

Taxi and Limousine Commission Meeting
October 15, 2015

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NEW YORK CITY
TAXI & LIMOUSINE COMMISSION
COMMISSION MEETING

October 15, 2015
10:20 A.M.

33 Beaver Street
New York, New York

Present:

MEERA JOSHI, CHAIR & CHIEF EXECUTIVE OFFICER

BOARD OF COMMISSIONERS:

ELIAS AROUT
EDWARD GONZALES
LAUVIENSKA POLANCO
NORA C. MARINO
FRANK V. CARONE
JACQUES JIHA

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2 that and, if not, they can get one easily
3 before then. And in the next couple of
4 days we'll be sending out industry
5 notices that will give you a little bit
6 more detail about how to do that process.

7 Another way we're trying to
8 improve the interaction between our
9 licensees and the staff at licensing, in
10 terms of providing information and moving
11 driver applications along, is using text
12 messaging which we'll roll out in the
13 next few weeks. So if there is missing
14 requirements from your application, we'll
15 start by notifying you via a text message
16 in hopes that that's a more efficient way
17 to communicate gaps in licensing
18 procedures than our current mailing
19 system and sometimes e-mail.

20 So for drivers to get these text
21 messages, we'd love to get your feedback.
22 I hope that it generates a more
23 responsive system than we have today.
24 And we hope to roll it out in all of our
25 communications, so that's per vehicle

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MS. MIOLA: Thank you.

CHAIR JOSHI: Next on the agenda is a vote on taxi improvement fund rules. We had a hearing last month. Chris Wilson will go through the technical changes. But the biggest change was based on feedback we received from the hearing. There was a request that the distribution be extended to current medallion owners who are required to hack-up accessible vehicles that have accessible medallions, and so we said we would take that back and see if we could accommodate that. And we determined that we can. And they can be given funds to defray the cost of the accessible vehicle on the same terms of the converted accessible medallion, which is every other vehicle. And we've also added that those medallions are required to be participating in our accessible dispatch program in order to receive the vehicle and maintenance funding. So Chris Wilson can give a summary of the

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2 Any questions?

3 All in favor?

4 (Whereupon, there was an
5 unanimous vote.)

6 MS. WILSON: It's unanimous.

7 CHAIR JOSHI: Next on the agenda
8 is a leasing proposal for a flexible
9 leasing pilot. Deputy Commissioner Jeff
10 Roth is going to do a presentation, and
11 then after that we can move to vote.

12 DEPUTY COMMISSIONER ROTH: Good
13 morning, Chair Joshi, and Commissioners.
14 My name Jeff Roth, Deputy Commissioner of
15 Policy and External Affairs here at TLC.

16 Today I'm asking the
17 Commissioners to authorize a new pilot
18 program that will permit flexible taxicab
19 leases and promote improvement of taxicab
20 lessor operations.

21 Current TLC rules set the price
22 for medallion lease per shift. Shift
23 prices are set on a 12-hour lease
24 structure, and prices are specific to
25 each day and time. Although not required

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to do so by TLC rules, the majority of lessors have consistently offered taxicab shifts beginning at either 5:00 a.m. are 5:00 p.m. Historically, the reason for running a 5-to-5 shift lay in the desire to provide morning drivers with approximately one hour of trips, the 4 clock hour, during the high demand evening rush hour. With most lessor locations in Queens, Brooklyn and the Bronx, drivers must take the trip back and forth to Manhattan during shift change. Making this roundtrip in rush hour traffic means an increase in off duty time, and both the morning and evening drivers lose fair opportunities during the time when the rush hour surcharge is in effect.

The current shift change structure also impacts passengers. This chart shows, on average when taxicabs are available. The orange indicates the time between 4 and 6:00 p.m., a time when fewer taxicabs are available for

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passenger service as they return to the garage for shift change. The lower level of service occurs despite the high demand during the rush hour period for taxicabs.

This data, combined with the information gathered during the lease cap review outreach done in the spring of this year, indicate that the current TLC lease cap rules and shift change practices contribute to a decline of available vehicles during an increase of passenger demand every day from 4 to 6:00 p.m. Not only is this an inconvenience for passengers, it also means lost fair revenue for drivers. Instead of providing needed service, drivers who lease taxicabs, on a daily or weekly basis, are often fighting traffic returning to or coming back from the lessor's garage before the end of their shift.

To address the challenges of shift change, the TLC is proposing the "Fair Share" pilot. The pilot will

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evaluate whether moving from a flat leasing structure to a percentage-based leasing structure will result in optimized shift times that take advantage of P.M. rush hour to increase driver income.

