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NEW YORK CITY
TAXI & LIMOUSINE COMMISSION
PUBLIC HEARING

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33 Beaver Street
New York, New York

March 1, 2023
10:09 a.m.

B E F O R E:
SHERRYL ELUTO, General Counsel

Board of Commissioners:
CHAIR DAVID DO
ELISA VELASQUEZ
THOMAS SORRENTINO

Stephanie O'Keefe
Court Reporter

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COMMISSIONER DO: Good morning, everyone. My name is David Do, Commissioner of the Taxi and Limousine Commission, and the time now is 10:09, and I'm calling the meeting to -- or the public hearing to order.

I'm joined today by Commissioners Sorrentino and Velazquez, thank you both for being here with us today.

Today we're holding a public hearing on the proposed amendments to our minimum driver payment rules for high-volume for hire services, including the increasing payment amounts to account for increased driver expenses and changing the way utilizations are calculated and applied.

The notice to comment on this rule was published in the City Record on January 30, 2023, and the comment period ends today.

We're not voting on these rules

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today. The soonest that this role proposal could be adopted by the Commission is at our next scheduled meeting on March 8th.

Before we begin, I want to thank the drivers out there for their patience and perseverance when it comes to fighting for this pay raise. I know you have been out there making sure your voices have been heard. I have spoken before about the joy in this room back in November when we passed the previous minimum payroll. That was an uplifting moment for all of us. That raise would have already happened if Uber hadn't filed a lawsuit to stop it.

Now we're in March, three months have been lost. Here at the TLC, we have been fighting this whole time to secure that pay raise. I want to thank our legal team, the team at the City's Laws Department, and our policy team on their hard work on this.

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Uber's litigation used up City's resources, your time, your income, and it has a major cost to all of us. The judge in this case never questioned your right to a raise. He simply wanted a more detailed explanation on our calculations, so that's exactly what we provided in our statement for basis -- in our statement of basis for our new minimum payroll.

Now, I would ask if anyone would like, from the Commissioners to speak.

(No response.)

No? Okay. If not, I would like to ask James DiGiovanni, Assistant Commissioner for Policy to now walk us through our presentation on the new rules.

Thank you so much, James.

MR. DIGIOVANNI: I'm James DiGiovanni, Assistant Commissioner for Policy. I'm going to walk through the proposed traffic pay rules that we have on the table today.

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2 So, just as a little bit of
3 background, in 2018, TLC commissioned
4 a study that showed that 85 percent of
5 drivers were earning less than a
6 minimum wage, 80 percent of drivers
7 had purchased their vehicles, so they
8 have contributed significant personal
9 expense towards being able to drive in
10 this industry, and that driver
11 earnings over a couple-year period
12 there, from about 2015 to 2017, were
13 actually declining. So, in response,
14 TLC, along with the City Council, made
15 sure to adopt a standard TLC adopting
16 rules to establish a minimum per trip
17 payment for trips dispatched by the
18 high-volume companies, which are
19 currently Lyft and Uber. Lyft sued,
20 unsuccessfully at the time, to
21 challenge the rules and the rules went
22 into effect in February of 2019.

23 There are three main parts of
24 the driver pay formula. One part is
25 time, so that's the per minute rate

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and that's meant to account for take home pay, so that's what's meant to account for, the independent contractor equivalent of a minimum wage.

There's is the distance component of the formula, that's the per mile rate. That's meant to account for driver expenses, so we're going to talk a lot about that per mile rate today because today we are trying to better account for driver expenses with a formula.

And then we have the utilization rate, which accounts for down time. So essentially this is the percentage of time that a driver has a passenger in the vehicle, and it's meant -- that part of the formula is meant to ensure that drivers are compensated, albeit indirectly, for their down time.

So here's what the formula looks like in practice and how it's applied to this sample trip that we often use

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2 of 30 minutes at 7.5 miles. So, you
3 have the per mile rate times the
4 number of miles over the utilization
5 rate and then the per minute rate over
6 the number of minutes over the
7 utilization rate. So for 7.5 miles in
8 30 minutes, you have how that formula
9 would apply if the utilization rate is
10 58 percent, as it has been since the
11 rules were adopted in 2019.

12 Another component of it that
13 will be a focus of today is the
14 inflation increases. So, in the
15 rules, as they were adopted in 2018,
16 and as they were implemented in 2019,
17 include an inflation adjustment. So,
18 TLC has increased the rate according
19 to this general consumer price index,
20 inflation adjustment three times in
21 2020, 2022, and just this past month
22 February 1st of 2023. And those are
23 the percentages there that TLC has
24 increased those rates each time.

25 So, as background for this

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current proposal, between 2018 and 2021, those CPI increases that TLC did were generally in line with how driver expenses were increasing. So, let's say driver expenses were up about five percent, general inflation also was up about five percent, so we didn't need to focus very specifically on driver expenses, we could just do that general five percent increase and it would roughly equate to driver expenses. But what we saw with the very high inflation in 2022, even though inflation was very high across the board, it was particularly high for driver expenses. So vehicle costs were way up, fuel costs were way up, and we know that those are two very significant components for driver expenses. So if those costs are up higher than even the general inflation is, that means the drivers have to cover that difference. So let's say driver expenses are up \$100 a week and

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2 the general inflation numbers only get
3 them an extra \$50 a week, that
4 difference of \$50 is \$50 that's coming
5 out of drivers' pay. It's coming out
6 of their pockets, rather than out our
7 the company's pockets trying to
8 compensate them for their expenses.
9 So TLC knew that we needed to do
10 something to better account for driver
11 expenses because in the very
12 particular economic conditions that
13 the country as a whole and that
14 drivers of New York City were facing
15 at that time.

16 I do want to note too that there
17 was some talk at the time of a gas
18 surcharge. Uber did adopt and
19 implement everywhere in the United
20 States, except New York City, a fuel
21 surcharge. They said at the time that
22 the general inflation adjustment that
23 we were doing was enough. They have
24 since, though, said that TLC, in
25 retrospect, should have adopted a fuel

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surcharge that would have only applied last spring and they only said that, of course, after fuel had lowered so it was too late for us to do anything by that point.

So, in 2022, we went through a rule-making process. We had a hearing in May of 2022 where drivers and stakeholders testified about their experience, industry economics, driver expenses to try to give TLC some more information that we could base some decisions on. We also conducted research on different ways that we could better account for driver expenses, and in November of 2022, we adopted rules to increase the per minute rate, which is that take home pay, based on the general inflation and to increase the per mile rate of the expenses on a subcomponent of the consumer price index that just relates to transportation costs to try to better account for driver expenses

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through that part.

As we all know, Uber sued to stop the rate increases, and while the judge said that the case appeared ridiculous that, nevertheless, a legal technicality requires TLC to go back and explain what we are doing more. And so, this is us explaining what we're doing more, essentially with some changes from the way we did it last time as well.

So our transportation index proposal, our proposed increase to the per mile side of the equation to better account for driver expenses, you know, we settled on this option after looking at various options, hearing from stakeholders including drivers, driver representative groups, and the companies themselves and we think that this is the best route to account for driver expenses at this time.

So the transportation index

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1 covers transportation-related
2 expenses, so it's better than using a
3 general CPI index, which includes
4 everything from bottles of wine or
5 butter or anything you can imagine as
6 general consumer goods. The
7 transportation index is, of course,
8 focused on the transportation, so it
9 better relates to driver expenses.
10 And the transportation index increased
11 by 20.71 percent from 2018 to 2022.
12 We decided to go back to the original
13 number because that's when TLC and the
14 economist that TLC contacted with
15 collected the driver expense data so
16 that's what the original data is based
17 on. So we're looking back at that
18 number and that's a 20.71 percent
19 increase from that original number.
20 So for standard trips that's about 63
21 cents to about 76 cents per mile, and
22 we also have the WAV, the wheelchair
23 accessible vehicle, and out of town
24 rates in our rules and those are also
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2 come to be increased by 20.71 percent.

3 So just the impact of the rate
4 change proposal, so here's how it
5 looks in that sample trip of 7.5 miles
6 in 30 minutes. So along with that
7 general CPI increase that we just did
8 February 1st, these are what the rates
9 would be and this is what the sample
10 trip would look like. So that 30
11 minute, 7.5-mile trip would net
12 drivers at least \$26.76. That's an
13 increase of \$2.16 from the rates that
14 were in effect last year, and an
15 increase of almost \$4 from the rates
16 that were in effect in 2019.

17 So, now onto the other major
18 component of these rules is on
19 utilization rates, so I wanted to give
20 a little more detail on those because
21 I think this is where this whole
22 policy is rather complex we'll admit,
23 but the utilization rate is a
24 particularly complicated component,
25 there's a lot of value to it, so it's

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worth taking a second to talk a little more about it.

So, utilization rates again are just a percentage of time that drivers for a company have a passenger. So it's 58 percent, that means 58 percent of the time, the drivers for a company are on the app, they have a passenger and the other 42 percent of the time could be time they are waiting for a dispatch or time that they are on route to go pick up a passenger. And because the driver pay formula only applies to time that the drivers have a passenger in the vehicle, that other time is not directly compensated, so the utilization rate is a way for drivers to get indirectly compensated for that downtime. Essentially what it means is that, if a company gets drivers fewer trips, then the company has to pay more per trip to compensate for drivers getting fewer trips overall. So, it kind of tries to

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strike that balance and ensure that drivers are getting enough trips and the trips that they are getting are paid adequately.

So there's been a lot of controversy about this aspect of the policy because Uber and Lyft have chosen in the past to lock drivers out as a response to it. They want to keep that downtime as low as possible, so one way they can do that, if account -- if it's trying to account for time that drivers are on the app, they can just kick drivers off the app and that reduces the time that drivers are not being paid, but are still on the app. So companies have done this in the past and they continue to threaten more lock-outs, which is why I just want to be very clear that TLC rules, these proposed rules, rules in the past, do not require the companies to lock drivers out. We are not proposing anything of the sort, it's

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up to the companies, their individual decision to decide whether or not to lock drivers out to try to play with that utilization rate number, so they can essentially pay drivers less.

So, the impact of utilization is fairly significant, so for that sample trip of 7.5 miles in 30 minutes, if there was a 58 percent utilization rate applied, that's \$26.76 as we said. If it was a 54 percent utilization rate, though, it would require a payment of almost \$2 more. And if it's a 50 percent utilization rate, it's over \$4 more that would be required for that trip. So, the utilization rate, you know, what it gets set at, has a pretty significant impact. And it's worth noting that if we just remove the utilization rate component entirely, driver pay would be cut almost in half. So it is very important to keep some version of the utilization rate component as part of

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2 the formula. Otherwise, you know,
3 you're cutting driver pay almost in
4 half, which just not going to be an
5 option. So, if TLC doesn't start
6 measuring utilization rate, companies
7 could continue to pay drivers at that
8 current 58 percent rate, the \$26.76
9 per sample trip, but their utilization
10 rate could just get lower and lower
11 and lower, and they could have an
12 actual utilization rate that's, let's
13 say, 50 percent or 54 percent, which
14 would, in reality, require them to pay
15 drivers much more, but if we're not
16 considering that anymore, they can
17 still pay drivers at only the 58
18 percent rate. So it's important that
19 we do something to account for
20 utilization and to make sure that
21 utilization rates don't get too low.

22 So our utilization rate proposal
23 in the current proposed rules is that
24 rather than applying a specific
25 utilization rate percentage to each

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2 company, the high-volume companies
3 together would just have to stay above
4 a floor of 56 percent. And as long as
5 they stay above that floor of 56
6 percent, they would get that 58
7 percent utilization rate applied. So
8 attempting to strike that balance
9 between not using utilization rate at
10 all or letting the companies get too
11 low of a utilization rate or the
12 companies micromanaging their
13 utilization rate because a one
14 percentage point could be a big
15 difference. This proposal is just
16 saying, as long as you hit 56 percent,
17 it's fine. What we've seen in the
18 data is that the companies have been
19 over 56 percent in the last few years,
20 even when they weren't doing any
21 lock-outs. So our belief is that they
22 could maintain this relatively high
23 utilization rate without locking
24 drivers out, and if they were to
25 choose to lock drivers out, it would

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be just that, it would be their choice as a way to get drivers fewer trips, pay drivers less, without facing any consequences under TLC rules.

That is all for my presentation. I'm happy to answer any questions.

COMMISSIONER DO: Are there any comments or questions?

COMMISSIONER SORRENTINO: Yes, I have a question.

Regarding the -- did you factor in or consider the fuel surcharge? There was a point that was mentioned, and initially we did not do that previously. Did we consider for this proposal?

MR. DIGIOVANNI: We did not -- well, we considered a fuel surcharge, but the fuel costs are baked into this proposal, so there's such a large component of the transportation cost that are giving drivers a permanent increase because of increased costs across the board, not just for fuel

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2 but for vehicles and everything else
3 the drivers have to pay, insurance, so
4 a fuel surcharge in addition to that
5 would kind of double count fuel
6 because it's already included in those
7 inflation increases. So we thought
8 that this was a better, longer-term
9 way to address the issue of increased
10 expenses. And also because of the
11 nature of the TLC rule-making process
12 by the time you propose a fuel
13 surcharge, implement it, apply it, the
14 fuel cost may have already gone down
15 and so it's something that's longer
16 lasting and gives more consistency,
17 both to drivers and the companies
18 themselves so everybody knows what the
19 pay is going to be for a certain
20 period moving forward, rather than
21 kind of an on-and-off switch.

22 COMMISSIONER SORRENTINO: Thank
23 you.

24 COMMISSIONER DO: Any other
25 comments or questions?

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(No response.)

Alright. Thank you so much,
James. I appreciate it.

At this time, we want to hear
from you all. So I will ask Sherryl
Eluto, our general council, to go
through the list of public testimony.
Thank you.

MS. ELUTO: Good morning. When
I call your name, you can come up to
the podium and begin your testimony.
Each speaker will be allotted three
minutes to speak. The time limit will
be strictly enforced.

The video of this hearing and
copies of all written comments will be
provided to the Commissioners prior to
the vote on these rules at the next
Commission meeting.

With that, I will call our first
speaker, Zubin Soleimany, please.

MR. SOLEIMANY: Good morning,
Chair Do, Commissioners, Deputy
Commissioner Eluto. It's good to be

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back in person. My name is Zubin Soleimany, and I'm the staff attorney for the New York Taxi Workers Alliance.

