

NYC - Taxi & Limousine Commission Meeting
February 5, 2020

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NEW YORK CITY
TAXI & LIMOUSINE COMMISSION
PUBLIC MEETING

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33 Beaver Street
New York, New York

February 5, 2020
10:11 a.m.

H E L D B E F O R E:
JACQUES JIHA, Acting Chair
CHRIS WILSON, General Counsel

BOARD OF Commissioners:
BILL HEINZEN, Acting Commissioner
BILL AGUADO
THOMAS SORRENTINO
LAUVIENSKA POLANCO
STEVEN KEST
KENNETH C. MITCHELL

Sabrina Brown Stewart,
Court Reporter

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MR. JIHA: Good morning. Welcome to the Taxi and Limousine Commission. Let the record reflect that we have a quorum for the meeting.

Today, the Commission will vote on a rules package to repeal the requirement that certain taxi owners must purchase the Taxi of Tomorrow. And then a vote on a rules package to implement the accommodations from the TLC investigation of taxi brokers, which occurred in 2019.

Bill, would you like to add anything?

MR. HEINZEN: Good morning. Thank you. I did want to mention that the Chief Chaplain Archbishop Hartman for TLC's Enforcement has had some health issues lately. And I just wanted to say to him, and to his family, that we are all keeping you in our thoughts and we wish you the best. So, I just ask that people do keep him in their thoughts.

As Commissioner Jiha mentioned, today the TLC will vote on a package of rules that flow from the broker investigation that Mayor

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2 de Blasio ordered this summer and that TLC
3 worked on, along with our partners at
4 Department of Finance and Department of
5 Worker and Consumer Protection. We think
6 that these broker and agent rules will
7 greatly increase the amount of transparency
8 in the process and information. And
9 information that's available not only to
10 potential medallion purchasers, but also
11 information that's available to TLC and that
12 will help us to audit and evaluate the health
13 of the industry. Our new business practices
14 accountability unit will play a key role,
15 both in collecting and analyzing this
16 information, doing periodic audits of the
17 industry and also feeding that information
18 into TLC leadership so that that information
19 is fully incorporated into our
20 decision-making process.

21 These rules, as we have said, are just
22 one part of a larger effort. And this effort
23 that we have taken to try to help and to
24 stabilize the medallion industry stretches
25 back over a few years after the first major

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2 disruptions done by the apps. As you know,
3 for many years TLC lacked the power to mimic
4 the number of for-hire vehicle licenses and
5 we have had that power since 2018. And we
6 have seen that the overall number of licensed
7 drivers and vehicles, both of which had hit
8 record highs, have begun to decline. And
9 this, combined with the increased
10 responsibilities that we have put on the apps
11 to provide trip and fare getting into the
12 City to pay their drivers fairly and to
13 provide accessible service that made it
14 important to bring more stability, more
15 predictability.

16 There's still a lot more to be done for
17 the medallion industry and for all the
18 sectors that we regulate. But we're lucky --
19 I just want to point out to say, the City is
20 lucky and the industry is lucky. We have
21 very intelligent and engaged commissioners.
22 I can never say enough that those of us who
23 don't work for the City, they do not get
24 paid; they do this on a volunteer basis. And
25 these commissioners, some of them are

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2 selected by the mayor directly, some of them
3 are appointed on the recommendation of the
4 different council, pro-delegations. But all
5 of them come together and they all -- we have
6 seen them over and over come together, and
7 they make decisions based on what's the best
8 interest of the City, mostly the best
9 interest of the drivers and passengers. So,
10 I just want to thank them. We're also lucky
11 that Commissioner Jiha agreed to serve as
12 acting chair despite having at least one
13 other day job. So, we appreciate that very
14 much.

15 Also I just want to thank the drivers
16 of the small businesses who we regulate and
17 who have come to these hearings, never
18 failing to tell us what's on their mind and
19 to help improve our decision-making process.
20 And finally, just thanks to the great team at
21 TLC, who, during a period of transition
22 that's stretched out a little longer than we
23 thought it would, have done -- you more than
24 kept things going. I think, in terms of
25 sustainability and resiliency, you've

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demonstrated that you have that many, many, many times over, so thank you for that.

