assuming existing crash patterns continue, we estimate that less than one percent of drivers per year are in a critical injury or fatal crash and would be reviewed under one of these two laws. From this small subset of drivers that are involved in a critical injury or fatal crash, some drivers would have their license suspended and some would have their license revoked. The decision to suspend or revoke the driver's TLS license, will be

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based on the violation or review or the Police Department investigation and whether or not there was a nexus or a connection between driver behavior and the injury.

Local Law 30: Also related to Vision Zero, Local Law 30 calls for the TLC to restructure the critical driver and persistent violator programs. Under existing rules, drivers accrue points on their TLC license when they get a summons from the TLC and they accrue points on their DMV license when they get points from a uniformed officer. TLC points are monitored under the persistent violator program and DMV points are monitored under the critical driver program.

Again, under existing rules, a driver will be suspended if he gets six points on his TLC or DMV license and will be revoked if he gets ten points on his TLC or DMV license. What this means is that a driver who gets three points under either program or six points total, would not be suspended. Now, Local Law 30 calls for the

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TLC to count DMV points towards suspension or revocation under the persistent violator program. So under the proposed rules, a driver who has three points on his TLC license and gets three points on his DMV license will be suspended. Please note this will not be retroactive. DMV points will only be counted under the persistent violator program if they are accrued after the rules are enacted.

We understand this is a major change to the point penalty programs, and because of this, the TLC has removed point penalties from 38 non-safety related TLC rules to ensure the impact of the Local Law only affects dangerous drivers. The new rules also include additional benefits for drivers that were not available previously.

First, a driver can now get a three-point deduction for an intensive driving course, rather than a two-point deduction. Two, the new rules will allow drivers to present an abstract to get immediate credit for the defensive driving

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course. Three, when reviewing driver records for the 15th month look-back period mandated by local law, we will now look at the date of conviction and not the date of violation. This change is made to make it easier for drivers to determine when they accumulated points that can lead to suspension or revocation, rather than using the violation date and trying to remember other violations that may have occurred around the same time.

So how many drivers will be affected by these changes? Most drivers get into very few traffic -- most drivers get very few traffic violations. In fact, in 2012, 52 percent of drivers received zero DMV or TLC safety-related points. The drivers that will be affected by these changes are those drivers who accrue six or more points within a 15-month period, and it's these dangerous drivers that the program is intending to penalize.

COMM. MARINO: Can you just give me that -- 52 percent have not received

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violations you said?

MS. DAVIDSON: 52 percent of drivers received zero DMV or TLC safety-related points in 2012.

COMM. MARINO: So 48 percent have?

MS. DAVIDSON: 52 percent.

COMM. MARINO: Right. So 48 percent have received that?

MS. DAVIDSON: Yes.

In closing, I want to remind everyone that we are here today because Vision Zero saves lives. As I noted in the beginning, more people are killed by vehicles than by guns, and that is simply unacceptable, and more importantly, it can be prevented. We all have a role to play. At some point we find ourselves being the driver, the pedestrian or the bicyclist, and to keep our streets safe and ourselves, we need to make smart decisions as drivers, or pedestrians or bicyclists. Although we are here today to improve the behavior of TLC licensed drivers, we can all follow the examples set by the 295 drivers that were

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honored last week for having spotless driving records. Like these drivers, we need to look for pedestrians in the crosswalk when turning, we need to slow down and we need to drive like our families live there.

Thank you for allowing me to speak today on the Vision Zero Laws. I would be happy to answer any questions you may have.

THE CHAIR: Thank you, Cindy.

Does anybody have questions?

COMM. MARINO: I do. I'm not sure I understand 28. I understand 27, Cooper's Law. But can you just give me the short version of 28? I'm just not sure I'm getting this.

MS. DAVIDSON: Sure. So 28 is going to come into affect, right, when the driver is involved in a serious crash that results in death or critical injury. However, they may have not received a summons for that particular crash.

COMM. MARINO: Verses 27 deals with if they got a summons?

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MS. DAVIDSON: Yes.

COMM. MARINO: Okay. So this is another scenario too where they didn't get a summons?

MS. DAVIDSON: Right. And so what we're going to do, what's going to happen is we're going to review the driver's record when we get notice of that particular crash and make the decision whether or not to summarily suspend the driver as a result of what happened with the crash. And then after the Police Investigation is complete, we'll also look at that report and make the determination whether or not to revoke the driver's -- seek revocation for the driver's license.

COMM. MARINO: Okay. Thank you for that clarification. It's much clearer for me now.

MS. DAVIDSON: You're welcome.

THE CHAIR: Any other questions?

With that, we'll go to our public hearing on these rules, and our first

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speaker is Dana Lerner, Cooper Stock's mother. And I just want to thank you very much, Dana, for coming today to share your -- to share your comments with us on this rule.

MS. LERNER: Good morning. Thank you for having me here. You've heard my name before, it's Dana Lerner. My nine-year old son, Cooper Stock, was killed on January 10th by a reckless taxi driver who failed to yield while making a left turn. My husband was holding my son's hand as they walked legally in the crosswalk. The driver claims he did not see them. My husband is 6-foot 3 inches tall. It's hard to understand how he couldn't see him.

I spent this past Monday trying to gather my thoughts for today. I wasn't sure where to begin, but then something occurred which made it very simple for me to write this. I went to see my daughter play volleyball at her school. Last year at this time, Cooper was with me cheering her on. He was her biggest fan. But on

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Monday, I sat in the bleachers watching Cooper's friends cheering without him. I do not wish this agony on anyone.