I just want to say the main reason we're here today is to account for the full cost of inflation on vehicle expenses that has not been accounted for, that the companies have not accounted for in their payments, and while taking great steps forward, this proposal still does not go far enough to capture that method.

We're proposing the private transportation component of the CPI-W versus the regular transportation component the CPI-U. I'll explain the difference.

And Uber -- Uber has criticized some of these methods in its litigation, and I think by choosing this method, we can -- nobody can have any complaints about this. The problem with general transportation is

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2 it includes things like airfare and
3 public transportation. Now, that
4 measure only increased about, I think
5 it was 20.7 percent since the initial
6 rules. Uber criticized this in its
7 litigation as irrational because it
8 includes things other than vehicle
9 cooperating expenses. But to actually
10 get to what those vehicle operating
11 expenses were, that's isolated by
12 burrow labor statistics as private
13 transportation. CPI-W, which we've
14 used in every other rate adjustment
15 before, and Uber criticized for not
16 using, should be applied here. So if
17 we do what Uber has been recommending,
18 isolate vehicle expenses, do what Uber
19 has been recommending, use CPI-W, we
20 have a 28.35 percent increase, instead
21 of a 20 percent increase. That's what
22 we are calling for on the per mile
23 rate.

24 On the point of utilization,
25 Uber has been sending these messages

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2 to its drivers threatening the
3 lock-outs again. Why would Uber have
4 to lock out drivers? These messages
5 don't say. What would impose more
6 cost on them? They don't say. You
7 know, they can reduce the rate by 2
8 percent, as James's explained, and
9 still not incur higher costs. The
10 rule doesn't allow them to reduce
11 their payments if they increase
12 utilization.

13 So while this policy may be
14 dishonest, though, I think TLC has to
15 take into account that even though the
16 policy reasons are dishonest, Uber may
17 be making these threats to instigate
18 drivers against the policy that
19 increases their pay.

20 As James explained, utilization
21 has to be accounted for drivers to
22 have real pay. However, the problem
23 with TLC policy to this point is it
24 hasn't addressed the problem of
25 involuntary lockouts. I don't think

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1 we can accept that this has to be an
2 acceptable outcome as part of what it
3 means to have an utilization rate.
4 When drivers are locked out that
5 effect is drastic. Drivers can make
6 about half as much if they're subject
7 to these lockouts, even if the
8 marginal decrease is only a few
9 percent in the whole. For those
10 people, it's basically being fired
11 part-time. The point of this rule is
12 to make sure that you're paid for all
13 the time when you're trying to work.
14 If you live in the Bronx and you pick
15 up somebody in Manhattan and you take
16 them to Flatbush and you get locked
17 out, you're still at work. You're not
18 at home, you're not with your kids,
19 that's time you're trying to work and
20 being locked out is the equivalent --
21 digital equivalent of your boss taking
22 your timecard and punching you out
23 while you are still trying to work.

24 So, thank you. If I may just
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say, what we're proposing -- has that gotten louder?

What we're proposing is that just as the wage-an-hour law recognized time when people are using it, not for their own benefit, but for their job, has to be counted, we can walk and chew gum. We can have utilization rate and we can assure that lockouts don't happen. When that driver from the Bronx gets locked out in Flatbush, they are still at work, and TLC needs to address this by continuing to count that time after a lockout as utilized time --

TIMEKEEPER: Your time is expired. Thank you for your testimony.

MR. SOLEIMANY: -- that will completely disincentivize any hope of locking drivers out and those involuntary logoffs as a form of payroll fraud should be treated as TLC rule violations, subject to civil

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2 penalties.

3 Thank you very much. Happy to
4 answer any questions.

5 COMMISSIONER DO: We have a
6 question.

7 COMMISSIONER VELAZQUEZ: The
8 portion of the CPI index in the rule,
9 right, so there's -- what was just
10 mentioned the CPI-W, how did we -- I'm
11 so sorry -- Hi, okay, sorry.

12 The CPI-W, as opposed to what's
13 in the proposed rules, how is that --
14 how is it selected which part of that
15 consumer price index is going to be
16 utilized? Was it the economist who
17 did the study or was it -- I just had
18 a question about that.

19 COMMISSIONER DO: Sure. I'll
20 bring up James. Can you answer that?

21 COMMISSIONER VELAZQUEZ: Thank
22 you, James.

23 COMMISSIONER DO: Thank you,
24 Zubin.

25 MR. DIGIOVANNI: Sure. So I

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2 think -- I think there are many
3 different components, many different
4 versions of CPI, national numbers
5 regional numbers, and there are pros
6 and cons of each them. I think the
7 reason mostly why we settled on the
8 CPI-U, the transportation cost for the
9 New York City Metropolitan area is
10 because it had a lot of benefits and
11 was a very transparent number. It's
12 easy to look up. The CPI-W is a
13 little bit more of a niche index. It
14 is something that TLC uses for the
15 driver pay increase as a whole, but
16 it's a little bit harder to find where
17 CPI-W is reported as compared to
18 CPI-U, so there's a little bit of a
19 tradeoff there as well.

20 So, I think, you know, you can
21 argue either way for what the more
22 appropriate number is, but that's
23 generally why we had gone with the
24 number that we did at this point.

25 COMMISSIONER VELAZQUEZ: Thank

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2 you.

3 MS. ELUTO: Our next speaker is
4 Bhairavi Desai and she will be
5 followed by Josh Gold and Michele
6 Dottin.

7 MS. DESAI: Good morning. I'm
8 Bhairavi Desai. I'm the Executive
9 Director of the New York Taxi Workers
10 Alliance.

11 Day 73, day 73 since drivers
12 should have already had this raise.
13 And with every day that's passed, that
14 is a million dollars that we're
15 collectively owed to this workforce. A
16 workforce that has had to pay for
17 every single penny of operating
18 expenses. Uber and Lyft don't have to
19 pay a dime. A workforce that works,
20 not only with economic risk, but also
21 with great risk to their safety and to
22 their life every single day. And
23 instead of rewarding drivers, as a
24 study by the University of California
25 found, not only has -- not only did

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Uber and Lyft continue to charge the public 50 percent more since 2019 to today, they have also been taking more from drivers in commission from 2019 to today. In fact, their highest take on the commission was in April 2020 during the pandemic when, literally, millions of people were dying and driver heroes were on those -- on the front lines serving mostly healthcare workers, paying for expenses, including PPE, and having nothing but a plastic partition to keep them safe. Even in those days, Uber and Lyft took the highest commission from drivers. And during the crisis of inflation, Uber and Lyft again treated drivers as if they were mere fader. And we're here to say to Uber and Lyft that this raise is long overdue, we will not back down until it goes into the hands of the drivers. And when you thought that the greed and the malis could not get worse then their treatment of

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2 drivers during the pandemic, during
3 the crisis of inflation, and on the
4 eve of Christmas, now when we are back
5 fighting for the raise, Uber is making
6 bogus arguments about logging drivers
7 off. They know that policy wise it
8 would make no sense for them to log
9 drivers off because the very rule that
10 they're opposed to would not benefit
11 them with a higher utilization rate,
12 which is the only reason that they
13 would seek to log drivers off. But
14 they have terrorized drivers over the
15 past several weeks to basically
16 convince drivers to not fight for
17 their own raise. It is an incredibly
18 malicious and cynical move by a
19 company that sued on December 9th to
20 blocky a raise, knowing very well that
21 by December 31st, their revenue was
22 going to be \$8.6 billion in the last
23 quarter of 2022.

24 Do not accept this. We're here
25 to talk to you at TLC because you can

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2 change this. The Uber and Lyft
3 logging off drivers is an absolute
4 violation of the pay rules. It is
5 wage theft. If a driver steals a dime
6 from a passenger, you take away their
7 license. If a company steals a dime
8 from a driver, you need to take away
9 their license. And that is what a log
10 off is.

11 You need to implement policies
12 that have penalties that understand
13 logoff is a violation of these very
14 same pay rules. You must use CPI-W
15 private transportation, it is the only
16 metric that properly measures the
17 fullness of drivers operating
18 expenses. Do not leave one penny on
19 the table because when you, the TLC,
20 leaves one penny on the table that
21 belongs in the hands of drivers, then
22 you, my friends, are no better than
23 Uber and Lyft.

24 Do the right thing, pass the
25 right rules, pass the right metric,

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stop the log off, you can make the
illegal through your regulation.

Thank you?

(Applause and Chanting "Driver
power, Union power.")

COMMISSIONER DO: Alright, can
we have order? Thank you.

MS. ELUTO: Thank you. Our next
speaker is Josh Gold.

MR. GOLD: I'm pretty sure you
won't to have order for much longer.

Hi. I'm Josh Gold from Uber.
Thank you for the opportunity to
testify. It's good to be back in
person. I appreciate this
opportunity.

I had some prepared remarks, but
I really wanted to focus on the
utilization rate. There is -- we have
concerns that we submitted in written
testimony. The main concern is that
the TLC has departed from the proposal
in November with utilization rate
bans. During the November hearing,

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2 during that open comment period, there
3 was no testimony from anyone that I
4 have heard, either orally or written,
5 opposed to the utilization bans that
6 provided the utilization ban between
7 52 to 64 percent. There was zero
8 opposition to that. The only
9 opposition was from Lyft that wanted
10 to have a industry-wide standard
11 versus a company-specific standard.

12 So, the departure from that, the
13 56 percent as the floor is
14 unexplained, and it's concerning
15 because the 56 percent, despite some
16 of the information that you have heard
17 before, would require lock outs
18 because there is a penalty, there is a
19 penalty if you go below 56 percent.
20 In order to maintain above 56 percent,
21 we have to guess because the TLC will
22 not inform us over the course of the
23 year where we are at utilization. We
24 have to guess because we don't know
25 where Lyft's utilization is. And

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we're being treated as an industry in this version versus company specific, which we were treated on the last version.

The last thing I want to say is, the utilization standard was put into place as part of the Parrot-Reich's study of 2018, when the City had much fewer controls to reduce the amount of empty time. At that point in time, there was no TLC plate moratorium, there was no congestion surcharge, and there was a misguided belief that this industry caused congestion. The TLC's Plate Report put out last year, disproves that this industry is the sole cause of congestion. The TLC now has the ability to throttle the amount of plates. The TLC has these tools at their disposal, which is why TLC wisely proposed the utilization bans and no one opposed that in November. Now, coming back with 56 percent, rather than 52 percent as the floor,

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you're forcing companies to make a decision to lock out.

And I'm disappointed with the deputy commissioners' testimony where we're making that choice.

Parrot-Reich's study is clear that the companies have to reduce unoccupied time. If the TLC has another mechanism beyond reducing cars on the road that are unoccupied for us to reduce unoccupied time, let us know. I prefer to do that as well. But the Parrot-Reich study gave us the option of reducing cars on the road by reducing the amount of cars on the road, which is what the lockouts are.

I believe the band mechanism that the TLC proposed back in November would have protected the utilization rate. It could be revisited in the future if it didn't protect the 58 percent. It also wouldn't have a free rider problem because it was company specific as Parrot-Reich proposed back

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in 2018.

And I urge the TLC to reconsider going back to the November proposal, which passed without any comments or any concerns from anyone in this room or otherwise. Thank you.

(Audience shouting comments.)

COMMISSIONER DO: Can we have order, please? Thank you.

COMMISSIONER VELAZQUEZ: In the presentation, it said that -- and I don't have it in front of me, so I can't reference it, so I'm sorry. But a couple of things were mentioned. That utilization did not fall below 36 percent over --

MR. GOLD: 56 percent.

COMMISSIONER VELAZQUEZ: I'm sorry, 56 percent over the last couple of years. You're insisting that it does, so I want to ask you what that's based on.

The other thing that you said was that TLC would not tell you, and I

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think in the presentation it said we would be informing the industry and the individual companies as to where the utilization rate would be through the course of the year, so that would be very transparent to you. So I want to understand what you're saying.

MR. GOLD: Yeah, so the -- I didn't see the presentation from the back row, but if there is transparency, it wasn't in the rule. And monthly updates on where the industry stands and the company's stand on utilization, I think is a very important step and that would be a huge -- that would give us the ability to not have to control for unoccupied vehicles so that is a big step, and I appreciate that. I don't know what the numbers were in the presentation, but if that could happen on a monthly basis, that would be great.

And the second question on 56

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2 percent, I think the industry did fall
3 below it a couple of times during
4 2020. Normally, it had stayed above
5 that, but now that we're moving to an
6 industry-wide standard, we don't know
7 if the free rider, if the other
8 company with smaller market share is
9 going to also care about their
10 utilization. And so when we have to
11 think about our utilization rate, we
12 have to limit the amount of time
13 people are on the app and in order to
14 get and stay above 56 percent. If
15 they turn on the other companies' app,
16 that brings the industry down, and so
17 we are concerned that we will go below
18 56 percent. We have no concerns about
19 52 percent.

20 COMMISSIONER VELAZQUEZ: But we
21 haven't gone under 56 percent except
22 for during 2020 during the pandemic?

23 MR. GOLD: We don't -- the
24 TLC -- the only information I have
25 from the TLC is what came through FOIL

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requests, and so they have more information than I do for the industry-wide. I know what Uber's is, but now we are moving from company specific which --

COMMISSIONER VELAZQUEZ: I'm asking about Uber.

SPEAKER: I believe there were a couple of months in 2020, probably in January, which is a slow month, it's below 56 percent. My guess is that in February it was above, but I don't have those numbers and I don't know -- even when you're asking about Uber, I don't know without deduping. The TLC dedupes, there is some mechanism to dedupe in this current proposal, although, it's not clear how the TLC will dedupe online time. So when you're in -- on the way to pick up a passenger -- when you have passenger time, but you're in period one or online time with the other company, that shouldn't count towards the

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2 numerator or the denominator and the
3 TLC has changed the rules a few times.
4 But it sounds like in this proposal
5 they will be deduping. But I don't
6 know when a driver is online with
7 Lyft, so I can only guess as to my
8 utilization rate over the past few
9 months. The TLC is the only one that
10 has access to that information.