We hope the pilot will offer more flexibility in the hours drivers lease the cab, thereby eliminating the industry-wide practice of shift change between 4 and 6:00 p.m. Shift changes occurring earlier or later than current practice, during times when traffic is less congested, would make the shift change more time efficient. This, in turn, would benefit passengers by keeping more taxis on the road during peak demand times.

A percent-based leasing structure also lowers the risk a driver takes when leasing out a taxicab. Taxis that today sit on the lot could be leased to drivers for shorter hours without drivers taking on the risk of paying upfront costs and

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wondering whether they will make enough money during the shift.

Based on a review of existing lease cap share of taxis' potential fare revenue, TLC has identified a maximum fare split for the pilot which will allow owners to charge up to 35 percent of fare revenues to the driver. The driver would be entitled to keep at least 65 percent, and 100 percent of any tips. The owner percentage includes the credit card surcharge that drivers pay separately today.

TLC examined revenues from fares and surcharges with a total weekly potential income of nearly \$5,000 per cab. When spread out over fourteen 12-hour shifts, this works out to \$356 per shift in farebox revenue. The average lease cap per shift is \$126, when looking at lease caps for both gas and hybrid vehicles, and including the credit card surcharge of \$11 per shift. The average lease cap is 35 percent of the

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lessors must still include all items required by TLC rules today, but all participating lessors must also include whether the lease falls under the standard lease cap or the pilot percentage.

These criteria will evaluate whether this pilot increases the efficiency and flexibility of the medallion industry including:

Driver satisfaction, safety and profitability to insure drivers continue providing service in the medallion industry;

An increase in the number of trips completed in total farebox;

Increase taxicab availability during peak hours, and a change of traveled time to participant facilities, allowing drivers to spend less time in rush our traffic during a shift change.

Should the resolution pass today, additional information about the pilot will be, and the MOU will be posted on

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2 out web site. If this resolution is
3 adopted, during the rollout TLC will
4 continue working for stakeholders on
5 alternative leasing models. One model we
6 are currently researching would provide
7 an hourly cap offering the same
8 flexibility for shorter shifts while
9 preserving a flat rate leasing structure.
10 So stay tune. More to come.

11 Any questions?

12 COMMISSIONER MARINO: I know this
13 is -- have we've gotten any feedback from
14 this from drivers and fleet owners?

15 DEPUTY COMMISSIONER ROTH: We did
16 extensive outreach during the fare lease
17 cab review back in the spring. We talked
18 to hundreds of drivers at JFK and at
19 garages. We talked to over a dozen
20 leasing garages. All of them were asking
21 for more flexibility. And we think this
22 is one way to do it. We've previewed
23 this with a few fleets already. And
24 people like the idea of the flexibility.
25 Once it's posted we'll continue to work

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1 authentication, credit card processing
2 and electronic trip recording. In
3 addition, TPEP systems were required to
4 provide a PIM to facility the payment
5 process and those screens are also used
6 to play media content. We believe the
7 technology now exists that can provide
8 the core systems of a TPEP without a PIM,
9 potentially allowing for a more
10 streamlined technology system.

11 Participants piloting the removal of the
12 PIM must still provide all of the core
13 services of a traditional TPEP, but
14 without the use of the PIM. By opening
15 the door systems without PIMs the TLC
16 seeks to identify and update rules that
17 may be overly proscriptive.
18

19 Now I'll explain the structure of
20 the pilot. Firstly, the pilot will be
21 limited to the yellow taxis and will last
22 for one year. As currently formulated in
23 the resolution, a maximum of four pilot
24 participants could offer a new in-vehicle
25 technology pilot system, with each

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2 participate being allowed to install its
3 equipment in a maximum of 1,000 taxis
4 over the duration of the pilot. However,
5 participants will not have access to all
6 taxis immediately. Participants will be
7 allowed to install their systems in a
8 smaller set of vehicles, initially only
9 ten, and must pass reporting and
10 evaluation benchmarks to be allowed to
11 install their equipment in more vehicles.
12 This slow rollout is designed to allow
13 TLC to keep a close eye on the new
14 systems and insure they are performing
15 satisfactorily in the real life
16 environment of New York City taxicabs.
17 All pilot systems must still accept
18 credit cards and must comply with
19 applicable PCI standards in order to keep
20 passenger credit card information secure.
21 All pilot systems will be tested by TLC
22 staff prior to approval, and in addition
23 all GPS-based meters will be tested in
24 conjunction with the New York State
25 Department of Agriculture and Market's

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Division of Weights and Measures. All pilot systems must also comply with all accessibility requirements currently applicable to TPEP, including Local Law 57 requiring yellow taxi technology to be accessible to the blind and visually impaired. TLC will consult with The Mayor's Office for People with Disabilities and the disability community when reviewing and approving proposals.