Right after the game, I hailed a cab. I take cabs very often. I'm fortunate to be able to do that. I told the driver where to go and he made a u-turn in the middle of the street. I knew he was anxious to get off his shift. He was making one more stop for me on West End Avenue. He started speeding. I asked him to slow down. I then asked him if he had heard of Cooper's Law. As with every other cab driver I have questioned, and I have questioned many, with the exception of one driver, he had no idea what I was talking about. He took out a piece of paper and tried to write down Cooper's name. I handed him a bracelet with my son's name, "Drive safely, Safe lives", and the dates of my son's birth. And I said you don't have to write to down. This is my son's name.

Will I ever get into a cab when I

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don't have to work -- when I don't have to do the work of educating the driver's myself? This cab driver was very kind and he offered his condolences. Before I got out of the cab, I made him promise me that he wouldn't speed again. He said he wouldn't.

I commend the TLC for being part of Vision Zero. I appreciate that there has been progress. Cooper's Law is very critical. Now a driver's hack license is immediately suspended when they kill or maim a pedestrian and an investigation must follow. It is just their hack license, however, that is suspended. I want to point that out. They can still drive.

I know that the TLC is required to review the NYPD investigation results. Combining the DMV and the TLC points is a big step towards getting the worst drivers of the road. However, we need you to do much, much more. While I agree that there are many safe drivers on the road, it is imperative the dangerous drivers are not

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allowed to get behind the wheel. I had two instances yesterday where I got into cabs and the first driver could not see over the dashboard and he had no idea where he was going. I had to tell him what to do. I had to tell him to turn on the meter and it was very dangerous. And then later in the evening I got into another cab and he started speeding, and I said to the driver, please stop speeding, and he said please stop speeding. He just didn't even take me seriously.

So, you know, I agree that there are many safe drivers on the road, but I also believe that there are many drivers who are not safe. They do not understand the rules. They are not paying attention, and I was floored to learn that cab drivers are not required to do a road test. How can a professional driver be hired if they have not be adequately tested on the streets of New York City? Taxi drivers should be the safest people on the streets. In what other profession is such sloppiness

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allowed?

Since my son died, I have learned the truth about laws. They are only good if they are enforced. I ask you, how do you intend to enforce Cooper's Law? If a driver's license is suspended pending an investigation, what will happen next? How will the TLC collaborate with the NYPD to make sure Cooper's Law is actually being enforced, and that an investigation is done?

Another Vision Zero Law was passed, I believe it's 19 -- one, nine, o -- making car crashes that cause an injury an automatic misdemeanor. I'm not sure if any of you are aware of this. It is not being enforced. What will make Cooper's Law different, and how will Cooper's Law be involved with this other law? It has to -- there has to be a combination if a driver is going to get a misdemeanor. How does that interface with Cooper's Law? I would like to know.

I will not stop asking questions

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until I get satisfactory answers. What is the data that you are tracking? I would like to have the names of the people who you are working with at the NYPD to make sure all officers are being educated. Officers that I have spoken to, I don't know what Cooper's Law is, what are you talking about. Oh, that's so sad that your son died. I have this experience constantly. I expect accountability from all of you. This is egregious that this happened.

And I would like to get back to this driver I was referring to before who I had on Monday night. He was very curious and clearly saddened when I pointed out the spot where my son was killed. What is Cooper's Law, he asked me, what does it mean? I told him a taxi driver's license was to be suspended if they killed or maimed someone. He said, that's not enough of a punishment. I agreed. The person who killed my son is getting off with barely a slap on the wrist. He only had his hack

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license suspended. I pray that he and other reckless taxi drivers are never given an opportunity to kill other innocent people. Thank you.

THE CHAIR: Thank you very much for your testimony. I just want to also say, we've been in contact and I do appreciate your feedback, because when you bring to our attention your experiences with taxi drivers, it helps us inform, and follow-up and figure out where we need to make improvements on enforcement and education, so it's important and we appreciate it. And on enforcement, we work closely with CIS, that's the New York Police Department's Accident Investigation Squad. It comes under the Chief Chan and they contact us within minutes of when they get contacted to go out on an investigation that involves a TLC licensee. That wasn't always the case. That's something that started probably in May.

So the history of TLC and NYPD's cooperation on this issue is probably not a

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good perspective for what the future looks like and what the current practice is now. We are in immediate contact with them and we send one of our inspectors, usually a Chief or a Deputy Chief to the accident site to assist with NYPD in anything they need to do in their investigation, and then we're kept abreast of the status of the investigation throughout the process.

MS. LERNER: Okay. I hope that that is going to happen continually.

THE CHAIR: It will, rest assured.

MS. LERNER: I also have one comment about the sticker. I think that their sticker should be written in a number of different languages, given the fact that the taxi driver's, English is not the first language for many of them. And I think it should be put in different languages so anybody can read it.

THE CHAIR: Thank you.

AUDIENCE MEMBER: Can I make a comment?

THE CHAIR: No. Excuse me. I'm

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sorry. We have a forum for public comments. You're called up one by one as a speaker. No.

MR. WILSON: And the next speaker listed is Paul Steely White.

COMM. MARINO: I'm sorry what was the name?

MR. WILSON: Paul Steely White.

MR. WHITE: Good morning, again. Thank you for the opportunity to speak. While most TLC drivers are good safe drivers, far too many New Yorker's have been killed or injured by reckless taxi and livery drivers. For-hire vehicles make up just over two percent of registrations in the City, but are involved in 13 percent of fatal and serious injury crashes. That stat was uncovered by the DOT's Pedestrian Safety Report a few years ago.

The TLC can at once acknowledge that the overwhelming majority of taxi drivers are safe, responsible drivers, while at the same time also admitting that there are thousands of licensed taxi drivers who are

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too careless, too reckless or too dangerous to stay behind the wheel.