11 I will say, there's no concerns
12 about falling below 53 percent or 52
13 percent. There were no concerns about
14 52 or 53 percent raised by anyone at
15 the previous hearing. The move to 56
16 percent, I don't know if there's any
17 new information that's been out there
18 since November until today, but the
19 move to 56 percent does raise some
20 concerns about making sure the
21 industry can stay above it. And also
22 raises some serious concerns about
23 free rider because one company may
24 have to hold up the other companies'
25 utilization rate.

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COMMISSIONER VELAZQUEZ: I don't know, I think it's -- I mean, you're a huge, massive company and I would think that you would know -- you made a statement that the utilization rate hasn't fallen below 56 percent, and now you're saying, well, it's going to fall below 56 percent, and in order to do that is by locking out drivers. And the fact that you don't have the numbers and you're saying, well, we should have the numbers. You're testifying, so I would expect that you would prepare for that.

MR. GOLD: I can't have the numbers; they are your numbers. I'm not allowed -- I don't have those numbers. It would be illegal for me to go to Lyft and collude with them, it's an anti-trust violation. We report the numbers to you, you don't give it back to us. What I'm asking for is for you to give it back to us. You're the ones who have to dedupe it,

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not us. I don't have access to those numbers without you providing it. You provide plenty of information to the New York Times when they call, you provided information to reporters, to others. You do not provide us with the utilization numbers unless we FOIL them from you. So the only way I could have been prepare is if you responded to my FOIL request to get that information.

COMMISSIONER VELAZQUEZ: Okay.

MR. GOLD: Or you released it publicly. You've done a lot of press around having a data -- a public data site, that utilization numbers can be on the data site every month, so we can see what the utilization number is.

COMMISSIONER VELAZQUEZ: I would just say the business that, you know, based on drivers and utilizing cars and time, that that would be a metric that internally you guys would track

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and have some data on and not be
reliant on TLC's own site. Thank you.

MR. GOLD: I'm have to rely on
TLC because I can't track this data.

COMMISSIONER DO: Thank you,
Josh.

(Simultaneous speakers.)

COMMISSIONER DO: I'd like to
say that, like James said, we will be
a little bit more transparent with the
utilization rates, and we will
continue to work with you to ensure
that this pay raise is in effect.

MR. GOLD: Thank you for the
opportunity to testify.

MS. ELUTO: Thank you. Our next
speaker is Michele Dottin, and she
will be followed by Miguel Almonte.

MS. DOTTIN: Good morning,
Commissioners. My name is Michele
Dottin. I've been a FHV driver since
2016 and an organizer with IDG.

TLC, thank you for continuing to
fight for our most deserved raise

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2 against Uber. IDG's petitioned TLC
3 got over 16,000 signatures in 2018 for
4 the fair pay raise. We asked you,
5 Commissioners, to give us a raise
6 without changing the utilization rate.

7 There is saying, "You give with
8 one hand and take with the other."
9 increasing the utilization rate from
10 56 58 would do exactly that. When IDG
11 partitioned TLC for the fair pay raise
12 in 2018 it was short lived. The
13 previous TLC commission added
14 utilization rate, which hurt us.
15 Utilization rate was supposed to
16 compel the app companies to limit
17 hiring. They found a loophole. We
18 were forced to stay on the road to
19 meet the required number of trips to
20 get a decent schedule of hours to
21 work. Taking away our flexibility,
22 causing a safety hazard, driver's
23 pushed it to meet the required trips
24 on Uber and Lyft. Some drivers saw
25 their incomes smashed into pieces.

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SUV Luxury car and part-time drivers are suffered. Our options are offering us the worst schedules and being locked out. No option for time off for fear of being locked out upon return, or access to it.

I'm asking you to reconsider the following, get rid of utilization rate completely or stop licensing.

(Applause.)

Keep the utilization rate to 52 or 64 percent, which allows for a margin of error and no lockout. TLC new license driver app company hire, the act of insanity is doing the same thing over and over and expecting a different result. You said only the state can stop licensing, we will be happy to help the state -- to lobby the state, to change it.

Let's learn from past failures. Place a hold on FHV license. When 200 or more drivers leave, replace them. Deactivation will lower and the value

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of drivers will return.

To the following Yellow Association who claims they are representing FHV's, you have been the voice for Yellow Cabs for 25 years. You tell us one benefit you've gotten for your yellows. You never ever advocated for medallion owners to cut the rate of rent, currently running around 1,100 a week.

(Applause.)

When yellow drivers were suffering, you fought for a bailout after medallion prices went under. In 2011 to 2015, drivers cried out for help. Why didn't you answer their call?

After five years, IDG stepped up and answered the call. You said FHV drivers should be employees. We are independent contractors. We spoke up against us. You stood at a press conference with Mayor Adams and accepted praised our victory in 2011

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IDG fought for. FHV drivers, IDG's got your back.

Thank you, Commissioners for continuing to fight for us.

(Audience shouting comments.)

COMMISSIONER DO: Return to order, please.

MS. ELUTO: Miquel Almonte. We need a Spanish interpreter.

(Mr. Almonte testified through interpreter.)

MR. ALMONTE: My name is Miguel Almonte, and I support IDG. I understand it is an institution that can improve our lives as drivers, and doing so, by the way, our families lives are improved also.

I believe we must find a definitive solution for this because otherwise we're going to be in the same situation that we are here today, every two or three months.

We drivers, what we want is to be treated fairly. We are tired of so

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much injustice. There are many of you who have mentioned our payment as drivers, and something else that applications do. They lock us out from our applications unjustly, they cancel our applications permanently unfairly. So what I'm saying is that, please that there should be an increase in the City due to the inflation and every time that something is going to be considered with respect to our payment, please, think about us, the drivers and our families, or of our families.

Okay that's it. Thank you very much.

MS. ELUTO: Our next speaker is Jacky Lin, and he'll be followed by Pedro Acosta and Soman Lama.

MR. LIN: Good morning, TLC Commissioners. Thank you for allowing me to speak up here. My name is Jacky Lin. I'm an organizer with the Independent Drivers Guild. We have

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solely fought for a lot of wins and hopefully we will have, more to come.

Now, the reason why I'm here today is, you know, this whole utilization rate and the lockout. It's hurting drivers. We have a lot of expenses coming up. We have expenses through out the roof, throughout the whole pandemic, and it's hurting us. We need this raise.

And We cannot get locked out. Why? Because some of us, we are not all full-time drivers. If we're part-time drivers, and some of you are single parents, you know, if we were that, and you lock us out, how are we going to support ourselves? How are we going to go and pick up our kids from school? How are we going to go to doctor's appointment?

You know, signing up to drive for Uber and Lyft, we are free to do what we want, when we want. Right. We are free to go online when we want,

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how we want.

Now, if this lockout comes back, we all have to rush. Rush to where? To the busy areas in order for us to work. And remember what is New York City pushing for? It's pushing for Vision Zero, right. If you guys are locking out the drivers and Uber is locking out the drivers, you know, it's going to create unsafe matters in the road.

Drivers are rushing to busy areas. It creates, you know, like, sometimes less awareness around themselves, right. So I'm not saying to get rid of utilization rate, but maybe make it where no lockouts can happen, and that is what we want. Okay.

Let me see, where am I? Sorry, I lost track somewhere.

Also another thing, it's about the licensing, right. We're capping the plates, yes. It's good. Well, to

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2 some degree. The reason why I say
3 that is because it creates a market.
4 Now, remember, Yellow Cab medallions,
5 when they first started, how were they
6 sold? They only sold a specific
7 amount, right. It's not a free for
8 all, and that created a market where
9 people were able to capitalize on
10 that, able to use that as a retirement
11 plan and everything, right. Great for
12 them. But now, if you cap a license
13 plate, it's creating another system
14 just like that. That's going to hurt
15 the drivers. It's not giving value to
16 the drives, it's only giving value to
17 the owner of these corporations.

18 (Applause.)

19 It's only giving value to the
20 owners that are renting out the
21 plates. That is hurting drivers.
22 That's also, you know, adding up into
23 the expenses. So I would say, if we
24 do have high-volume specific license,
25 just for the high-volume FHV license,

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specifically for them, and the rest,
let us stay open, right. And then
that way if we lift the cap on the
license plate, we will be able to say
one driver, one car.

And that concludes my statement.

By the way, one more thing, one
more thing. Guys, 25 years, you guys
organized for Yellow Cabs, what have
you done, right? Nothing. What
happened now, they are down to a
shift, right.

Sorry about that.

COMMISSIONER DO: Thank you so
much, Jacky. I appreciate it.

MR. ACOSTA: Okay. Good
morning.

COMMISSIONER DO: Order, please.

MR. ACOSTA: Thank you,
Commissioner and thank you all TLC
members who allow us to raise our
voice here and tell you our needs.

Like all my partners say before,
I must advocate for no lockout, and

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also the increase be implemented right away, but not only starting from today, but three months when it was approved and then was stopped by Uber.

So I'm going to give some detail about the expenses that we have, I mean myself, okay.

I guess I have around \$15,000 a year, 288 hours week by 52 weeks, is about \$50,000 a week -- I mean a year. My loan is 675 monthly that at the end of the year it's going to be \$9,180. \$476 registration, around \$10,425 on both insurance combined, the liability and also the full coverage. Inspection, another \$111 a year; oil change, is about \$90 per month; \$180 a year, as well. Car wash, 1,664 a year, around \$16 times two times a week. Okay. The repair, I cannot tell exactly how much it is because I don't have a -- that number, but just in the last six months, I spent on my car over \$3000 just with the anti-lock

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2 break system, and my car, I went into
3 a big pothole on the road in the
4 Bronx, and I had to repair the whole
5 bottom of the vehicle, I spent over
6 (undiscernible) on that. Those are
7 the numbers that I know specifically
8 happen sometimes, but we have to -- it
9 have to come out of our pocket.

10 My car have no warranty, even
11 though, if my car is new -- it's not
12 new, but even if it's new it's no
13 warranty because as soon as we have a
14 wheelchair vehicle, we lose the
15 warranty right there. They don't give
16 you a warranty for one screw. Once
17 the vehicle is out there, we lose our
18 warranty. So there are too many
19 things we have to do ourselves when we
20 have the vehicle, and this is the most
21 important reason for you, TLC, being
22 advocating the last 3 to 5 years for
23 us for the wheelchair vehicle, so it's
24 something that you have to keep in
25 mind. We need also that support

PROCEEDINGS

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2 through this.

3 I think you can create,
4 probably, a surcharge, the same way
5 that yellow and green have, and we can
6 probably have that for our drivers to
7 have that -- that's the improvement
8 fund. Giving the benefit, we can pay
9 for it, probably, sure because we have
10 a lot more drivers than the yellow and
11 green, but we can -- I think we
12 deserve it because we are the only one
13 who could probably fill out that
14 problem that you have because you have
15 are short on the vehicles that you
16 need, so we could provide that to you
17 if you can give us that thing.

18 We also, I mean, sometimes we
19 get camera ticket. Tires I also spend
20 another \$1,100 a year. There are more
21 things I have to say. E-ZPass \$35,000
22 a year as well. So all total, it's
23 over \$42,560.

24 TIMEKEEPER: Your time is
25 expired. Thank you for your

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2 testimony.

3 MR. ACOSTA: So please consider
4 that. And thank you so much for
5 giving me the opportunity to talk.

6 COMMISSIONER DO: Thank you. I
7 appreciate it.

8 MS. ELUTO: Next speaker is
9 Soman Lama.

10 MR. LAMA: Yes, I'm here.
11 Alright, so I'll get started now.

12 Hi, good morning, everyone. My
13 name is Soman Lama. I'm a proud
14 member of the Independent Driver
15 Guild. Today, I would like to thank
16 all the Commissioners for having us,
17 for giving us a wonderful opportunity
18 in front of Uber. That was a surprise
19 for me.

20 So today, finally, Uber will
21 hear the real voice of drivers. And
22 I've been driving since 2016 and I'm
23 still driving. I'm a driver and also
24 a driver advocate. I (undiscernible)
25 company everywhere I go and today I

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have good numbers of drivers supporting IDG, it's work, and also the community, okay.

So, so many things that whatever we are learning from Uber and TLC, so complicated. So I wanted to make mine very easy so you guys understand, okay.

So here's my fellow driver, he is early 71, and he -- according to him, he rents a Mercedes, big car, he pays around \$700 per week. \$1,400 goes to the expenses for the rental of it. The gas price, 500 in a month, rent 1500, he lives with children and wife, and utilities, 250 and food \$500. So, in total, the expenses are like 5,850, and he's a full-time driver, he says he makes up to 6,000 for a month, and he's taking only \$150. I respect TLC and police and all the traffic enforcement, if they get a ticket, this money also goes away.

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So look at it him, he's like --
honestly, he's like my father is.
Commissioner, I think, like uncle is,
you know. So whatever -- what's
happening right now, it's very bad
thing, you know, we needs this raise
now, honestly.

Uber, you are here today. We
need the raise now.

(Applause.)

And I want to thank the TLC
because I know it's going to possible,
I think today Uber will learn a lot
from us, from drivers and TLC, and
we'll come to good agreement.

And, also, apart from that, I
would like to also mention that the
utilization rate and the lockout, Uber
is clearly like sending all of the
drivers a message saying that "oh,
tell the TLC you are against the new
utilization rule, otherwise it is
going to effect the lockout." You
see, he is immigrant guy, and I'm an

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immigrant guy too. It's good that I'm young, and I think it's become easy for me to speak English so quickly, even I lived here for like six years, you know. But, I feel so sorry, I'm doing this all, and I'm working all, you know, at the end of the day if I die, I'm going to get karma, and I think God is going to help me. So that's reason that I'm here to speak for voice of the drivers and help them.

(Applause.)

That's why I'm going to be there for all these drivers.

So, long story short, I also like to thank TLC for proposing a new TLC plate, which is very good for the EV vehicles, but please, guys, look at this guy's face, here, here, here, this should be paradise. How can they write the statement? Think about it, you know, they barely speak English, my name is -- what's your name

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brother?

MR. VIRGIN: Cole virgin.

MR. LAMA: If you say -- they can't even talk properly so, please, have these people on your face and help these guys, you know, at the end of the day, blessing is more important.

God bless all. And thank you IDG, IDG members and IDG supporters.

And please guys, don't act like animals, we have reasons.

COMMISSIONER DO: Thank you so much. Appreciate it.

MS. ELUTO: Thank you. Our next speaker is Arifa Tirmizi, followed by Fondeur Guillermo, and Larbi Aitabou.