Pilot systems will be evaluated on passenger and driver acceptability data, which will be solicited through a variety of sources including surveys, focus groups, and 311. The pilot will also evaluate the cost and durability of the hardware and software in the pilot. Pilot participants will still submit trip records required of the existing TPEP providers, and those trip records will also be reviewed when evaluating the viability of the GPS-based meters. A summary of the findings will also be shared with the National Working Group on

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GPS taximeter standards to help them develop and inform their work in defining standards.

In conclusion, this pilot encourages innovative technology approaches to allow more streamlined solutions, potentially improving the customer and driver experience in taxis, and possibly lowering equipment costs.

At this point, if you have any questions I'll be happy to answer them.

CHAIR JOSHI: Can I just make one comment, because we received a lot of feedback since we published this pilot on Friday, it appeared on our website. I think three themes came through: One, there is interest in alternatives to the current equipment that's in the backseat of the taxicab and there is also interest in information -- some of the information that's provided through that backseat, for example, promotions for New York City events.

Second, there was concerns raised

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about virtual GPS meters and their accuracy and the testing of new payment systems.

And third, there was concerns raised about the ability to meet Local Law 57 which has requirements on visual accessibility, requirements for the equipment that's in a taxicab.

So I think, you know, we've had, or at least I've had some time involved, and as well as with the staff, to digest a lot that. And as to the first point, those that are interested in alternatives have encouraged for a vote today, and us to embark upon this pilot quickly. As to the second and third point, there's been a request to delay the vote to discuss further parameters of the pilot and how would we insure accuracy of payment, and fare, and meet the requirements of the Local Law 57.

So my recommendation based on that feedback at this point is, I'm not inclined to defer the vote. I think we

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should vote today. TPEP is a tremendous asset in the industry. It captures trip information, it allows us to communicate with drivers, accurately tracks payment and fares, and provides passengers with some information. It is vital and so testing it to come up with better, newer ways to provide this is good for the City, it is a priority for the agency, and we really encourage existing technology providers, as well as new technology providers to take this opportunity to test out new equipment.

I do want to address the issues regarding the accuracy of fare payment -- and fare and payment. So fare calculation and payment. All of the equipment that we will test, should the pilot be approved, especially on the meter side, will be done in conjunction with the Department of Agriculture and there will be rigorous testing before anything can go into a single taxicab. And when it goes in it will only go in on

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a slow and deliberate schedule. So that's ten taxicabs in the beginning, and we have to see how they perform before we let people go into other taxicabs. And as far as Local Law 57, as the pilot has proposed, makes clear, compliance with that is not a choice, it is a mandate.

So every piece of equipment must meet the spirit and the letter of Local Law 57. So notably that's why the pilot does allow for a backseat payment swipe, which is one of the features -- one of the ways you can comply to make it easier for the visually impaired sitting in the backseat. We welcome the disability community's input in reviewing new products and evaluating ones to determine which ones are appropriate for testing in our pilot. And to that end we are committed to reviewing products in conjunction with Counsel Member Vodka who is the author of Local Law 57, Governor Patterson who's expressed a keen interest in this area and seeing improvements in

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this area, as well as the Lighthouse Guild who we've been in contact with throughout this proposal process and have been a great source for information on what works and what doesn't work. So we look forward to that partnership.

But being mindful of the concerns raised, particularly as they relate to the number of possible pilot participants, the worrying being that anything substandard could affect thousands of passengers, and in light of the fact that we do and must have a deliberate process, mindful that people put a lot of trust in us when they step into a cab, I'm recommending, at this point, that we make a downward adjustment to the number of participants that was originally proposed. And I suggest that we cap the total number of vehicles at 1000, and allow each of the participants to have 250. And I'd ask that the commission commit to revisiting this early in the new year to determine

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innovation and technology, but we want to be mindful when we do that that we keep in mind that the pilot program is meant to be an experiment and a test. And it could be disruptive, or it could be very beneficial. But it is an experiment and a test. And I do agree, in order to keep with that philosophy of experimentation, the number should be lowered. And I'm also saying that, mindful of conflict potential, other law, in this case Local Law 57 which mandates an accessible payment system for the blind and visually impaired.