We are testifying today in support of these three local laws. We believe that these will serve to further professionalize the fleet and really send a strong message that all licensed drivers are expected to hold the same high standard that the exemplary drivers who were honored last week are already demonstrating.

I want to point out that professionalizing the driver fleet is something that the United States Postal Service is already doing and also FedEx. For example, to be eligible to drive for the USPS, drivers cannot have more than one -- I'm sorry, more than three moving violations within three years, or one in the last year. To be a FedEx cargo van driver, their drivers cannot have citation or a conviction of driving faster than ten miles above the posted speed limit within the last year. So I think there are some great examples already in place from other

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professional fleets, and I think we can do even better.

Finally, I just want to say with respect to Local Law 30, we know it's not the authority of the TLC to make this change, but in the future, we're going to be encouraging the City Council to remove the clause allowing safety classes to be -- or in order words, we're against drivers being able to take a class and remove points. We would much rather see classes be required in addition to a penalty of points. If drivers can remove points after attending a simple educational class, it's our concern that reckless drivers will still remain on the road putting the public at risk. Thank you.

COMM. MARINO: Madame Chair, I apologize, I came in a few minutes late. This last speaker is speaking on behalf of a group, or an individual or --

MR. WHITE: Oh, sorry.

COMM. MARINO: No. It's my fault because I was late. You already spoke. I

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apologize.

MR. WHITE: Paul Steely White,
Executive Director of Transportation
Alternatives.

COMM. MARINO: Thank you.

MR. WILSON: And the next speaker is
Michael O'Loughlin.

MR. O'LOUGHLIN: Excuse me. I
recently turned old and had to start
wearing glasses, and I'm not very good at
it yet.

Good morning, Commissioner Joshi.
Good morning, Commissioners. My name is
Michael O'Loughlin. I'm the Campaign
Director for Cab Riders United. Cab Riders
United is a new organization. We're about
one month old. So far, 2,500 New Yorker's,
approximately have joined us in our
efforts.

We are -- we strongly support three
principles. We want to improve the safety
of New York taxi's and for-hire vehicles,
we want to improve the quality of service
and we want to improve the environmental

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impact. Cab Riders Untied strongly supports the principle of Vision Zero. The death and injury on our streets is unacceptable. Cab Riders United urges the Taxi & Limousine Commission to implement Local Laws 27, 28 and 30. These are common sense laws that will make our streets safer, safe for the taxi passengers, and for the drivers and for the people on the streets and the sidewalk outside the vehicle.

The overwhelming majority of TLC drivers are safe drivers. They work long hours in exceptionally difficult conditions that help keep New York moving and to create opportunity for themselves and their families. About ten days ago, we joined many of the people in this room in hailing the elite 295 drivers who have perfect records over the last five years, the honorable and safest drivers. And thank you for organizing that event to honor them. So extraordinary. Among the pool of over 115,000 TLC licensed drivers, 295,

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their achievement is truly exceptional, and the safest drivers truly deserve to be honored for that. How exceptional? One reporter calculated the figure as 0.26 percent of taxi and limousine drivers. It is an elite group. It's a very small number, but one that merits our attention precisely because they are the safest. They show what can be done and the standard by which all drivers should be judged.

On the other end of the safety spectrum, it's also true that fewer than one percent of TLC drivers get in crashes that kill the victim or leave the victim in critical condition. This too, is a small number, but a number that merits our focused attention. As we honored the elite .26 percent, the safest and most professional drivers, it is equally important for TLC and City Hall, and both sides of City Hall, to address those for-hire vehicle drivers who put New Yorker's at greatest risk, and implement fair and sensible policies like you are

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considering today to remove the most dangerous drivers from the roads. Removing the most dangerous drivers is the focus of the rules that we're discussing today and these rules are an important step towards achieving Vision Zero, but we have so much more to do even beyond this.

Cab Riders United urges the TLC to act quickly to implement the rules under discussion today, and we urge you to review them in due course to ensure they're proving effective and being applied appropriately. We then urge you to act swiftly to improve driver training and work conditions, to improve vehicle design and maintenance, to address insurance rules and accountability. The taxi and livery seatbelt law loophole; it's 2014, the era of Vision Zero and seatbelt use is not required in taxi and livery vehicles? Join with us in campaigning to change that policy.

I have some specific comments that I will not summarize -- that I will not

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address. They're in the written record. I just want to quickly close by saying, the lives of New Yorker's who ride in cabs and who walk and ride around them are fragile. It is vitally important that the cab drivers we license and entrust with this responsibility operate their vehicles safely. Safety must be the highest priority. While the rules we've discussed today focused on drivers behavior and accountability and are a step in the right direction, again we urge you to address those other facets of the industry which must also be addressed in order to achieve Vision Zero.

As previously stated, this is one among many important ways we can ensure to improve the safety of our taxi and for-hire vehicle industry. However, we urge the TLC to remain mindful that many drivers are economically vulnerable, and that the industry is not currently structured to incent the safest behavior by the drivers. The drivers who so often are put in the

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position of desperately racing throughout the duration of up to a 12-hour shift, which is longer than the Federal Government allows a long haul trucker to operate, just so they can earn enough money to pay their leases and net any profit at all. Driving a for-hire vehicle in New York City is challenging and important work. We all, drivers, passengers and pedestrians benefit when it is valued as such. Thank you for the opportunity to speak with you today.

THE CHAIR: Thank you. And next on our list is Council Member Rosenthal.

MS. ROSENTHAL: Commissioners, thank you so much for giving me a moment to speak today. I particularly want to thank Commissioner Joshi. And frankly, Commissioner Jiha, I didn't realize that you were on the TLC Commission. It's a pleasure to see you here.