MS. TIRMIZI: Good afternoon TLC. Thank you for letting me speak here. I'm an organizer of the IDG and recently joined IDG.

I've known IDG since 2016, and I stepped this industry after -- you know, having some hardships, I stepped

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into this industry for flexibility,
but it was basically IDG that helped
me understand this industry because I
have -- you know, as a woman, like,
you know, this is a male-dominated
industry, so it becomes a little hard
to, like, go talk to people and
understand what it is.

However, after becoming an
organizer at IDG, I understood the
problems that we deal with every day.
However, these app companies as Uber
and Lyft, it becomes difficult to
actually focus on our family, and we
become into a competition mode because
we are trying to earn as much as we
can, but we don't get what the need,
right. We don't -- we're not able to
cover our expenses.

It becomes difficult because,
you know, it seems like as if TLC is
not just -- you know, it's regulating
more the drivers than the companies,
right. Because it's like, you know,

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the timeframe came in. Like, you know, the drivers can only drive for ten hours, right, the passenger time, right, because they doing for our health, right. But it seems like as if we are more restricted.

Then the utilization rate, the lock out, it came in, when, like, 2019 or 2020? You know, the casualty, the people that committed suicide, I don't know if we are actually counting them, like almost 12 people that committed suicide. So how many people do we need to commit suicide for TLC to understand that the pressure is on our heads, right.

I'm the mother of seven children, right. I have kids that go to college. I have kids that go to high school. I have kids that go to elementary. I have kid that is on a wheelchair, right. Who do I actually go and talk to and tell them, listen, I have problems? There are city

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agencies that try and help us. The pandemic was giving us extra food stamps, right. That stops today, right. The utilization is going to start after March, right, a couple of days, and you're going to lock us out because you're going to give opportunity to the app companies to lock us out.

They're making so much money. What about us? You -- we cannot get a \$2 raise on a \$27. You give us an example, right, like, there is a ride that do that is for 27 minutes 7.7 miles and we're making what, \$27, but we can't get \$2. Why don't we come down to pennies and count, like, how many pennies are we getting out of this, right. They're making billions. How do I support my kids?

We don't get a chance to even speak. We're just a minority group. We're sitting here to be regulated by every agency, but what about us? Who

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speaks for us? We come out and we speak, right, but there are so many people that cannot even speak because they're so afraid because this is such a formal company, right. But we can speak. I come out and speak because, you know what, I need to support my family. At the end of the day, I want to feed my kids. How do I do that? I need somebody to speak for me, right.

You know, I understand TLC is here, but you know what, why do they need to create a hostile environment every time we're here?

(Applause.)

I'm not only speaking on behalf of IDG, I'm speaking on behalf of myself, too. I have kids.

TIMEKEEPER: Your time has expired. Thank you for your testimony.

MS. TIRMIZI: Who is gonna help me out here? I ask you, Mr. David, I need your help to help us, right.

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We're drivers, you can help us, right. You are sitting here. You're the authority, right. You're the authority, why don't you help us? Why don't you help us? My kid -- I can bring my child here in the wheelchair, and tell me, I can't buy her pants because you know why, this stupid lock rate is coming.

The tension. Do you know how many times I have to see people that are coming to the wellness? The wellness was created because people are committing suicide. There's nobody to talk to us. We come and try and speak, but is that really helping us? Are you really gonna put is -- are you gonna favor us? I ask you, favor me and my children. I'm a New Yorker.

COMMISSIONER DO: Thank you. I appreciate it.

MS. TIRMIZI: Thank you so much, and I hope this works. I hope you

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listen to us. Please. Thank you.

(Applause.)

MS. ELUTO: Our next speaker
Fondeur Guillermo, please.

MR. GUILLERMO: Good morning TLC
Commissioners. Good morning drivers
communities.

I may not be very fluent
expressing my ideas, but we all try
the looking good here. But the
reality is, the drivers are suffering
out there. They trying to make a
living. They have to pay mortgage.
They have to pay school for their
kids. They have the bring food for
the family. So, what going on? We
got the spend more hours on the road
to make a dollar to pay our expenses
and nobody cares about it. Everybody
is trying to take advantage off our
shoulders.

So, we are the ones of street.
If we are, like, not focused on the
road because we're thinking about all

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the problems we have back home and also all the agency regulate us, how we gonna be driving safe. Everybody's looking at us to take a buy from us. What's going to happen to the driver's community? So, what's going to happen to our city? It's not gonna be safe because we're not being focused. So think of that because everybody is looking nice and good.

And Uber is making a lot of money. You take the volume of the company is growing now, they investing in technologies and blah, blah, blah, but they're not investing in the driver, they're not focused on that. So, they only thinking to take more and more.

You guys are the authority, so make sure the drivers get better results, you know. And we been fighting for this for a long time.

Please help us. Please. Thank you. Thank you. Thank you,

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Commissioners.

COMMISSIONER DO: Thank you.

MS. ELUTO: Larbi Aitabou,
please.

MR. AITABOU: Good morning
everyone. Good morning Commissioners.
My name is Lari Aitabou, I'm from the
Independent Drivers Guild. I'm a
proud member.

And, by the way, I used to drive
a yellow taxi in 2007. I still have
the license with me. I keep it every
day to remind myself that number 1,
I'm a driver before being an
organizer.

Quiet please.

I have two things to talk about
today. Number 1 is that's all these
stats that we saw today are mind
blowing. You can't hardly understand
what percentage of this, what
percentage of that. I understand
there is a need of calculating to
actually regulate the industry and to

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make it fair for everyone, but at the same time, we have to focus, number 1, on the drivers. Who is the backbone of this industry? The backbone are the drivers here behind you -- behind me right here.

It's important to recognize that every single driver has a family, yes. They have expenses, yes. Also, they have a risk. They can be attacked. Many, many drivers get attacked, they cannot really speak for themselves because they are afraid. They are afraid of what? They're afraid of this giant company taking them out because they got into a minor accident, somebody complain about them, listen, we can't have you right there.

Not to mention, in 2017, many drivers come to my office and say, "Listen I'm leaving the country? Why you are you leaving the country? Nobody likes me." There's

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discrimination happening right. Who protect those drivers? Nobody.

Thank God there's IDG, the only organization in nation started here in New York representing drivers, fighting for their rights --

(Applause.)

-- and restoring their dignity.

We work with all the Commissioners since 2016. Now we have David Do, it's like a fresh breath of air, that actually allows us to speak freely, not being afraid or bias or anybody right here.

So, we are all New Yorkers and we need to protect and work together, work together so we can have a better future. Yes, we have a common enemy. What is that enemy? It's hidden. We don't know it, but we gonna expose those enemies, of course.

Now, with the work that you guys are doing, it's amazing. Keep doing what you're doing. Bring everybody

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here, question everybody here. Let them know that we are the TLC representing drivers, and we are IDG continuing to work with you.

Thank you for your time.

COMMISSIONER DO: Thank you.

MS. ELUTO: Our next speaker is Anwaar Malik, and he will be followed by Momdough Mobarak and Yousses Mobarak.

(Applause.)

MR. MALIK: Okay. My name is Anwaar Malik. I'm a ride share driver and proud member of IDG.

First off, I want to thank IDG for standing up against these app companies and securing the minimum wage when it was -- and making it a law to increase rates every year. If it wasn't for the bill and the fight, we would be getting suburb rates. It's pretty cool having you to work so hard that even Yellow Cab drivers got a raise this year.

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I also want to thank the TLC for quickly recognizing IDG's strike and caravan where they blocked the Brooklyn Bridge and staged a protest right in front of the court to get our raise back for Uber. Shame on Uber.

I'm also here today to let TLC, Uber, and Lyft know that we drivers can't afford the lockout again. We have seen and mentally felt what it is like not to be able to go online. We have our kids to pick up from school. There are mothers and fathers, I emphasize on mothers, that run their house and also drive a few hours to make ends meet, but they don't do this as a full-time job. There are students trying to pay for their education by driving for these ride share companies, there are elders who can't do a full-time job for their own reasons, so they have to do this just to survive. So, no, we cannot afford a lockout, not at all.

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Even though it is Uber and Lyft's fault for onboarding too many drivers to start with, now the fear is that if this proposal passes and these ride share companies bring back lockouts, then how will these drivers who have personal problems survive?

I used to work five days a week, then had to change to six days a week when the lockout started. When Uber raised it's requirements in order to stay online, so I was forced to work seven days a week. I had to do almost 27 rides every day to stay online 24/7. And that shit is not easy.

AUDIENCE MEMBER: Say it again.

MR. MALIK: That is not easy.

Get one thing in your mind, we're not employees, we're independent contractors and this industry was designed to work whenever you want, wherever you want, even though Uber lied about that, too.

It's TLC's job to regulate this

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industry, it's not your job to make this a survival test for the best.

We have Udani here saying no to the lockouts. We have IDG here saying no to the lockouts, NYC Ride Share Club saying no to the lockouts. We got NYC Drivers Unite saying no to the lockouts, just as for our workers, the coalition itself is saying no lockouts.

(Audience chanting no lockouts.)

MR. MALIK: Calm down, please. I don't know why the Yellow Cab (indiscernible) here.

Can I finish? You need to let me finish this, please.

COMMISSIONER DO: Five seconds.

MR. MALIK: IDG has been giving the simple solution to TLC and the companies for years, but nobody is listening for some reason. I don't know why.

The solution is, number 1, pause

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the TLC license. Number 2, long ago Uber should have stopped onboarding new drivers. Number 3, long ago Lyft should have stopped onboarding new drivers. The fourth solution is, work on the first three and also work on giving us the raise that IDG won.

I want to finish this out by saying, usually the Commissioners vote on what rules they would like to pas, but today I would like the drivers to vote.

Please raise your hand if you don't want the lockouts to come back.

(Some audience members raise hands and shout no.)

Keep your hand raised if you would like to see a significant raise.

(Some audience members raise hands and shout no.)

MR. MALIK: Yo, say yes.

(Some audience members shout yes.)

Finally, keep your hand raised

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if you would also like to get
90 percent of the fare.

(Some audience members raised
hands and shouted.)

COMMISSIONER DO: Thank you,
Anwaar.

MR. MALIK: One second, please.

COMMISSIONER DO: We have a lot
of speakers today.

MR. MALIK: -- raise your hand.

(Audience shouting.)

COMMISSIONER DO: We have a lot
of speakers today.

MR. MALIK: I still got a little
more. I'll e-mail it to you.

(Applause.)

MS. ELUTO: Next up is Mamdough
Mobarak, please.

MR. MOBARAK: Good morning. My
name is Mamdough Mobarak.

TLC drivers deserve to get pay
increase and afford their expenses,
and also deserve to understand
completely these rules.

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Uber, couple weeks ago, they send e-mail to driver, tell them quote, tell the TLC you are against the new utilization rules, and went further -- if the TLC start measuring utilization as proposed, apps would once again have to limit access and drivers like you could lose the ability to chose where and when you drive.

This statement, it's worry drivers. What we can do if Uber does lock them out? The answer, nothing. What TLC could do to protect them I just heard his (undiscernible), he said nothing TLC will do.

So, I called Richard in external affairs and told him about all these e-mails and I urged him that to send e-mail to drivers to explain to them what TLC is trying to achieve from these (undiscernible) rules. Richard told me he gonna send 4:30 that day e-mail to drivers, which he did. But

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he sum up all 15 pages in just only two short paragraphs, which is not enough to -- for driver the understand.

After Judge Arthur's ruling on -- to Uber in January 10, 2023, Commissioner Do made a public statement, quote, once the written ruling is issued, we are going to review it carefully and continue to do what's needed to protect this important pay standards.

My question to you is, what am I going to do? Can we avoid what we did with the last lawsuit that we should use the correct methodology to calculate the increase for the drivers?

Also, I would like to tell TLC -- I urge TLC to send all pages with statement and basis rules that propose to all drivers in all languages.

Thank.

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MS. ELUTO: Our next speaker is
Yousses Mobarak.

(No response.)

No. Alright, then our next
speaker is Jacob Hassan. He'll be
followed by Eric Dorfman and Israel
Acevedo.

MR. HASSAN: Good morning. I'm
very happy to see my chairman,
Mr. David. I was keeping in the
e-mail, I get one chance to see you,
so I said (Indiscernible) just to see
you.

Because your effort, we cannot
deny, your effort is there. Since you
came to the office, you have a lot of
serious concern about the drivers and
you work behind us tirelessly.

(Applause.)

The main thing I want to bring
to your attention that the federal
government, the federal government
giving us lot of money to all the
states to stop the suicide, focus on

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the mental health.

So, who is suffering and struggling with the mental health now in this country, it's the Uber and Lyft and Yellow Cab drivers. We have a lot of pressure from many places.

So increasing their pay is not become rich. Minimum quality of life. We cannot get the high quality life, we know that, we are not going to be rich and we cannot get that quality of life, but minimum quality of life to dress properly, buy the things what you want, eat what we wish, so are not even do we eat what we wish to eat. You know, I like Starbucks coffee, but I don't drink because I cannot afford. I'm the coffee drinker, but I don't drink.

(Applause.)

I like some organic foods, but I cannot afford, I don't eat, it's expensive. Because I don't make the money, you know. I have five

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children, four children are deaf, so we are all suffering and struggling.

And passengers, all the passengers not like -- many passengers have the issue one disorder, so we are taking that stress also. Who are the one communicating -- commuting these passengers day and night, place to place, safely and securely? These drivers. Honest, we get something, we give it to the passenger, we give it to the NYPD and we have --

But same time this multimillion company, Uber and Lyft, they buy whole season, they are multimillion profit, they are earning multimillion profit. But in whole season, we are living with the suffering and struggling and everything.

Taxi and Limousine Commission is doing what all they can, but I think right now, we are here to bring them to justice, this Uber and Lyft. They have to come to justice because they

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have to take care of the drivers.
They have to pay according the
standard rules and concession of the
federal government regulations. They
are not doing that because they are
influence, they are big corporate,
they can -- I'm independent driver,
I'm not part of the organization but
in future I want to be part of
organization.

Like I said, the main reason I
came to see you to say something --
(Applause.)

Last and final, I want to say
that this is a serious concern, very
serious concern, that sister who came
here and was saying her -- it's not
her emotion, she was saying the real
and true what she is going through and
that why she was asking, Mr. Do, are
you going to help. I know you're
going to help her.