(Applause.)

MR. WILSON: Okay. And then on to the business, which will be a relatively short meeting.

The first item for action is approval of the minutes from October 30, 2019.

Does anyone move?

(Hand gestures.)

MR. WILSON: Anyone second?

(Hand gestures.)

MR. WILSON: All in favor?

(Hand gestures.)

MR. WILSON: And so, the minutes are approved. The next item is base approvals. And I see that Fabian is here.

MR. CANCEL: Good morning, Commissioners. My name is Fabian Cancel. I am the Director of the Base and the Business Unit. I have fifty base renewals and change applications presented for your approval.

MR. WILSON: Does anyone move?

MR. JIHA: So moved.

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MR. WILSON: Anyone second?

MR. SORRENTINO: (Hand gesture.)

MR. WILSON: All in favor.

(Hand gestures.)

MR. WILSON: Thank you. The next item on the agenda is the rules repealing requirements that certain medallion taxi cabs be hack-up with the Taxi of Tomorrow vehicles. These rules were originally published in the City Record on September 30, 2019, with a comment deadline of October 30, 2019. A public hearing was held on these rules on October 30, 2019. No written comments were received and no changes were proposed to the rules following the initial publication. As required by CAPA, the final rule was posted on the Commission's website and provided to the commissioners on January 31, 2020.

Does anyone move?

MR. SORRENTINO: (Hand gesture.)

MR. WILSON: Does anyone second?

MR. JIHA: Second.

MR. WILSON: All in favor?

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(Chorus of ayes.)

MR. WILSON: Okay. They pass.

The next item on the agenda is the revision for the Taxicab Broker and Agent rules, which established the investigation into Taxi Brokers that occurred in mid-2019, as Acting Commission Heinzen described. These rules were published in the City Record on September 30, 2019, with a comment deadline of October 30, 2019. A public hearing was held on these rules on October 30, 2019. A number of written comments were received, all of which were provided to the commissioners following the public hearing based on feedback from the public and stakeholders.

The staff recommended the following changes be made to the rules, as originally proposed. Brokers are required to disclose employees at the time of application. The revisions will require that brokers cannot collect a fee in respect of a transfer in which they have an interest, unless they have made proper disclosures to buyer and seller.

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2 The changes were made to clarify that brokers
3 may have separate contracts for buyers and
4 sellers, but all that's included in the
5 requirement disclosures. To clarify, the
6 brokers has a duty to disclose known liens
7 and encumbrances from wheelchair accessible
8 vehicle hack-up requirements to purchasers.
9 Permitted exceptions to the requirement for
10 prompt payment funds due to broker's client
11 when funds are being held under an escrow
12 created for a particular purpose is
13 culminated on clients responsibility for an
14 (inaudible).

15 And finally, the revisions would extend
16 the period by which an agent must give notice
17 to an order of a change and the lease payment
18 would be sixty days before the change. As
19 required by CAPA, the final rules was posted
20 to the Commission's website and provided to
21 the commissioners on January 30, 2020.

22 Does anyone move?

23 MR. SORRENTINO: So moved.

24 MR. WILSON: Okay. Anyone second?

25 MS. POLANCO: Second.

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MR. WILSON: All in favor?

(Hand gestures.)

MR. WILSON: Okay. That's passed. And I think that's it. I think we have a motion to adjourn.

(Hand gestures.)

MR. WILSON: Okay. The meeting is concluded. It is now 10:21.

TIME ADJOURNED: 10:21 a.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)

:SS

COUNTY OF QUEENS)

I, Sabrina Brown Stewart, a shorthand reporter within and for the State of New York, do hereby certify that the within is a true and accurate transcript of the statement taken on February 5, 2020.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of February, 2020.

Sabrina Brown Stewart
Sabrina Brown Stewart

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