You know, I hadn't -- I represent the Upper West Side of Manhattan where Dana Lerner lives, and the fatal crash was in my district on the corner of 97th and

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West End. I hadn't planned to speak today, but after sitting through the last -- hearing everyone else's testimony, I really just wanted to take a moment to recognize the role of the Council with an agency, and recognize a situation when it has worked so well. You know, when I first came into office, this tragedy occurred and here we are within nine months, putting not -- we have had City Council hearings, we've passed these bills, the Mayor has put these bills and signed these bills into law. And here we are, just a few short months later talking about the rules to implement these laws.

You know, this is an example of government working well and for all of us that, you know, love government, love public service, want to see governments succeed, you are exemplifying that today, and I really just want to acknowledge that and tell you my appreciation. I've also heard from yourselves in asking questions and in the people who -- from the people

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have been testifying, a couple of ideas that might make some sense for law changes, and certainly we'll go back to the Council to see if we can consider some of these ideas.

I very much appreciate the work of your staff, Commissioner Joshi, in doing these stickers, in working with the DOT. It strikes me that it might make some sense for all cars to have a sticker like this. I'll certainly ask to get one for my own car. We all need to be reminded to be safe drivers every day. So, I really am up here just to thank you very much for your good work in implementing these laws and I look forward to continuing to work with you in the years to come. Thank you.

MR. WILSON: Thank you. The next speaker is Mr. Erhan Tuncel.

MR. TUNCEL: Good morning, once again. My name is Erhan Tuncel. I'm the Managing Director of the League of Mutual Taxi Owners.

I would like to start by saying that

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the League of Mutual Taxi Owners and its members are deeply committed to the success of the Vision Zero initiative, and very engaged in the process to achieve its goals. However, we have concerns with the TLC's interpretation of the New York State traffic law. It's difficult to stick up for drivers today. It's a dirty job, but somebody has to do it.

Taxi drivers are receiving stipulation letters from the TLC on camera violations. Stipulation offers them an option to take a \$300 fine, in addition to the \$50 fine that has been already been collected by the New York City DOT and the three points on their hack license. I'm not a lawyer, so speaking only as a layman, after reading the section of the New York traffic law pertaining to the camera violations, I believe that the camera violation summons is issued by the TLC to the taxi drivers contradicts the article 24 of the New York State Vehicle and Traffic Law.

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So today, I would like to put a question mark to the legality of this TLC initiative, and not only the legality, I question the morality of it. The TLC is poised to combine the points for persistent violator and the critical driver programs, bringing the standards for the taxi drivers to a level never tested before. We, of course, have -- we, of course have -- excuse me. We, of course, have reservations about the power of the Local Law which will allow the TLC to combine those points, and our concern for the drivers who applied for the -- to the taxi industry.

With that said, I would like to make one thing clear. Those three points from camera violations, which could have extenuating circumstances that would be very difficult if not impossible to defend, in Court, will be detrimental to the livelihood of taxi drivers. Receiving points for camera violations will put safe taxi drivers out of business. I don't

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believe that's the intention of the Vision Zero plan. Thank you for your time, and again, I'm open to any questions.

(Applause.)

THE CHAIR: Thank you.

MR. WILSON: The next speaker is Robert Kirk.

MR. KIRK: Its been a long time since I've been at the Taxi Commission. Commissioner Joshi, my name is Robert Kirk. I have been in the taxi industry for about 45 years and recently a taxi commissioner contacted me and I sent a letter to Isabella and Weiss, and I also forwarded that letter from the mail to you --

COMM. MARINO: Can you speak up and a little clearer -- a littler louder and clearer. Thank you.

MR. KIRK: -- a letter that I wrote to Mayor Bill de Blasio, and it's about my experiences as a taxi driver. I am very deeply offended by what I have heard and my heart is broken for the woman who spoke about her child, but I will speak to her

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personally and acknowledge that.

I would like to just read a couple of paragraphs, because I actually need three hours, not three minutes. I've worked for you guys and also Mayors of Arched Watch of New York. I was also a licensed insurance investigator and I was also a licensed broker. And I didn't intend to be saying these things, but let me just read a couple of paragraphs from the letter I was told that is on your desk that was sent to Mayor de Blasio in March.

By the way, when I checked the UPS to see if you received it through certified mail, at the same time within about five minutes, I was stopped by an NYPD officer and given three bogus moving violations, bogus. And I found out a lot more about how there had been changes in 311 and 911 in the last few months, which absolutely infuriate me.

THE STAFF: Robert, if you will stay on topic, I would appreciate it.

MR. KIRK: Now I will read. These

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are just a couple of paragraphs from the three-page letter to Mayor de Blasio.

"I cannot easily explain the psychological torture so many taxi drivers experienced when the NYPD target us to meet quotas. For years now, I cannot release the images of trauma inflicted upon me as well as the sickening --

THE STAFF: Robert, you're off topic. I apologize.

MR. KIRK: Then I will read the next paragraph. This is fear. I will read the next paragraph, exactly explaining --

THE CHAIR: Mr. Kirk, I've received your letter and I have read it, and today's hearing is on the rules that are before us, but your letter doesn't touch on specific comments.

MR. KIRK: May I read the next paragraph?

THE CHAIR: To the extent it does, you could read it, but if it doesn't, we're more than happy to speak with you after the meeting.

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THE WITNESS: "I am questioning the creation of a secondary court system by the Bloomberg administration --

THE CHAIR: Okay. I'm sorry, your letter --

MR. KIRK: -- to hold taxi drivers --

THE CHAIR: -- does not touch on the rules, so we're going to have to ask you --

MR. KIRK: All of you should be given \$50,000 fines and eminent lawyers should lose their licensing if they vote for these rules.

THE CHAIR: Thank you very much.