COMMISSIONER DO: Thank you.

MS. ELUTO: Eric Dorfman.

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MR. DORFMAN: Hi. Good morning.
I'm Eric Dorfman, I'm an Uber driver
for five years. And so, I went
through the first lockout, and a pay
raise is great, but if we're locked
out, we don't see a pay raise.

(Applause.)

So what good is a pay raise, you
know?

You know, so at the end it was
425 drives, rides a month, 425, you
know. And so what happens is, if you
want to work when you want, you make
425 rides and all you are is working.
Yeah, you might make more money, but
you're only working so you can work
when you want. There's know sense in
that. It doesn't make sense.

I got no beefs wit Uber. They
pay me. Everything is cool. A lot of
people don't like Uber, I got no
issues. The issue I have is the
lockout. That's the only reason I
came here today. You give us a raise,

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great, I can use the money. But I cannot be locked out.

So, we had the pandemic. We had the shutdown and we're out there when -- on the first days of the shutdown of the pandemic so we can get Uber rides so we're not locked out.

They sent us an e-mail saying lockout would the coming back. You know what that did to us drivers? The stress. I have been thinking about lockout for three weeks. It's ridiculous.

That's all I have. Thank you.

MS. ELUTO: Our next speaker is Israel Acevedo.

MR. ACEVEDO: Good morning. My name is Israel Acevedo, and I'm an owner/operator, who has been driving in this industry since May of 2015. For the last five years, I have been driving on the Uber platform. This is my primary and my only source of income, and it is been for almost

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2 eight years.

3 In regards to an increase in
4 driver pay, we definitely need one.
5 It's very expensive to live in New
6 York City. The cost to operate a
7 for-hire vehicle is very expensive.
8 Gas, collision insurance, liability
9 insurance, routine maintenance, major
10 repairs, auto parts, inspections, and
11 the list goes on and on and on.

12 Last year, from May of '22 to
13 May of '23 for my commercial liability
14 policy, my down payment was 687, and
15 my monthly premium was 301. This year
16 March '23 to March '24, my down
17 payment was 764 and my monthly premium
18 is going to be 334. My insurance for
19 this year increased \$34 a month.
20 November of 2022, when I renewed the
21 lease for my apartment, I am renting,
22 my rent went up \$56 a month.
23 Currently, I am paying a little over
24 \$4 a gallon for gas. Let's not forget
25 to mention that the price of food has

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2 skyrocketed. My expenses for 2022 on
3 this car and in this business were
4 over \$35,000, okay.

5 On October 3, 2018, at a TLC
6 hearing, former TLC Commissioner Meera
7 Joshi stated the use of the word
8 utilization has been used a lot and I
9 think you will hear it a lot today.
10 Basically, it's a requirement that
11 each company keep drivers busy with
12 paid trips and if they don't, it will
13 cost them. Well, guess what, it
14 didn't cost the companies anything
15 because they locked the drivers out of
16 the app. However, they cause the
17 drivers loss of income and tons of
18 stress. Me, my family, many drivers
19 suffered in those lockouts.

20 The lockouts were a time filled
21 with lots of stress and much
22 uncertainty. The TLC telling Uber and
23 Lyft that they have to keep drivers
24 busy is an unrealistic expectation on
25 behalf of the TLC. This industry,

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like many others is consumer driven,
the riders request rides and the
drivers provide those rides. Uber and
Lyft do not control when riders will
request a ride. Uber has already sent
out communication informing us of what
will happen if you guys start
measuring the utilization once again.

If you decide the start
measuring utilization once again, how
will we pay our vehicle loans, our
commercial liability insurance, our
collision insurance, inspections,
registrations, vehicle repairs,
vehicle maintenance, auto parts, gas,
car wash, rent or mortgage, Con Ed
bill, National Grid bill, grocery
bill?

If you decide the start
measuring the utilization once again,
we will know that this agency does not
care about our livelihood or
wellbeing. We should not be
collateral damage to the policies of

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the TLC. We are your consumers, we pay our driving and vehicle licensing fees to you, so, therefore, you have an obligation to protect our ability to earn without interruption.

Like the gentleman who just stood before me, I can't take another lockout. I can't another lockout. If we have another lockout, right, again, I'm not gonna kill myself because my life is too valuable, right, but just know, I have invested \$1,500 in a CDL license and if I'm locked out, I'm gonna turn in my plates, I'm gonna turn in my car, and I'm getting the hell out of here. I can't do it.

MS. ELUTO: Next is Alli Langley. She'll be followed by Dinara Zhanpeissova, and Raul Rivera.

MS. LANGLEY: Good morning Commissioners. My name is Alli Langley. I'm a staff attorney on the New York Taxi Workers Alliance.

In addition to the demands

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articulated by my colleagues and the members of the Taxi Workers Alliance, I would like to focus on several additions the TLC must make to the package before you today.

First, the shared ride bonus should not be repealed simply because it was never implemented. The TLC's failure to implement it in the first place is an incredibly arbitrary reason for it's repeal. Previous studies have shown that shared rides are some of the trips where drivers make the lowest earnings and it is essential that drivers be fairly compensated for these trips.

Second, the TLC must maintain the annual review of driver earning and expenses. The statement of basis and purpose states that the review is being repealed because of the annual CPI adjustment. This is mystifying reasoning, given that we are all here today because that annual adjustment

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2 was not sufficient after a year of
3 run-away inflation that hit vehicle
4 expenses three times as hard as
5 general expenses to compensate drivers
6 for their expenses. Additional rule
7 making was required and an annual
8 review is essential to protect driver
9 pay and ensure that that rule making
10 happens in the future.

11 Third, the TLC must increase
12 rates on out-of-town trips. Taxi's
13 get paid double the metered rate for
14 trips to Westchester and Nassau
15 County. Currently, app-based drivers
16 get approximately 1.16 times their
17 normal rate. It's essential that
18 drivers get fairly compensated given
19 their time without a passenger as they
20 return to the City. Lyft drivers,
21 like taxi drivers, cannot make pickups
22 in Westchester and Nassau and Uber
23 drivers may get a fare, but it's not
24 guaranteed, and it's certainly not
25 guaranteed that they would get a fare

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back to the city where they would make
TLC regulated rates.

Fourth, the TLC must provide an
increased per mile rate for luxury
vehicles. Instead of repealing the
placeholder for a differential per
mile rate for luxury vehicles, the TLC
must take steps to study the increased
costs of these drivers, who spend more
on everything from cars, whether
purchasing or leasing, to increased
gas costs.

Finally, the TLC must begin the
process of implementing a real raise
to drivers' take home pay in addition
to taking steps to protect pay against
increases and inflation and expenses
that you are here to do today.
Drivers deserve a minimum take home
pay of \$25 an hour. This is inline
with other professional drivers in the
City, like bus drivers and it
compensates drivers for the risk that
they take to provide essential service

PROCEEDINGS

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2 to the City.

3 Driving is a dangerous job. In
4 addition to traffic accidents, drivers
5 have an incredibly high rate of
6 on-the-job assault and, as many
7 drivers have testified today, there is
8 significant financial risk to the
9 industry, as they make longterm
10 commitment to expenses and don't
11 always have that protection for
12 ongoing work. This is not a minimum
13 wage job and it should not be treated
14 as such. Currently the take home pay,
15 the per minute portion of the driver
16 pay rules is key to the state minimum
17 wage. The TLC must engage in a study
18 to begin the process of raising that
19 take home pay to \$25 an hour. At the
20 same time, the TLC -- just one
21 second -- can use the study the
22 thoroughly look at driver's expenses
23 to ensure that the general metrics
24 that we're using today accurately
25 reflects the industry specific

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expenses that drivers bare.

Thank for your time.

COMMISSIONER DO: Thank you,
Alli.

MS. ELUTO: Next is Dinara
Zhanpeissova.

MS. ZHANPEISSOVA: Hi. Nice to
see you guys. My name is Dinara. I
moved to the United States eight years
ago and for the past five years I have
been driving for Uber and Lyft. I
have done more than 2000 trips and
today I'll be sharing just only my
experience.

So, a few days ago, I filed the
taxes with the accountant and it was
interesting, actually. My gross
income was 85,000. It doesn't look
bad, right? That was my first
thought. Then we started to count
expenses, vehicle expenses, monthly
car installment, gas, towards the
insurance, car maintenance and
supplies, car park in garage, yearly

PROCEEDINGS

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2 car inspection, TLC inspection, and
3 all these expenses in total was
4 35,000. That left me with 50,000.
5 I'm like, no, it's still not bad, I'm
6 okay. But my accountant said, no, we
7 have the taxes and fees. Well, the
8 taxes and fees was in total 32,000 and
9 22,000 out of it was the fee that
10 collects Uber and Lyft. So out of
11 \$85,000 of my income, 22,500 was
12 collected by them. That leaves me
13 with 18,000 per year, and if I would
14 divide it for 12 months, that's, what
15 1,500.

16 Do I make a minimum wage? No.
17 Do I need a raise? Obviously. Is it
18 still enough to make minimum wage?
19 No, it's not.

20 Another thing that I want to say
21 is with utilization rate, I did work
22 before COVID on that time, it's not
23 going to work because there is a
24 minimum time when you -- rush hours
25 when you make money, but all those

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hours are taken, what you are left over with the hours when you don't make money, so it's not gonna work. And isn't the whole idea of Uber and Lyft is about working in the hours when you can or when you want isn't that -- that's how you attracted the old drivers.

You guys issued a license every day and you never stop. The numbers of the drivers, they raising every day and you're putting also, what, thousand EV vehicles in the middle of March. I don't understand you guys.

And there is no chance we're going to get lockout, this is not have a good ending. Thank you.

MS. ELUTO: Next is Raul Rivera.

MR. RIVERA: Good afternoon, Commissioners. Good afternoon Chair Do. My name is Raul Rivera. I'm a New York native. I'm a TLC driver, I'm a TLC driver advocate, I'm the

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founder of NYC Drivers United, the only group in New York City seeking to reform the Taxi and Limousine Commission.

In my hand, I have a petition. It doesn't have all the answers, it's basic. It's a tool that we use to fight. This petition has one major point, and that is to put a cap on this license. We want to bring respect back to this license. We want to bring value back to this license.

(Applause.)

We want Uber to know, we want the ride share companies to know that they cannot deactivate us. We want value on this license. If you put a cap on this license, you slow it down, the drivers are gonna make money. The only ones making money right now is this Commission. It's \$250 for this license.

Mr. Eric Adams, our mayor, signed this petition, his signature is

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right here. And many other elected officials signed. We ask that you respect his name, stand on your feet, do that. We'll stand with you. End this madness. We got to block this license, we got to cap it.

We're not saying, you come from Nepal or you your coming from China, yes, you can be a driver, but get on a waiting list. We can't hand it out like it's candy. It has to stop. We got to bring value to it. I don't know how time I got to say it.

We also have bills, we have bills drafted by the City Council from this petition to put two drivers on that panel to represent us.

(Applause.)

Alright. I speak as a New Yorker. I speak as a driver with over 23,000 trips. I'm not an Uber driver, I'm not a Lyft driver, I'm a New York City Taxi and Limousine Commission driver. Save my license.

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COMMISSIONER DO: Thank you.

MS. ELUTO: Next up is Andrew Greenblatt. He will be followed by Yohan Fulgencio and Alpha Barry.

MR. GREENBLATT: Hi, good morning. I'm Andrew Greenblatt, I'm the policy director for the Independent Drivers Guild. I did prepare a written statement I was going to read, but I'm going to go off script, and I'll just e-mail this to you.

So, two major points I'd like to make, a small one and a big one. The small one is, while the raise is absolutely necessary, we appreciate that you're doing it, it has a flaw in it and that flaw is that the moment you put that raise into place, you just barely reach the floor of minimum wage. Then for the next 12 months, inflation gets us below the floor and so for almost all the time, workers aren't making minimum wage. You need

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to account for that when setting the rate, knowing that inflation is going to eat at that for the next 12 months. You got to start higher than the minimum wage if you're only gonna reset it once every twelve months.

Okay. The next point I want to make is about the lockout, so I'm going to echo a little bit of what Raul said, but I'm gonna explain it a little different way.

When the minimum wage was first created, it had in it this flaw that we can fix, we can fix this flaw, and that is, the whole system is set up on supply, demand, and utilization, right, it all spins around those three things. And when you raise pay, the supply of workers increases, more people want to drive, look, it's making better wages and people who have their license drive more hours because they make more per hour.

Okay. So supply goes up, but demand

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does not go up. So you have more people on the road chasing the same number of rides. And because of that, utilization goes down.

Now, the only tool you have use so far to deal with that is to raise pay again, which just continues the cycle, raise the pay keeps the drivers coming out, doesn't do anything to increase demand. The solution, that Raul and a number of other drivers just talked about is, you have to limit the number of drivers coming out. Now, the companies have been doing that by lockouts, which is brutal and just completely messes up people's lives, people who have invested thousands and thousands of dollars to become drivers and rely on this work to pay their bills, suddenly and randomly get locked out.

There is better system. The TLC can say, woe, woe, woe, woe, when utilization drops to a certain point,

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we're just going to throttle supply.
We're not gonna let any more people
get their TLC licenses, and that's how
you make sure, that's how you defend
utilization. You defend utilization
and keep it high by throttling supply.
This is, you know, basic economics,
right supply and demand, that's how it
works.

(Applause.)

And I want to say that -- I want
to say while we are very appreciative
of the new winds of change that we
have seen since Chairman Doe has come
into place, it has been remarkable and
you're we appreciate that. And I
appreciate James, who is a wonderful
staff member and you are lucky to have
him.

I take exception with his point
that the TLC has no role to play in
the lockouts. The role is, you create
the market in which drivers exist,
passengers exist, and the companies

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exist, and if you create a market that doesn't regulate the supply of drivers, you're going to either have this spiral of too many drivers not enough passengers, or the company is going to respond with lockouts, but you can fix that.

If you don't feel like you have the legal authority to do it, please let us know, we will stand shoulder to shoulder with you and go to Albany and get you that authority.

(Applause.)

AUDIENCE MEMBER: Adams signed the petition. He signed the petition. We want to know that his name means something. We want to know that his name means something, Eric Leroy Adams.

COMMISSIONER DO: Thank you.