So I'd be very interested to see how this pilot shakes out and is consistent with Local Law 57. I'd like the commission revisiting this in a couple of months and looking at the data. And I look forward to hearing about the data. But with a lowered amount I would support this pilot today.

COMMISSIONER GONZALEZ: I would also like to say, A, I support the pilot

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with the lowered amount. And also being on the commission back in 2005 before it rolled out the PIM or the TPEP that's in the cabs, again I remember that the backdrop, there was a lot of uncertainty with respect to how this is going to work. It was primarily a cash-based system. It took, again it took a while just going from an idea to having something actually sitting in the cabs.

I do believe that things are -- technology has improved, that we should explore a pilot such as this, because if, for nothing else, it's also just maybe there is something within the new technology that we didn't take into account. Also just customers' preferences for payments and content and things like that change over time. So we rather have, at least, a somewhat controlled pilot program to start to explore and get the ball rolling on should there be a need for improvements or adoption of new technology that we

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for gathering the data when it doesn't work in the dead zones. So that's part of the testing to see which of the backup systems are most reliable and how that combination works, but it is primarily GPS-based. There are systems out there now that are functioning like that.

COMMISSIONER MARINO: So it's all part of the pilot to see which ones work.

CHAIR JOSHI: Yes, it's actually part of the pre-qualification. If you can't function in the dead zone you're not even going to be able to participate in the pilot.

COMMISSIONER MARINO: Thank you.

COMMISSIONER JIHA: A quick question to you, would you take into account Mobile Wallet as a form of payment going forward, to using the technology.

MR. GARBER: Say that again?

COMMISSIONER JIHA: Would that take into account Mobile Wallet, like Apple Pay, Google Pay? Since you're

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2 looking forward to using the technology,
3 are you taking that into account for the
4 payment system.

5 MR. GARBER: They will still have
6 to take --

7 COMMISSIONER JIHA: They will
8 take credit cards.

9 MR. GARBER: They will take
10 credit cards, yes.

11 COMMISSIONER JIHA: I'm asking
12 you, are you thinking about Mobile Wallet
13 going forward?

14 CHAIR JOSHI: It is already
15 approved, so they already take Apple Pay
16 and Mobile Wallet, and that wouldn't
17 change.

18 MR. GARBER: Those have to do
19 without payment.

20 COMMISSIONER MARINO: One other
21 quick question. The companies that are
22 going to sign up for the pilot, are they
23 going to pay for this equipment transfer
24 or who is paying for that?

25 CHAIR JOSHI: I would expect they

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would, because I would think that most people would not be willing to participate, vehicle owners, if they have to pay money out of pocket. They've got existing equipment, so I don't assume they would be encouraged to change unless it makes economic sense for them.

COMMISSIONER MARINO: Okay.

MR. WILSON: The pilot resolution was posted on the commission website on October 9th and sent to the commissioners on that date. As Commissioner Joshi just indicated, she's proposed to lower the number of vehicles participating in the pilot to 1000.

And to do that it is therefore proposed that the language of Section 5E of the resolution which called for 1000 vehicles to participate be amended to read as follows:

"Each participate may install its GPS meter and/or alternative technology solution in participating vehicles in a series of tranches to be further

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2 described in the MOU. During the initial
3 tranche a participant may install its GPS
4 meter and/or alternative technology
5 solution in a maximum of ten vehicles.

6 During the second tranche, a participant
7 may install its GPS meter and/or
8 alternative technology solution in a
9 maximum of nine additional vehicles.

10 During the third tranche a participant
11 may install its GPS meters and/or
12 alternative technology solution in a
13 maximum of 150 additional vehicles for a
14 maximum amount of 250 vehicles during the
15 pilot.

16 "Following the conclusion of each
17 tranche a participant must meet reporting
18 revaluation bench marks further described
19 in the MOU, before the TLC permits a
20 participant to install its GPS meter
21 and/or alternative technology solution in
22 the next tranche of vehicles."

23 So our first step here is, we
24 have to approve the amendment if we want
25 to move forward with the amendment.

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2 So all in favor?

3 (Whereupon, there was an
4 unanimous vote.)

5 MR. WILSON: And I guess, we can
6 approve the pilot.

7 All in favor?

8 (Whereupon, there was an
9 unanimous vote.)

10 CHAIR JOSHI: With that the
11 meeting is adjourned. And it is now
12 10:50.

13 We have one thing to correct on
14 the record on the minutes. Commissioner
15 Jiha was present --

16 MR. WILSON: Yes, Commissioner
17 Jiha was present on September of 2015, so
18 the final minutes will reflect that.

19 (Time noted: 10:52 a.m.)

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