MR. KIRK: You are criminals.

MR. WILSON: The next speaker is Richard Thaler.

MR. THALER: Chair Joshi and Commissioners --

COMM. MARINO: It's not on.

MR. THALER: What do I do?

COMM. MARINO: There's a little button on the mic. A little button on the mic.

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MR. THALER: Chair Joshi and Commissioners, I hope this is the appropriate hearing for this suggestion. Unless I've overlooked it when I looked over the Vision Zero rules, I have not seen the highest priority given to the requirement that collision avoiding systems be used in the vehicle. Many new cars come equip, they're standard equip with collision avoiding systems, accident avoiding systems. If a vehicle does not have one, there are many devices -- moderately priced devices available in the aftermarket. There's no way --

THE CHAIR: Mr. Thaler, we do have a black box pilot that is --

MR. THALER: The black box has nothing --

THE CHAIR: Yeah, is currently -- and I think probably your comments probably are more appropriately aimed at that, and we actually have people that are working on the black box pilot

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that are free to talk to you today from our policy group. If you have comments on today's rule, proposed rules, they're on -- they revolve around penalties for drivers involved in crashes with critical injury results.

MR. THALER: Understood. But I might say that the black box has nothing to do with the collision --

THE CHAIR: They're absolutely related. They're just not the topic of this specific rule package.

MR. THALER: Fine. I respect that. Thank you.

THE CHAIR: Thank you.

And next, whose just arrived, Council Member Ydanis Rodriguez who's Chair of the Transportation Committee.

MR. RODRIGUEZ: Good morning, Commissioner. Good morning, Commissioner Joshi, Commissioner Members and Industry Leaders. My name is Ydanis Rodriguez and I Chair the Transportation Committee of the New York City Council. I'm proud to come

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here -- I'm proud to come before you today to testify on support or rule drafted by the Commission in order to ensure this move implementation of Local Laws 27, 28 and 30 enacted by the Council earlier this year and signed by the Mayor Bill de Blasio in June.

I can truly testify to the positive and inclusive process under which these rules have been carefully considered and drafted. After many months of meetings with Administration, Industry Leaders, Advocate Groups, and drivers, I believe these rules will come a long way in ensuring that our City streets are even more safe and that Vision Zero is accomplished. I also believe that the impact of the percentage of drivers will be minimal as it is the basic proof that TLC licensed drivers are among the safe -- the safest in the City.

As a former livery driver -- as a former livery taxi driver, when I was 112, at Kelly Car Service, Bailey Car Service, I

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know the dedication and passion for which the drivers in our City work each day to ensure our City keeps moving. Our drivers are among the safest of any other big Cities and a applaud their commitment and to safe streets. Vision Zero is really about a change. In order for this initiative to be successful, we must all play a part of.

Today's proposal truly speaks to that commitment. I will start with Local Law 30, which I sponsor as a City Council. Under this law, the TLC is allowed to combine the points gained through both, the DMV, Department of Motor Vehicles and TLC infractions to determine driver's suspension or revocation. As we drafted this bill, we worked hard to ensure that infractions for which drivers could acquire points on their license were only based around safety infraction. We went into the rules and removed points from about 38 infractions that were not safety-related for which drivers were previously

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penalized. No longer can drivers be assigned points for not having a clean car, even though we expect that all the cars are clean.

In addition, we wanted to ensure that in an instance where fines were assigned, that those fines would not be raised if they were not directly associated with safety infractions. As the led on this bill -- lead on this bill -- led on this -- lead on this bill, it was important for me to ensure that a small percentage of bad actors are penalized in that the responsible drivers, who are the majority in the TLC industry, will be rewarded.

Under Cooper's Law, the commission will reserve the right to revoke the license of any drivers who is convicted of a traffic violation or crime involving a crime that caused death or critical injury to an individual. Local Law 28 mandates that the TLC review the finding of the NYPD investigation when a crash involves a TLC licensed driver and the crash results in

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death or a critical injury. And I know that only a small percentage of our drivers get involved in an accident when it results in someone being dead or in a critical situation.

I want to take a moment to commend the bravery of the families of victims of crashes. These family members have turned their tragedies into action and their tireless advocate has paid off. Working together, we have put forward an impressive package that will go a long way in making our streets safe. I look forward to work with each of you through the Transportation Committee so Vision Zero is accomplished and your streets are safe for all -- for us all to share and work. Vision Zero is not about data. Vision Zero is about the life of our families. Thank you.

(Communicating in Spanish.)

MR. WILSON: Thank you. The next speaker is Cliff Adler.

THE PUBLIC: He left. He's not here.

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MR. WILSON: Okay. The next speaker after that is Ms. Osman Chowdhury.

MR. CHOWDHURY: Hello. Good afternoon. My name is Osman Chowdhury. I'm with the United Taxi Drivers Association. I have been driving the last 18 years. I don't have any accidents because I'm driving very caution. But now tomorrow, maybe I have one accident. And through Cooper's Law 27, what is my punishment? I could lose my license. I'm 18 years in driving. I don't have any accident. But tomorrow, maybe an accident. What happens; I lose my license? It's a punishment. I hear that only one person that ever have a bad record. We need larger retaliation within the mediation. We call them, make better training, that does solution the problem. Out of drivers, 99 percent is a good driver, they get the punishment of the law. There's a lot of solutions. Make a mediation to have this kind of (inaudible).

Now, I understand another thing, a

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couple of parts of the law. Okay. 54-16B,
(inaudible) destination. I start my
(inaudible). I get in the car and I take
my time, sometimes forty minutes, sometimes
thirty minutes to find a spot. I pay a
12-hour shift. The traffic, I (inaudible).
And someone took the cab three or four
stops, a short time. What they wanted?
They want to double park in the fire
hydrant? (Inaudible).