AUDIENCE MEMBER: Stand by the name.

MS. ELUTO: Excuse me. Our next speaker is Yohan Fulgencio.

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MR. FULGENCIO: Good morning.
My name is Yohan Fulgencio. I'm here to -- I'm a proud member of the taxi -- New York Taxi Workers Alliance that is representing FHV drivers all over the place. Thank you.

As many drivers spoke earlier, we have a lot of expenses. A of expenses that are not allowing us to have, let's say, a decent quality of living because what we're taking home. We're taking nothing home after you take all of the expenses. As the lady before spoke, she said about -- she spoke about her taxes, you know, that's a great example. What are we left with after we file our taxes?

Uber released a statement saying that we take home \$31 per hour. Any of you guys make \$31 per hour?

(Chorus of nos from the audience.)

And I'm not here to name call, you know, say IDG people or TWA is,

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no. I'm here representing the
drivers. You know, I'm here talking
about the drivers for the drivers. We
all have a lot of expenses.

Someone mentioned earlier about
the hidden dangers. Hidden dangers,
I'm gonna say a few of them.
Deactivations. Hidden dangers,
lockouts. Hidden dangers, the leasing
companies. Leasing companies that are
charge a huge amount of money to
drivers every week, but here you guys
proposed a rule where you guys are for
electric vehicles for a thousand
plates. Why not keep those thousand
plates for individual drivers, instead
of allowing --

(Applause.)

Instead of allowing 400 plates
to go to, let's say leasing companies
because which one of you guys have
enough capital to purchase 25 electric
vehicles, so we should change that.
Like the other speaker said, we -- you

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guys work for us or we should work
hand in hand, you know.

We're calling on the TLC to use
the CPI-W for -- sorry, to adjust the
per-mile based on most accurate
measure of inflation for car's
operating costs, not for anything
else. We're drivers, our expenses are
for our cars, most of our expenses.

Also, protection against the
lockout, right, but please, please,
please, do not get rid of the
utilization rate because, if you get
rid of the utilization rate, you're
gonna open the floor for these
companies to keep us, like, working,
if they want to -- well, give us more
work but paying us less. So the raise
you're trying to give us is going to
go nowhere.

(Applause.)

It's sort of like a
contradiction if we get rid of the
utilization rate.

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Also, like another brother said, please get rid of the license. I mean, don't get rid -- please pause issuing licenses.

AUDIENCE MEMBER: Slow it down.

MR. FULGENCIO: Thank you.

And set a limit, try to set a limit, like I said before, for the leasing companies to lease their vehicles. We're not getting -- we're not getting any license plates now right because there is a pause.

TIMEKEEPER: Your time has expired.

MR. FULGENCIO: Just please lookout for drivers. Thank you.

COMMISSIONER DO: Thank you.

MS. ELUTO: Alpha Barry, please.

MR. BARRY: Good morning, everyone. My name is Alpha Barry. I'm a member of NYTWA. And I thank the Commissioner for asking us here today again.

And first, the reason why we are

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here the because of greed. I mean
Uber greed, that's why we are here.

I have been driving for almost
20, 21 years, I'm still struggling. I
have \$60,000 debt on me. My insurance
this time, I have to borrow money to
pay for my insurance. We have all the
expenses and we do all the work and we
get paid very little. We pay car
maintenance, car insurance, pay the
gas, car leases, so on so forth
without talking about your rent or
food on the table.

So I'm saying this, Uber and
Lyft, us as drivers, we are
struggling. Us as drivers, Uber and
Lyft drivers, we are struggling. Why
they made the highest, the highest,
the highest amount, they are
complaining drivers -- the longer you
stay in this job, the less money you
make because your body deteriorate,
your body deteriorate.

(Applause.)

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For them to stand up and tell us we don't deserve a raise, they're already giving us a raise, is a shame. We do all the work, like I said from the beginning.

So Uber we are telling them to give us this raise, we deserve this raise. We don't want anymore -- let's make this right this time, we don't want anymore lawsuits, we are tired of it. Please let's get it done right this time.

Thank you very much.

(Applause.)

MS. ELUTO: The next speaker in Nicholas Martinez, followed by Hector Geraan.

And we'll need the Spanish interpreter.

(Mr. Martinez testified through interpreter.)

MR. MARTINEZ: Good morning. My name is Nicholas Martinez. I have the

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TLC license from 2012. The minimum was \$8 -- \$7. Today to move a passenger from point A to B is \$4. In 2009, when I started driving, to JFK, it was \$65 plus the bridge, today it's 40, 45, 50, and even less.

It's very emotional. Okay. Let's say something more rational. And I'm gonna to say three things.

Everybody's talking about the lockout, utilization rate, but something that they have left from the question, everything that is being said, it is based on a normal trip that doesn't have double or triple price. How much do I get when I do a passenger who, instead of being a normal \$10, the passenger is being charged 30? From those \$20, I get nothing. From Lyft I get \$2, \$2 bonus.

But what I want to be told is, all that surging price, how much am I gonna be paid? The calculations that

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I have made is all based on the minutes and the miles, it's not being transparent. Uber and Lyft know they're not transparent because they don't give you the breakdown of how much that client is paying.

The thing is, how much are the drivers going to be paid because of the surging price because they're not paying it to us, but to you, yes, as the client, but we are not getting paid for it. What we are getting paid for is miles and minutes.

When I try to communicate with them ask, my passenger was charged so much, he was charged three times, Uber and Lyft say that they pay for -- by the minute and the mile.

Do you think you can solve that problem because that hasn't been talked about yet?

That is the reason why Uber and Lyft have made so much money. And now in February report from Wall Street,

1 PROCEEDINGS

2 the drivers --

3 THE INTERPRETER: What?

4 AUDIENCE MEMBER: They're going
5 to hell.

6 MR. MARTINEZ: They are going to
7 hell, the drivers. But we're not
8 making the money.

9 What I mean is, so that the
10 driver gets a bit more money, who do
11 we make pressure to those two
12 companies so they give us some money
13 from the surging price. We're not
14 getting money from the surging price.

15 COMMISSIONER DO: Is that it?
16 Thank you so much. I appreciate your
17 comments today.

18 MS. ELUTO: Next speaker is
19 Hector Geraan. Interpreter, we're
20 going to need you for the next one.

21 (Mr. Geraan testified through
22 interpreter.)

23 MR. GERAAN: Very good days for
24 all of you. Particularly for my
25 friend David Do. He is my friend

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because he says he is a friend for the taxi community. Good morning to all of you who the protagonists of the taxi industry.

My name is Hector Geraan, known as Juantutu (phonetic).

My coworkers, who have talked previously here have said everything. The taxi community today is one of the most suffering communities of all the workers in the State of New York.

We are going to now say everything that they said about gasoline fuel, maintenance. A taxi driver right now needs \$912 a week only for maintenance of the car, fuel, payment for leasing, payment for base, and something to consume for the chauffeur, for the driver. 912, 16 dollars, not counting what our wives are spending for Con Edison, rent, et cetera for the maintenance of our homes. These numbers, we look for them in the community. Talking every

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day be the taxi drivers. We know that David Do told us at a meeting that he wants a good relationship with the community. That relationship includes security, work security what all my coworkers have expressed.

You must study the abuses that the applications have, starting from Uber and Lyft. We want you to look all the sectors where the taxi drivers have to take daily and weekly money. David, and all of you, please, we want you to look -- to study the leasing agencies. We want for you to remember that at this same place, it was approved -- discussed and approved the pandemic law, sorry, the fatigue law that gives drivers ten hours to work, those 10 hours in a 24-hour period. Therefore, you have to remember, Uber and Lyft, this is a state law and a recent law, look for it. Everything that is done outside the law is a violation. Therefore, we cannot allow

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any sector to remove a driver from the service, lockout the driver, but all these recommendations on the driver and the car, we cannot allow this to be done.

Related to the Yellow Taxi, we always been kept outside. They only look for us in 2016 when all the jobs were in the garages, in the garage, they organize and the universal license was implemented to look for 50,000 taxi fee drivers that force us.

Finally, in the name of the taxi community, I want to ask you, this hearing that is taking place today, it should be better, more profitable, while this event is being done to look for a solution to the problem, we have a severe attack on the Taxi and Limousine in the county of Bronx and Manhattan. But eventually that pressure is put on our drivers because the community is outside.

TIMEKEEPER: Thank you. your

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time is expired.

MR. GERAAN: -- yellow car or green car but don't appear in any of those boroughs and that is a problem. We told the Commission that is a problem. The Community is out right now, once you go to the hospitals (undiscernible) this community has gone to the street looking for a taxi service.

I want to thank God for this opportunity and all the rest of people. But I don't want to leave without telling you that four boroughs of the City of New York are today crowded with car with plates from the different states.

COMMISSIONER DO: Thank you so much. Appreciate it.

MS. ELUTO: Next up is Sandy Ramos, followed by Victor Chacher.

Ms. Interpreter, we need you.

COMMISSIONER DO: Interpreter.

(Ms. Ramos testified through

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interpreter.)

MR. RAMOS: Good morning,
everyone, taxi drivers, and everyone
else here.

I don't need so much time to say
what I want to say. Everybody knows
that money -- the money that a taxi
driver makes in the City of New York
at this time is not enough. So we are
going to say everything we want to
say, but this reality. The other day,
the very cold day, when the working
day ended, one of my last calls was to
take discapacitated lady. When I took
her, I helped her, I helped her to get
in the taxi with the carriage and
everything, and you know what the last
words of that lady said to me, thank
you very much.

That, to me, was very
satisfactory, that money cannot buy.
Because it was the short drive, less
than \$6, which is what a short drive
costs with application. All of them

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know in New York, in other places,
it's less.

The other day, I went to take my
son to school at 8:00 in the morning,
and I went back at 7:00 at night, and
I got 11 people, and I made \$73.

Everything is very expensive,
gas, everything. For me to be able to
make the money that I need, I got to
dedicate more time to my job. I have
to get less time with my family. I
have a wife. I have a 15-year-old
son, an 11-year-old son, and my wife
is pregnant now.

(Applause.)

For me to be able to pay the
money that I need, for me to make the
money that I need, I've got to spend
less time with my family and more time
working.

I came into this country 20
years ago and I am a citizen, and I've
been doing this job, work for
ten years.

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My question to them is, if we been doing this job for so long, we only have two options, either we quit this job or we dedicate our time to our family. What are we going to do?

Thank you very much. I end up what the lady told me.

Thank you very much.

MS. ELUTO: Interpreter, we're going to need you for one more, Victor Chacher.

AUDIENCE MEMBER: I'm sorry. He left. He had a appointment, so he told me he was leaving.

MS. ELUTO: Thank you.

MR. ISHTIAQ: Good afternoon everybody. First of all, I am with Uber since 2012. Okay. I can tell you little bit about Uber history. That time, we was very excited, we have very happy life. Now, even our kids won't ask -- my wife saying to my kids, dad, don't have work, don't ask dad anything. Yesterday, my kids

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asked something and my wife tell to him, don't ask him, he has no money, he has no really good work. Really had to survive right now.

That time, Uber has ten percent only commission because we have no fake unions, no bullshit, only Uber and driver. I'm telling truth, I'm not lying. Nothing fake, nothing (undiscernible) this.

Right now, in the social media making fake news to scare the drivers because this my brother, he cannot speak English, he don't understand, whatever I can tell him, he saying okay, you good. That's not fair.

The problem is the middlemans who is speaking by Uber and misusing their drivers. And that raise, if we are right -- that is our right. If you survive and it's ten percent, no, you have legal fees and everything, 40 percent and you're not still showing the real fare. Still you cannot

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survive and you and you got 8.6 billion, you get benefit profit. We have nothing -- if we start from Brooklyn, we go all the way -- make our runs whole day. Maybe -- I have phone here, whole day, you work ten hours \$130, whole day.

After that, you have \$90 gas plus, where you take this 30 or \$40. And they say don't pay utilization. Why? That is our money, we don't want to feed anybody. We want this money. We don't want to give this money any lawyer, any firm. This is between us and Uber. If Uber survive when there is no office in Brooklyn, no office in Manhattan. I know they are staying in multimillion buildings. That's our money. That's not Uber money. You're staying in luxury buildings. I know we are saying raise price and you're saying we are dieing, how you are dieing?

You think before car service --

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PROCEEDINGS

you think before Yellow Cab driver did
suicide, car service did suicide,
black card driver. Black car driver
is not a comfy job with shorts and
sneakers. Black car driver, I am
driving 20 years, wear my suit and
tie. This is not like a begger.

Yesterday or day before, I told
to the one driver, he say, I heard
Uber usual rate made \$5.39 medium
rate, after raise I get \$5.34, what a
bullshit. What is this game?

And I'm driving SUV. SUV this
year, insurance is up \$570, usually
3,000 insurance, now it's \$3,570.
Everything is up, gas. SUV uses super
gas, around \$5 gas. You want
(undiscernible).

I am working all my life like
3:00 the 12:00, like, eight hours.
How many hours you want to work.
Don't misuse the drivers. Okay. If
you work eight hours, they pay you --

I'm surviving since 2012, my

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1099 above \$150,000 in eight hours,
nine hour, ten our maximum and five
days. Now we are working 70, 80
hours, still we cannot make \$200.

Thank you for are this. I think
my time finished.

COMMISSIONER DO: Thank you.

MR. ISHTIAQ: Hold up there's 30
seconds, I think.

When you go to the hundred
miles, they pay you 98 cents. Hundred
miles you drive \$98 plus Uber fees,
that would 44 or 54 or something
dollars hundred miles. He has gas and
everything. What he get in the
pocket? Nothing, he getting free.

COMMISSIONER DO: Thank you for
your time.

MS. ELUTO: Next up, we have
Mohamed Mohamed followed by Lamin
Jatta and Bamba Diakite.

MR. MOHAMED: Good evening. My
name is Mohamed Mohamed. Thank you
TLC. When I came this country in like

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1985, I start, like, dishwasher and I saved some money after I work in Yellow Cab and opened like three restaurants in Manhattan. I lost two of them after 911. The only job I found after that, only Yellow Cab again.

Yellow Cab, we were, you know, in the garage, the medallion owner enslaving us and everyone knows that we pay a lot of money for night shift and we are like tired from medallion owner.

When Uber came to the industry, we very happy and was like, oh, the angel is going to save us from the blood sucker from that, you know, blood sucker Yellow Cab owners.