I pay them a little more rent and if
they go three or four stops, never going to
make money. That's why you get lots of
accidents. (Inaudible.)

And also, a 12-hour shift, the taxi
industry (inaudible) the two driver's, one
is 12-hour, one is 12-hour. Some data has
sometimes see what time (inaudible). What
can I do there? Extra hour of the working.
If you stop this thing, we need to this to
change, because they will lose the money.

THE STAFF: Osman, you're off topic.
You're off topic.

MR. CHOWDHURY: It's a 12-hour shift

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here, it's not off topic. (Inaudible.)

The final summary, I would like to Vision Zero and I need a real vision, that means we need a couple of list of things. We need all the (inaudible). People how to driving, driver making (inaudible). How people are making the cost, all across town. This is a big problem. And also another thing, every month in the traffic safety law, (inaudible). Never going to solve this problem. People don't care about traffic law. Also, we get the TLC license like a DMV license, like getting a learner permit, I get the license. Then I go to TLC. The TLC must (inaudible) because that's the only way (inaudible). That's the beauty how to get the driving before the TLC license. These are the most important things. Thank you very much.

THE CHAIR: Thank you.

MR. WILSON: Thank you. And the next speaker is Carolyn Castro.

MS. CASTRO: Good morning, Members of the Commission, and Chairwoman Joshi.

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My name is Carolyn Castro and I'm the Executive Director of the Livery Round Table. I am here today, as is the rest of the industry, to discuss with you the rules that were up for vote for Vision Zero.

As most of you are aware, the Livery Round Table has been very supportive in promoting safer streets with the Vision Zero initiative and has shown their support by attending multiple Town hall meetings, handing out fliers, T-shirts, buttons and continuing to spread the message in order to keep the dialog fluid. We've sent out electronic corespondents, had our press team bolster the message by additional media sharings and work with key figures within City government, like City Council and TLC, for a successful collaborative effort. We've also held our own information sessions where two members of the TLC came and spoke to base owners and drivers in the industry.

So for the most part, the Livery Round Table is in accordance with the

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support -- is in accordance with and supports all that Vision Zero stands for with one exception, which is some of the speeding rules. Specifically, we find 5513A31A much too punitive given that recently the City has lowered the speed limit to 25 miles per hour. 5513A31A would place three points onto a licensee that drives just one to ten miles over the speed limit, and we understand and agree that five to ten miles over the speed limit is definitely over the limit. But arguably, you can summons a driver and give him three points for just driving 26 miles per hour. We find that that can be a bit egregious.

We'd also like the Commission to consider properly identifying 5513A33 for following too closely, 5513A34 and 5 for inadequate brakes. The rules as they are currently written do not properly define how these infractions will be determined. For example, what does it mean to be following too closely --

THE CHAIR: Just one -- the proposed

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rules don't actually change the existing speeding rules. What they do is strip away points from other rules within that chapter and they added subsections, right?

MR. WILSON: Right.

THE CHAIR: So the substance of the rule has remained the same and our proposed changes does not change them. So I understand these are sort of general objections to the rule as it stands today and as it has stood for however -- how many years is it?

MR. WILSON: Twenty years.

THE CHAIR: Twenty years. Okay.

MS. CASTRO: But with due respect, there is still no definition to inadequately inform --

THE CHAIR: That's fine, but it's not actually a comment to the proposal before us today, which is that section strips away points.

MS. CASTRO: Okay. All right.

Well, I'll just wrap up then.

We thank the Commission for looking

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into the amendment of the rules and we hope that you will take our suggestions with you in discussion. Thank you.

THE CHAIR: Thank you.

MR. WILSON: Thank you. The next speaker listed is Bill Lindauer.

MR. LINDAUER: I gladly relinquish my time to Bhairavi Desai, Executive Director of New York Taxi Workers Alliance, because no one tells the truth better than her.

THE CHAIR: Thank you. And the next speaker listed is Bhairavi Desai.

(Applause.)

MS. DESAI: Good morning, everybody. My name is Bhairavi Desai. I'm the Executive Director of the New York Taxi Workers Alliance.

So first, and I do want to say that for the record, many of us who are here today, even though we have, you know, had our conflicts and tension, as you -- I think you are aware of more than any other body in the City of New York, we all

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participated in all of the City Council hearings, many of us participated in different Town halls. And I just think it can't -- I just -- I need to say that because I do feel in a lot of the public discussions, we as an industry and as a workforce have been, you know, we've been portrayed as people that have somehow not been cooperative in this process and that nothing could be farther from the truth.

I think some of the other misconceptions I would really like to clarify are, One: For some people it seems like a driver by definition is just reckless and it is an assumption that everybody is reckless, and what we need to do is whittle down to the few people that are not. And even people who have talked about the statistic that you are safer in a yellow, green, livery or black car per mile driven than any other vehicle in the City of New York, almost say that as, you know, it's just a small achievement. And they forget the reality that this achievement is

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earned by drivers after putting in over 20,000 miles on the road per year, and through 60-hour work weeks with no guaranteed income, often little income, very high debt and no benefits, and traffic in one of the most congested cities in the world.

Throughout Vision Zero, one thing that has frustrated all of us is -- well, there's been rhetoric by many advocates that, you know, this is about shared streets. There's been very little about shared responsibilities on these shared streets and so it feels like there's an expectation that taxi drivers need to be held accountable for the actions of everybody else on the streets, and that is humanly impossible and utterly unfair.

There's also some assumption that enforcement is fair and balanced and that is not true. All who share the streets are not equally held accountable. All tickets are not warranted. All tickets for even moving violations do not indicate that the

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driver is someone with a reckless career or, you know, reckless potential. Also, there's been no consideration of the other factors besides driver's choice that come into play. You know, specifically infrastructure and the issue of having more left-turn signals. You know, you look at a place like Penn Station, we have drivers who under the Critical Driver Program have had their licenses revoked. When you look at their summons history, all these summons' came from when they were dropping off fares at Penn Station where any driver can tell you there's shortages there because everyone knows it's a ticket trap. It's a place where, you know, traffic gets bottle-necked because there's no proper place to pick up and drop off passengers at one location. And instead of addressing that infrastructure failure, taxi drivers get summonsed and you get not one summons, you get multiple summons' at a time.

While all the points may not count for multiple violations in one incident,

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the fines do add up, and if you get these tickets on multiple different incidents, the points add up to the point of a revocation. You can be somebody whose never been in an accident, but because of moving violations that otherwise would not be considered hazardous, you could lose your livelihood. And, you know, I understand that no one here wants to make, you know, the comparison between loss of livelihood and loss of lives. We, in particular don't want to make that comparison because the reality is taxi drivers themselves end up with that, you know dehumanizing choice when you look at the rate of assault that drivers face.

But livelihood is important. People need to feed their families. That's how you live, that's how you survive, and we don't want to that be taken for granted. You know, you're talking about a workforce that does not have so many options.

MR. WILSON: Could you wrap up, Ms. Desai?

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MS. DESAI: Yeah, I will, and I appreciate the extra time you're giving me.

But, you know, I just want to say for the record that we're really proud of the fact that drivers have the best driving records in the City of New York. We're proud of the fact that, you know, we get -- we're going to be safety ambassador's that really will be the face of how the streets can run better. What we ask for in return is that we're not dehumanized, we're not treated like everybody is reckless, we're not treated that nobody else has any accountability in the City of New York on the streets of New York. And that the wisdom that drivers have about infrastructure, above traffic design, these things need to be valued, and the only way you can value them is if you don't begin a conversation with people as if they're all walking criminals that are just waiting to be arrested. Thank you.

(Applause.)

COMM. JIHA: I have a question.

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2 THE CHAIR: Sure.

3 COMM. JIHA: Have you communicated
4 with the TLC of some of the challenges in
5 term of design --

6 COMM. MARINO: Use your mic.

7 COMM. JIHA: Have you communicated
8 with the TLC with some of the challenges
9 with respect to design and --

10 THE CHAIR: Actually, this is
11 something that came up yesterday and
12 Bhairavi is going to put together a list
13 that I'm going to pass on to the Department
14 of Transportation and explain to them what
15 these -- the intersections that are
16 difficult and the design ideas that they
17 have. And it's part of DOT's ongoing
18 Vision Zero workshops where they're
19 redesigning troubled intersections based on
20 community input. So this will be a package
21 I can present to them.

22 COMM. JIHA: Okay.

23 MS. DESAI: Thank you. And I should
24 say we do have specific comments to the
25 proposed language, but just after hearing

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the different testimony, it just, you know,
it felt necessary just to speak more
broadly. So I appreciate that. Thank you.

MR. WILSON: Thank you. And the
last speaker listed is Mr. Asim Akhtar.

MR. AKHTAR: Good morning
Commissioner. My name is Mohammad Asim
Akhtar. I just want to talk about the
long-term drivers rule were they're
already -- I just want to talk about the
long-term drivers rules where I have seen
the TLC reduce the car retirement age
because the Agents were -- did not meet
their requirement for TLC --

THE CHAIR: That's not really on for
today, so please --

MR. AKHTAR: Oh, okay. I just
wanted to raise --

THE CHAIR: It is.

MR. WILSON: You're right. I'm
sorry. It is.

MR. AKHTAR: It is, right?

MR. WILSON: Yeah.

MR. AKHTAR: Yeah. I just wanted to

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raise that issue because there are drivers, DOV operators where car age was reduced from seven years to four years because the Agents did not file the long-term driver needs and went with the TLC where the drivers have paid from 50 to \$55,000 towards their cars. And now they cannot have it because the Agents who are supposed to, you know, come up with the TLC requirement where they have to submit the lease agreement. So the point I'm trying to make is the driver's are who already being suffering because of that rule and because of the Agent's negligence, they should be -- they should get the one-year extension or they should get their age retirement date back from -- I mean, specifically 28th Street Management where there are a couple of drivers -- not a couple, there are more than a couple of drivers where the car was supposed to retire in 2017, but because the Agents didn't meet their TLC requirement, reduced it to 2014, so the last like three years

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where they paid, you know, 50 to \$50,000 for the car. So I mean --

THE CHAIR: I know that you've sent us some examples that we're openly -- we're active looking into, and there's someone from my staff who can meet with you in the back if you have other examples of where there has been, just due to lack of flow of paperwork, somebody hasn't gotten the benefit of the retirement extension.

MR. AKHTAR: Mostly are because of the lack of paperwork and --

THE CHAIR: So that's definitely something we can address on a case by case basis if you give us the underlying detail.

MR. AKHTAR: Sure. Because it's not the driver's responsibility and even drivers who tried to submit the documents as a, you know, they are long-term lease drivers, TLC would only deal with the Agents and Agents just -- I mean, they knew that if they were not going to meet with, you know, this requirement, the age will reduce and the drivers were never told.

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And mostly drivers will find out when they went for a TLC inspection where when they gave all the hand down, they realize oh, wait a minute, why are my Agents reviews -- and on their own when they came to TLC and they find out that, you know, the TLC sent out the directive to the owners for the long-term lease drivers and they never responded back to them.

So, I'm just saying, you know, the driver's are being punished and, you know, in this whole scenario where, you know, it's not their responsibility. It's the Agents.