And TLC allowed the genie come out from the bottle, which is Uber. TLC now should put now the genie back in the bottle or protect us from the genie.

Uber lies. We don't make \$31

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per hour, as they mentioned. I'm not gonna repeat whatever my friend says, everybody knows inflation, the prices, the bread I used to buy, 75 cents for six pita bread, now I pay \$1.50. The eggs, I used to buy a dozen, \$1.25, now \$5. The gas, \$45 to fill my car, now it's \$75. It too hard to survive.

You have to protect us as a driver from Uber. That's your job.

(Applause.)

It's not only to be to protect the passenger and the car business Uber, Lyft, whatever, blah, blah, blah, but you have to protect the driver also.

We are main column that make this industry go up. We generate the money to TLC, to the City and pay taxes. Please stand up with us against Uber and get regulations and rules and control them.

He's lying. First time I see Uber guy here. For seven years, I

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PROCEEDINGS

worked for Uber, seven years.

MR. GOLD: I'm always here.

MR. MOHAMED: I never seen you.
Stop lying. Seven years I'm five
stars --

MR. GOLD: (Undiscernible.)

MR. MOHAMED: Stop, please,
don't interrupt me. He's lying.

I am seven stars driver, I'm
doing very good customers. I used to
own pizzeria, I know how to treat
passenger and customers. I give water
and candy to the passenger, okay.
That's me, not Uber. Not Uber. Uber
make donations and go to the public
and saying we did donation, that's for
the tax break, that's our money, it's
our money.

(Audience applauding and
shouting.)

COMMISSIONER DO: Mr. Mohamed, I
appreciate it. Thank you so much.

(Audience continues shouting.)

MS. ELUTO: Lamin Jatta, please.

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MR. JATTA: Good afternoon
Commissioners, fellow drivers. My
name is Lamin Jatta. I drive for Uber
and Lyft. I am a proud member of the
New York Taxi Workers Alliance and I
participated on the strikes organized
by the NYTAW on December 19th,
January 5th and February 26th
demanding a raise for hardworking
drivers. I support all the demands of
the NYTWA.

My operating expenses for my car
last year, Toyota Camry, I used to be
able to fill my gas tank for \$30
before the inflation set in, but last
June, it cost me up to \$60 to fill my
tank in the height of the gas price
increase. My car payment monthly was
\$425. Most of the time I have to pay
\$435 because I pay late. Insurance is
3,700, which breaks down to \$312 a
month. Maintenance can range from \$70
just to change oil, which used to be
50 below to me spending \$600 in one

1 PROCEEDINGS

2 time last October when I had to change
3 my starter with (undiscernible). My
4 rent is 750. Food costs can be more
5 than 40 the week. I also had to spend
6 more than 500 just to replace my TLC
7 license. So, do the math. At this
8 point, all my credit cards are maxed
9 out. Ladies and gentlemen, drivers
10 are neck deep in serious struggles.

11 We drivers work so hard to move
12 the City around, driving long tedious
13 hours trying to make a living for us
14 and our families.

15 The double whammy because of the
16 COVID pandemic and the war in the
17 Ukraine that made price of everything
18 gas, maintenance go up hundred
19 percent, hit our families very hard
20 and is making it difficult for us to
21 properly feed our families and pay our
22 expenses at home and at work.

23 I am supporting doubling the
24 rate out of town, out-of-town rates
25 for Uber and Lyft rates.

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I initially used to drive for Yellow Cab from 2012 to 2016. I used to be very excited to get an out of town because it was very rewarding financially. But when I drive Uber, out-of-town trips turn into nightmares for many due to bad rates Uber and Lyft pay the drivers and the fact that we have to drive back to the City empty most of the time at our own expense, make our own town -- out-of-town trips very unproductive and frustrating enterprise for ride share drivers. Lyft does not allow us to pick up from Westchester and Long Island.

In some cases, when I have to take a long distance trips to New Jersey, I have to return to the City empty and all tolls I pass at my return are at my own expense.

On several occasions, I pass E-ZPass with a negative balance. E-ZPass charge \$50 for each violation,

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most of which is less than the \$50,
you know, the tip I made -- most of
the tip I make less than \$50 New
Jersey.

Also, some police in several New
Jersey towns pick on us because --
just because we are from out of town.
There was time a cop stopped me just
because I didn't have my headlight on.
So all the trouble we go through, you
should make, you know out of town,
double the rates we have now, it's now
worth it. Because of that, like this
brother here, I get my CDL license,
and I'm jumping ship because, you now,
this is not sustainable, we don't have
respect as drivers. We cannot survive
like this, so I mean I get my CDL and
I'm jumping ship because it's not
sustainable.

COMMISSIONER DO: Thank you,
Lamin.

MS. ELUTO: Our next speaker is
Bamba Diakite.

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MR. DIAKITE: Good morning,
everybody. I'm a member of New York
Taxi Alliance Worker. Thank you, TLC.
Thank you, everybody.

My name the Bamba Diakite. I
drive taxi long time ago, long time
ago, do all taxi, any company, Gypsy,
Yellow Cab, everything. If I talk
now, I never finish the history.

This job, taxi driver is same
father, same mother. Everybody here,
you drive taxi, you don't drive taxi,
you got a family. You got a family.
You support your family.

I want take one point, lockout
the driver out, this not fair.
Because every day, if I go home, I
don't sleep because -- you know why, I
can't sleep because my app. I wake up
tomorrow morning, the app is on, put
out, I don't know.

You see, anything I want to say
TLC how to look, help the driver, the
driver work support their family. How

PROCEEDINGS

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2 many drivers here or how many people
3 who don't drive taxi got family,
4 support their family, how many
5 children he have. One lady talking
6 about here, seven children, the lady,
7 woman. I see one guy talking about
8 here, you work more than 60,000. This
9 guy. There's one guy here talking
10 about he gonna go CDL. Okay. Me too.
11 Now I go CDL Jersey, five month. If I
12 go CDL -- I drive taxi long time, I
13 got a lot of friends all work, not so
14 many did black taxi, you see my
15 friend, if I go sit here even go with
16 Bamba, I stil drive taxi. Anyway I
17 drive CDL whatever, I gonna help them
18 because these people is nice people.

19 The morning, taxi driver you
20 take your taxi you go outside, the
21 first customer who hail, they got
22 children (undiscernible) they're gonna
23 say, driver, I forgot my wallet home.
24 Driver, I don't have -- driver, I
25 don't have money. Can I help me.

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Okay. Driver gonna say, Okay, I want to help you. Because I don't want to be late, my kids are not gonna be late in their school. The driver help that person, take free.

Driver come in the lane by cafe or food, some homeless people come, oh, driver can you buy me food? He buys food.

Lock out still lock out open all driver up, please. I know my time is finished, it's shot. No lockout, open all driver and close the app. No lock out, please.

COMMISSIONER DO: Thank you.

MS. ELUTO: Our next speaker is Kevin Zhang followed by Sammare Damai and Liakat Ali.

MALE SPEAKER: Hi, everybody. He is a Chinese driver, so in order the save time, he told me what he wants to write ahead of time, so I wrote it down, I'm just going to be reading it off of my phone. All

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2 right.

3 SPEAKER FOR MR. ZHANG: Hi
4 Commissioners. My name is Kevin
5 Zhang, I'm an Uber driver for five
6 years. I have a lot of expenses on
7 the road. I got an SUV and my monthly
8 payment for the SUV is \$1,480 per
9 month, rent for my home is \$1,800 per
10 month. This year, for my car
11 insurance, just liability alone is
12 \$7,000, and not only that, I have to
13 paw full coverage on top of that,
14 which is even more. Every day I go
15 outside, I go work, how much do I pay
16 for gas? That's \$75 per day.
17 Maintenance, you know, just doing oil
18 changes on my car, you know, on my
19 SUV, it's about over a hundred
20 dollars, so I put \$250 aside just in
21 case of any extra expenditures for
22 these kind of situations. I'm
23 struggling every day. These costs
24 doesn't include my living fees. You
25 know, food that he buys, supporting

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his spouse. His spouse, she doesn't work.

So every day I am struggling. If this lockout comes back, I cannot make ends meet. I want no lockout.

Also, with -- every time we go for a pay raise, it only adds up for X and XL trips. Right now, he's driving SUV, a Surburban, the rates for black cars, Uber Black and Uber Black SUV, it did not -- it doesn't go up at all. They even took out insurance rates for black SUV trips.

So if the lockout was to come back, I would face a lot of financial hardship, not only for himself but for his family. There is a high chance that, you know, he will be homeless if this lockout comes back.

From there, he wants to say thank you very much for you time. Yeah.

COMMISSIONER DO: Thank you, Kevin, I appreciate it.

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MS. ELUTO: Next speaker Sannare Damai.

MR. DAMAI: Hello, everybody. Good morning. Nice to meet you all, sir, ma'am, and every driver here.

I just want to say, I have been working for Uber for last three years, and I just want to share my story.

We have lots of pressure and we have families and when we drive on the road and, you know, many passenger, like, if we are doing -- if we are doing our job very good, we are driving very good also. We have too much pressure because without any reason, some people complain without any reason or any mistake and we are pressure in our mind, we have to think about, maybe tomorrow my app is going to be deactivation with a little small comment. So that's why we are-- we are here for -- to say our history and we really want, actually TLC plates also because we cannot survive, you

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know, we cannot survive with so much expenses and so much excuses because of the expenses.

So, I want to say thank you to all of you to hear about our pain, please, thank you so much. I just wanted to say that and there is no lockout, we don't want. And we just want raise our price and just for TLC plates, we need that. I really need your help.

Thank you so much. I just want to say this much.

COMMISSIONER DO: Thank you Sammare, appreciate it.

MS. ELUTO: Next is Liakat Ali.

MR. ALI: Good afternoon, Honorable Commissioner. Good afternoon, everybody.

First, I would like to thank TLC for giving me the opportunity to speak here. I'm Liakat Ali, a ride share driver since (indiscernible) and a proud member of Independent Driver

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Guild since it start it's journey in
(indiscernible).

I come here to support TLC's 8.7
percent increase over the raise in
effect from March '22 to January '23
and strongly oppose Uber's lawsuit
against this pay raise.

Uber calls us partners, how come
they go against the partner. Want to
get the partner down, wants to get the
partner into poverty. I want to ask
Uber, what kind of partnership we are
in. For me, the accounting for
earning and expenses are more or less
same as my previous speaker's
expenses. As of today, inflation rate
is now 6.41 but our earnings are even
lower than the COVID time.

Now it is almost impossible to
cover the expenditures and give a
healthy life to my five-members
family. While my children are all
students and my wife is unemployed. I
believe it is the same for every

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family, grocery prices are up,
insurance is higher than before, gas
prices are higher than I ever
experienced since I am here in the
U.S.

Regarding lockout, I don't
understand the calculation of
mathematics behind this proposed
policy. What I understand is my
experience during lockout phase I
faced before COVID, I remember I had
to -- usually, I start my work from
Queens, where I live, but in that
period, I had to go to City, as it is
busy area. I had to spend more than
40 hours seven days on the road to
make up my earnings. Before that, I
used to work maximum ten hours five
days a week.

I immigrate to this country to
provide my family, to give my children
better education, better human being,
make them better citizen, but I am not
able to keep my commitment, my

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responsibilities to my family because to maintain my daily expenses, I need to be on the street for more than 12 hours, seven days. I cannot look after my children, how they're doing, how they are doing in the school, how they are doing in their daily life.

Finally, I strongly support TLC's increased rate and strongly oppose the proposed lockout.

Thank you, Mr. Commissioner. Thank you TLC officials here. Thank you my fellow drivers. Thank you everybody.

COMMISSIONER DO: Appreciate it.

MS. ELUTO: Next we have Ahsan Ali followed by Jean Cadet and Raju Ranpaseli.

Ashan Ali?

(No response.)

No.

Alright, Jean Cadet.

MR. CADET: Good morning. Good afternoon. My name is Jean Cadet. I

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have been doing this business more than 33 years when the Yellow Cab existed. And after checkered cab, Yellow Cab come back to get more power. But now, I hate Uber, I hate Lyft. I hate Via. Via no longer in service no more. It's okay.

Now, lockout started right now, how many people you guys think are gonna be by themselves on the road? Nobody gonna be involved now, nobody gonna be on the street to make a living anymore. How are they going to do it? They gonna commit suicide again. Too many people take their own life already, about eight, more than that.

AUDIENCE MEMBER: Twelve drivers.

MR. CADET: So, we don't want anything like that happening again. Who is in charge of these things? Somebody in charge of that, who is? TLC, Taxi and Limousine Commission.

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Is Going to have to do something about it. Who is gonna repeat who is gonna do something for us now? You guys. Say something. Do something. Let us feel that we are on the right track.

We don't like to see children stay behind who have no help. We have to pick up the children from school, take them to school, feed, feed your parents if they belong to you. What are you going do after that, who is going to support you? Myself. I have to do it myself. Who is going to help me do something like that.

People need help out there. Somebody please do something or say something, whatever it is, feel something new, there was nothing new now. I don't see nothing change, still the same. TLC has to do something about it. Who is the TLC? You guys. Who is the one have to make TLC work better? You and me. I don't know what I have to say. That's the

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whole point I have to say. I came in today to make my voice heard. Somebody have to do something about it. We get enough. We see enough. Now we say enough is enough.

COMMISSIONER DO: Thank you.

AUDIENCE MEMBER: End the poverty. End the poverty. Poverty is the worst form of violence.

MS. ELUTO: Excuse me. Raju Ranpaseli.

MR. RANPASELI: Good morning. I need an interpreter.

AUDIENCE MEMBER: Can I?

He just said, good morning and namaste. That's how we did in Nepal.

(Mr. Ranpaseli testified through interpreter.)

MR. RANPASELI: My name is Raju Ranpaseli, he's been working more than one year in the TLC. Because of your TLC license, he has been able to work and support his family back home. The way that you guys help the drivers, he

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really appreciate and he really admires and he really wants to thank you guys.

He wants to say something about the TLC plate tags. He has been renting a TLC plate for a year and more. He has been renting the plate for 400 for one year, and after one year, the leasing company is charging him \$700. The same thing, he went to TLC for conference, but none of the authorities are helping him right now.