THE CHAIR: Okay. Thank you.

MR. AKHTAR: Thank you.

THE CHAIR: Any questions?

COMM. MARINO: I just have a couple of comments on the rules today, and I just hope my colleagues will just think about, based on everything I've heard and my understanding of these rules.

I mean, as one of speakers said, you know, I'm sure everyone's heart is breaking

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for Cooper's mother and that goes without saying. However, there's a fine line in the law, actually not a fine line, but there is a law on the line that separates negligence from recklessness. You know, recklessness is one thing, but negligence is an accident and I think, you know, these rules could be a slippery slope to really lead to severe punishment on people's livelihoods for an accident which is negligence, which truly shouldn't be something that's punished so severely.

With respect to using the Police reports as a tool to evaluate what happens in an accident where someone is killed or severely maimed, you know, 99 percent of the time, the Police aren't an eyewitness to this accident. So, I mean, I deal with police reports on a daily basis in my business.

THE CHAIR: Just to clarify, the Investigations Units -- the Accident Investigation -- or Crash Investigation Unit at NYPD, their report is a much more

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detailed document than what you think of as a traditional police report from a crash.

COMM. MARINO: Okay. If you happen to be an accident reconstructionist or someone's looking at points of impacts, but it's still a lot of interpretation that I just want to mention.

I think another, you know, possible way we may want to approach this is more of a preventive action. Instead of trying to deal with this after someone is killed or maimed, I mean, I think that driver at that point will get if it they killed or maimed someone. I mean, no one wants to live with that for the rest of their life. Perhaps a preventative program, maybe annual driving courses or lectures or something to prevent these accidents from happening, rather than the after the fact approach of punishing a driver after someone has being seriously maimed or killed.

I just think -- I think these rules really require a lot of thought. I think on their face, in theory they sound great,

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yeah, let's, you know, zero tolerance and, you know, safety and all that. But I think these rules really go a lot deeper into constitutional issues. I can't remember the name of the clause in the constitution. If anyone --

COMM. POLANCO: Due part?

COMM. MARINO: Well, no, not due part. There's a clause in the constitution about someone's right to earn a living and I think these rules may have a potential to overlap with infringing on our right. I just think that they require a lot of thought and consideration before we implement them.

COMM. GONZALES: First I'd just like to say and publicly support Vision Zero, and this has been, you know, one of those things, as one of the speakers said, it's pretty good government in that we had an issue unfortunately, but we have rules before us today that were in the presentation today. Me being from the banking industry, we've been dealing with

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trying to get rules in place from Washington since 2008, so this is great government here.

A couple -- one comment as far as just structure and then also maybe just something where I would like to reach out to the drivers. One as far as structure, there's -- in the rules before us in various sections, depending on the type of licensee that it addresses, there are a couple of terms, "serious crash" and "critical injury". And I see the definitions embedded in the section themselves, which I'm okay with. I think it's actually good that they're there, but from a structural perspective, should we have the terms "serious crash" and "critical injury" explicitly defined in the definition sections in chapter 51? It's just a suggestion.

And then also reaching out to the drivers here. As far as, you know, thinking of the drivers as a hard working team, and with most teams in most

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organizations, you have long-term veterans and you have new members coming in, you also have some members that, you know, may need some encouragement. If not done already, I'm reaching out to you to have the long-term drivers who show exemplary safety records and service, reach out to those drivers who may need a little bit more encouragement on how to approach driving in New York City in a safe manner. It can be done. We had almost 300 drivers who proved it can be done. We hope to have more next time. Thank you.

COMM. AROUT: No comment.

COMM. JIHA: Just a bit concerned about the point that Commissioner Nora was -- with respect to somebody's leaving -- being taken away from them because of an accident, and I think we -- this is a very fine line and we have to really think through that issue to see how best we can find a way to mitigate that proximity because it's going to impact a lot of folks --

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COMM. MARINO: What was that?

COMM. JIHA: It's going to impact a lot of people. We may think about one percent as not a significant number, but you're talking about a large role. And so therefore, we have to take that into our consideration seriously and, you know, I think something we should think through very carefully. I don't know what the solutions is, what kind of solution we could come up with, and given that it's work that come out of the law, but I think we have to find some kind of way to deal with this issue.

COMM. MARINO: Just a sub point, it was the Privileges and Immunities Clause that I was referring to before in the Constitution. Thank God for Google.

COMM. POLANCO: I just want to add that basically it's great to see, as always -- well, not as always, but many times when we have leader rules like this that are kind of come up or provoked, to see many members of the industry joining

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together. Because I don't know the history in City Hall, but I know here, drivers groups, we have the owners and we have the riders, have joined together because everyone really is concerned about safety; safety of the driver's, safety of the rider and so forth, and we all think about that. I don't think that anybody here is trying to minimize the safety issue or the livelihood issue of anyone. But when we have a package like the one that we have, I have serious concerns about it. I do understand there's a law that was passed and that as an Agency, we have to kind of go along with it, I suppose, if that's the right word, but I have serious concerns with these rules.

I mean, someone mentioned, just a little example that I want to give, I forgot, I'm sorry, you're name, but basically someone who has an 18-year history of being a good driver and one day he just steps out and, I don't know, picks up the phone or maybe the son -- who knows

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what happened that day, when he made that left turn and he killed someone and then that's it, his livelihood is gone. And I think that we just have to be very careful with that.

But basically, I suppose we have a month to go to do our tweaks here and there. Thank you.

THE CHAIR: Thank you. And I think that concludes today's hearing, and thank you everybody for your participation. It is 11:50. Thank you.

(Time noted: 11:48 a.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 30th day of September, 2014.

JENNIFER CASSELLA

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