He had an agreement for three years, but the leasing company somehow started charging \$700 and because of that -- he got the car, basically, for the, you know, for renting a plate and he spend more than \$70,000 and now he is suffering.

Right now he is having medical issues because of other trade -- the leasing company. The leasing company canceled his plate and his work and now he -- he has more expenses to pay

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and the leasing company threaten him with arrest and in the middle, the company canceled his agreement.

So thanking you all TLC for helping drivers out. He also wants you to look for those kind of corrupted leasing companies to be accountable for the punishment that TLC leasing company giving to innocent drivers like him.

He would like to get help with specific issue and he is visiting not only with him but with many of the drivers and he wants to say thank you.

At last, he said TLC has been really supportive to drivers and very grateful to us and he is hoping to get justice from you guys and help from your attorney or your account holder. He said you have a driving portus and you need -- what is your license, you said, 597822. That's his license and he wants to get help from you guys.
Thank you.

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COMMISSIONER DO: Thank you.

Mr. Raju, could you go to our external affairs table outside and give them your information so that we can follow up with you on this constituent case.

MR. RANPASELI: Alright. Thank you, sir.

COMMISSIONER DO: Thank you, Mr. Raju.

MS. ELUTO: Our next speaker is Heriberto DeJesus, he'll be followed by Komolafe Akinwunmi and Ismatof Gonya (phonetic).

Mr. DeJesus.

(No response.)

Komolafe Akinwunmi.

(No response.)

No. Ismatof Gonya (phonetic).

(No response.)

I'm going to go to the next few names. Kibum Park.

MR. PARK: Yes. Hello, everybody. Hello people, hello Commissioner.

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COMMISSIONER DO: How are you?

MR. PARK: I just e-mailed to
you. Can you check your e-mail?

COMMISSIONER DO: Okay. I'll
follow up right after.

MR. PARK: Yeah, because this is
very important.

I've been working with Uber
2014. I have more than 10,000 riding
experience, but, you know, I see lot
of Uber do illegal business activity.
I strongly, TLC should investigate
Uber business activity and also, if
possible, you have New York State
attorney general should review the
Uber's illegal business activity.

Every reporter here, did I sent
it to -- my e-mail to you, right, you
receive it?

Okay. Here is my case. Maybe
you can write down the case number
SC001670/20, Queens County Small Claim
Court.

AUDIENCE MEMBER: Can you say it

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again --

MR. PARK: -- case number is SC,
S like Sam, C like Cat, double
01670/20, year 20.

I got judgment by the
September 22, 2022, which has been
three years to get my judgment, amount
is 695. How I get this kind of --
they owe, but until September, I got
judgment, they still don't pay
anything even though court sent them a
letter to Uber Greenlight Office, Long
Island City. So they don't do
anything. They ignore.

You know, I -- even though, lot
of times, they don't pay right to the
fare to driver. Here is my story.

September -- around, like
September something, like 2020,
pandemic time. At the time, you know,
I better take unemployment is much
better, more money I can get it, but I
driving. Alright.

Okay, so I got offer -- any

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business have a contract, offer and acceptance, right, offer. Uber offer drive to Syracuse, you know where is Syracuse, right? You know where is Syracuse.

(Chorus of yeses from audience.)

Upstate, right. So it's about -- they give estimate, driving time is four hour 30 minutes, like 400-something mile, right. I press, I accept. Then I pick up the customer. She's Chinese lady, very nice Chinese, but she don't speak any English.

Anyway, I take her, then I drove up to upstate highway during -- driving almost like one hour 30 minutes, suddenly, my app is freezing. Then drop the customer any gas station or any dry site. Have you driven up to Syracuse upstate? They have nothing there. So I stop at a gas station.

TIMEKEEPER: Time is expired.

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MR. PARK: No, it's not expired,
three minute, right.

So, I stopped at gas station, I
explain her, so I don't know, whatever
reason, I don't get any GPS, so she
don't understand what I'm saying. I
cannot drive -- drop her -- I don't
know what town's name to Chinese lady
who don't speak any English.

So, what should I do. I'm
thinking and I check the -- I do all
the time go my personal look, then I
check the address I pickup the Google
ing map, so I say, company, they don't
pay me anything, they asked me to drop
off you here. She said, she don't --
she almost, like, crying, you know,
she got the two bags. What can I do?
So I drive --

COMMISSIONER DO: Mr. Park,
we'll follow up.

MR. PARK: Okay.

COMMISSIONER DO: I know you
sent the e-mail.

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MR. PARK: The most important thing is the TLC -- it's not only me, even though I went to the TLC -- I mean, the Uber office, one of the -- I've been there almost like ten times. One the driver service persons told me, you know, Uber, they don't pay lot of drivers like this --

TIMEKEEPER: Please conclude your testimony.

COMMISSIONER DO: Mr. Park, thank you.

MR. PARK: The TLC should investigate or attorney general should investigate their illegal activity.

COMMISSIONER DO: We'll follow up.

MR. PARK: Please.

COMMISSIONER DO: Appreciate it, Mr. Park.

MR. PARK: What can I do for my 695?

COMMISSIONER DO: Please come to our external affairs table right

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outside and we'll follow up with you directly. Thank you.

MR. PARK: Thank you.

MS. ELUTO: Wilfredon Disla.

MR. DISLA: Thank you. TLC.
Thank you all of our partners here because our industry is a big, big industry now. It is not just those here. It's not just -- we got too many partners. We move this city in the morning, afternoon, night. We do our job and we work every day. In the pandemic time, we work, our drivers died, our partners died and we work for Uber and Lyft because this City, this system, this isn't doing anything for us, you know. Just, you have to work, you have to find the rules, but -- and on the street, we have to fight with the people. People kill drivers. We have to fight with the police officer. We have to fight with the TLC, and we do our part, we move this City. We move the people.

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But Uber is owner of our City,
our business, our industry because
they disconnect us without
explanation. They just send you a
mail or e-mail, tell you, hey, today
you got no job anymore for your family
or for you. You buy a car, you buy
insurance for one year and you pay for
everything, gas, car, insurance, and
you have to give a service, be nice to
the people, be nice to the industry,
be nice with the TLC, be nice with
your family, be nice with everybody
here. What everybody need, somebody
help us, somebody protect us and
nobody is here for that.

(Applause.)

We need somebody -- we need
somebody because we are every day
working for this City, move the City,
give our service and being nice every
day. Now we don't got jobs. A
thousand people disconnected and we
don't got any explanation from Uber or

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Lyft, why you do what you have to do.
I have to go to the jail for doing
something bad, I have to wait for
somebody help us.

Please these people need help.

COMMISSIONER DO: Thank you.
Appreciate it.

MS. ELUTO: Next speaker is
Adalgisa Payerodiarra.

I'm sorry, please tell me how to
say your name.

MS. PAYERODIARRA: Adalgisa
Payerodiarra.

MS. ELUTO: Thank you.

MS. PAYERODIARRA: Hello,
Commissioner. Hello Commissioner Do.
Thank you. My name is Adalgisa
Payerodiarra, I represent Udani, and
I'm also part of the Jakob Coalition
(phonetic), along with IDG. Thank you
for giving me a chance to testify.

I had a speech, but a lot of my
fellow drivers came previously and
already said most of the things that I

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have to say. So we know all the expenses that we go through. We know that our -- the economy is at its highest point in history, so everybody is struggling. But the driver community is struggling more than any other one.

I'm going to say to the Yellow Cab, since 2016, we have been one, one universal license. It does not matter what you drive, does not matter the platform that you work, we all are under the TLC Commissioner license. We have a general license for everybody, so I could work for the livery today, I could work for the platform, I can go and drive a Yellow Cab. The main goal is that we all need the raise, that we all deserve the better pay, that we all need more money to bring to our families at home. So the lockout is going to hurt all drivers because, like, a lot of them said previously, was going to

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giving up the raise if we gonna get
locked out.

When Uber came into our city,
their motto was drive when you want,
where you want, at any time, and we
are partners in this. That doesn't
seem fair because you getting more
money than I am. They're getting
billions throughout the year, but what
we are getting?

AUDIENCE MEMBER: Pennies.

MS. PAYERODIARRA: Pennies. So,
this is not a partnership that is
fair, and being locked out is not
going to allow me to drive when I'm
able to drive. I'm a mother. I'm a
wife. I'm a parent. So if I need to
stop working for an appointment and
you're going to lock me out, then I
have a confliction with you. If
you're going to lock me out and I have
to go and pick up my children at
school, we're going to have an issue.

So lockout is going to hurt. I

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think that one of the possibilities to help is, like, a lot of drivers said, put a cap on the licenses, so we can gain a value into our licenses. We invest a lot of money, not only into our vehicle but into the licenses. It's not just the 250 for the license, it's also the classes that we have to take, days and the time that we have to take off of work in order to accomplish that. So it's not just that, it's more than that, so taking into consideration all that, I think that we just need to be on the mindset that we all one community, taxi driver community. You are here to help us achieve the best of us. So thank you.

COMMISSIONER DO: Thank you.

MS. ELUTO: Our last speaker for today is Madjed Zegrar.

MR. ZEGAR: Hello everyone, good morning. My name is Madjed Zegrar. I'm here for-hire vehicle and ride share drivers, and proud to be part of

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IDG. Thank you for what you do for our drivers.

For years thousands of drivers with the independent drivers give copies sounding the alarm that the minimum driver pay rate in New York City were falling below the minimum wage with our expenses. I urge Taxi Limousine Commission to take lockout in consideration, lockout driver in consideration of the proposal on the proposal to establish a new industry-wide utilization rate. I'm concerned with that. The proposal will lead to the return of the lock drivers out Who are help us to pay their bills, feed their families and make ends meat.

In your previous proposal, October 2022, you proposed creating a range of 52 to 62, creating this range makes it very likely for the workers to shut out of work on any given day. TLC should restate the FHV, TLC

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license by a restriction the license.
I mean, like, put a restriction to the license, so you have to do it -- like, for example, at least to do FHV, you have at least to do three years taxi, and then you will be able to drive for Uber and Lyft. This is just an example, just an idea.

Couple months ago Uber needed drivers. What Uber did, add taxi to the app, so when the lockout happened, the FHV drivers are the only one who suffer, not taxi drivers because taxi still can work by picking up from the street. I'm sure if Uber removes taxi from Uber app, FHV drivers will never get locked if the utilization rate would go down to 40 percent.

Uber treats us like a robot or machine, not a human being. We are essential to the community. I worked during the pandemic. When everyone was safe, I wasn't safe. I have my record, I can show you everything. I

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took only 15 days off. I felt like I had to give back to the community, I had to do something. What's going on? But look how they treat us. If this is -- sorry, guys, I cut off.

A human being, we are essential to the community and foundation of the industry, the taxi industry, the transportation industry, we are the foundation of all organization in this industry. I mean, we fund the Lyft, we fund the Lyft, we fund Uber, we fund TLC, we found MTA, we are the foundation of the whole industry, and, like, we are treated very badly.

The drivers who are in the car, and this is very important, has more expensive than the owner plates. So drivers shouldn't have same pay raise because they have different expenses. We have different expenses. How you pay us in the same level.

TIMEKEEPER: Time is expired.

Thank you for your testimony.

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MR. ZEGAR: I urge TLC to regulate the auto market. We have approximately 4,000 plates on storage and driver are forcing to pay high price, which make them drive six to seven days a week and the dangers, that's dangerous.

COMMISSIONER DO: I appreciate it. Thank you for your time. We have two more speakers today.

MS. ELUTO: We have two more speakers, Abucari Urama (phonetic), followed by Saif Saleh.

MR. URAMA: Good morning, everyone. My name is Abucari Urama. I'm part of the New York Taxi Workers Alliance, and what I want to say today people already said it, I'm just trying to repeat, which the like, Uber giving us a raise doesn't change anything in Uber pocket. Uber is still making millions, and we start as partners. And as partners, we need to look out for each other. The reason

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why I'm saying that is, like, the raise, we need it right now. Look, whatever -- whatever Uber does is for its own profit, not for drivers. How many years it took Uber before allowing the client to give us just tips, that's the question. As a partner, we are supposed to be helping each other. We're working as a group, as a union.

Beside that, help -- TLC need to help us to stop the lockout. That's all I have to say. Thank you.

COMMISSIONER DO: Thank you. Appreciate it.

MS. ELUTO: Saif Saleh, please.

MR. SALEH: Yes, hello, good afternoon. My name is Saif Saleh. I really appreciate that you give us the time to listen to everybody over here and understand that everybody have a family to support.

I am a member of the New York Taxi Workers Alliance. Last Sunday,

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the 26th, we had a strike, no pickup in LaGuardia hoping that Uber and Lyft understand that we are the ones that do the work in the cold, in the snow, in any condition out there. In dangerous conditions also.

Everybody before me have said and touched on a lot of points from the expenses and how they have to borrow to make a choice either to feed their family or to pay for their car or this job that they have, that they cannot even survive. But not realizing that anything, God forbid, your car get into an accident or you have to repair it, you are out there for almost a month on some cases, cannot even find a job.

If it's not deactivations or lockouts, it's another surprise by these companies. From the stress in the mental we have to go through and then the nerve wrecking, also, not to realizing most the times we have to

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pay out of pocket for medical expenses
and everything else.

I'm going to end it and do it
quickly because we have taken so much
time, and I appreciate you that you
have listened to us. You have to
realize that we have taken so many
happiness from our family and kids.
The schools graduation is around the
corner. It is so hard that your son
is asking you for money to go to his
graduation or you have to worry about
to make a choice by these expenses.
Or you have to worry about waking up
the next day whether you have a job or
you will be deactivated and I want you
to always visualize and imagine the
stress and the suffering and the agony
that we have to go through because of
this company. Thank you.

COMMISSIONER DO: Thank you so
much.

MS. ELUTO: That concludes our
public hearing.

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Commissioner, I turn it back to you to close out the hearing.

COMMISSIONER DO: Thank you. I heard you all loud and clear that, you know, that lockouts are not the way to go. And this is not something that is imposed by TLC but imposed by the high-volume companies. However, we will look at adjusting the rule the next week before our vote and ensure that it's a more fair utilization ban when we come together in one week.

In addition, we will also look at how we can publish the utilization rate on a regular basis, so that each of the companies know where they are.

And with that, the time is now 1:05, and I call the meeting to an end.

(Time Noted: 1:05 p.m.)

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