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 2                        NEW YORK CITY

 3                TAXI & LIMOUSINE COMMISSION

 4                      PUBLIC HEARING

 5    --------------------------------------------------------X

 6                                        Held Remotely
                                         Via Zoom
 7
                                         May 8, 2024
 8                                       10:01 a.m.

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11    H E L D   B E F O R E:

12    DAVID DO - Chair/Commissioner

13    SHERRYL ELUTO - General Counsel

14

15
      BOARD OF COMMISSIONERS:
16

17    COMMISSIONER PAUL BADER

18    COMMISSIONER KENNETH CHAN

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1   PRESENTATION BY:

2   JAMES DIGIOVANNI - Deputy Commissioner for Policy
                    and Community Affairs

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6   S P E A K E R S:

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     PETER MAZER - General Counsel, Metropolitan Taxicab
8   Board of Trade

9   BHAIRAVI DESAI - Executive Director, NYTWA

10   VINOD MALHOTRA - Member of NYTWA

11   MICHAEL SIMON - Taxi Driver

12   HOSSAM MOHAMMED - Taxi Driver

13   KUBER SANCHO-PERSAD - Taxi Driver

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15   MICHAEL KAMINSKY - Taxi Driver

16   RICHARD CHOW - Taxi Driver

17   GOLAM TALUKDER - Taxi Driver, NYTWA

18   BHUPINDER BAIDWAN - Taxi Driver

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1   MS. SCOTT: Good morning. Today's

2 public hearing is about to begin. This

3 hearing is being conducted remotely via Zoom,

4 and is being simulcasted to the TLC's

5 website, live stream, and Facebook accounts.

6   All persons wishing to testify were

7 asked to sign up in advance of the hearing.

8 All registered speakers are joining the

9 meeting via Zoom. If you are speaking today,

10 your audio and video were automatically

11 muted. When your name is called, the

12 moderator will activate your account and you

13 will have control of your camera and

14 microphone. When ready, please state your

15 name and affiliation, and then proceed with

16 your testimony.

17   Public testimony will be limited to

18 three minutes per speaker. Any additional

19 comments may be submitted in writing to the

20 Commission. When your testimony is complete,

21 your audio and video will be muted by the

22 moderator.

23   A special note for our registered

24 speakers. Please ensure that your display

25 names in the Zoom meeting matches the name

1   that you used when you signed up to speak.

2   This will enable the moderator to confirm

3   that you are present in the meeting. Closed

4   captioning is available for today's meeting.

5   Thank you for your attention.

6   I will now yield the floor to our

7   Commissioner and Chair, David Do.

8   CHAIR DO: Well, good morning,

9   everyone. It is now 10:02, and I call this

10   public hearing to order.

11   So, welcome, everyone, on TLC's

12   proposed rule packages for today; one, making

13   the Flex Fare an option for taxi drivers and

14   passengers; and the other rule proposal

15   demonstrating the Agency's long-term

16   commitment to accessibility for all New

17   Yorkers.

18   I am Commissioner, David Do, and I'm

19   joined today by Commissioners Bader, Chan,

20   Kaufman, Sorrentino, and Velazquez. And

21   last, and but not least, I'm so happy to

22   introduce our newest Commissioner, Andrea

23   Bierstein, who the City Council recently

24   confirmed as the Commission's representative

25   from Manhattan. Commissioner Bierstein is a

1   longtime New Yorker who comes to us with

2   extensive legal experience. That includes

3   litigation, and where she successfully

4   represented the City of New York, fighting

5   for the people of our City, most recently

6   recovering hundreds of millions from the

7   opioid industry. She has also represented

8   the New York City Transit Authority suing

9   manufacturers of defective buses and helping

10   ensure our public transportation remains

11   safe. We are so grateful to have her.

12   Commissioner Bierstein, welcome aboard.

13   I know the audience wants to meet you, so

14   I'll yield the floor to you to say a few

15   words.

16   COMMISSIONER BIERSTEIN: Thank you so

17   much, Commissioner Do.

18   I just want to say I'm really excited

19   about joining the TLC. I've been a longtime

20   extremely amateur transportation geek, and

21   it's very exciting to have a chance to be on

22   this Commission, and to be able to

23   participate in policies that affect this

24   important piece of our transportation

25   infrastructure, and I look forward to working

1   with all of you.

2   CHAIR DO: Thank you so much,

3   Commissioner.

4   Before we begin, I'd like to remind

5   everyone of two very important things; the

6   Wheelchair Accessible Vehicle Taxi

7   Improvement Fund rule proposal we are

8   discussing today is an amendment to our rules

9   designed to promote more wheelchair

10   accessible vehicles on the street. TLC is

11   under a settlement agreement with the Taxis

12   For All Campaign, that requires us to have

13   50 percent of the taxi fleet accessible, and

14   yesterday there was a hearing in federal

15   court on this.

16   The TLC is now awaiting the decision

17   from the federal judge as to whether we need

18   to require that every taxi vehicle after

19   retirement has to be replaced with a

20   wheelchair accession vehicle until we reach

21   the required 50 percent. The pending

22   decision will have a great impact on TLC

23   programs and ramifications for the industry.

24   As a result, the TLC won't hold a vote on

25   these WAV/TIF rules until the judge issues a

1   decision.

2   The second item is that one week from

3   today, we'll be holding an accessibility

4   drawing for individual alternative fuel

5   medallions. Per TLC rules, the drawing will

6   decide which individual alternative fuel

7   medallions will be required to replace their

8   current alternative medallion vehicle with

9   one that is both alternative fuel and

10   wheelchair accessible, once their current

11   vehicle is retired. The City is committed to

12   both expanding its accessible taxi fleet and

13   reducing carbon emissions. At the time the

14   alternative fuel medallions were issued,

15   there were no taxi-ready hybrid WAVs, and

16   today there is. These medallions were issued

17   under the condition that when and if a hybrid

18   WAV became available, they would be required

19   to alternate between the WAV and non-WAV,

20   just like the rest of the taxi fleet.

21   Hybrid WAVs have expanded significantly

22   since then, and we'll be gradually

23   mainstreaming this process, kicking it off

24   with these drawings. Specifically, this

25   drawing is limited to alternative fuel

1   independent medallions with vehicles

2   scheduled to retire between January 1, 2025,

3   and June 30, 2025, or that otherwise need to

4   be replaced a new vehicle into service. 21

5   out of 41 medallions will be randomly drawn.

6   Those medallions selected in the May 15,

7   2024, drawing must place vehicles that are

8   both alternative fuel and wheelchair

9   accessible into service when their current

10   vehicle is retired, or if the vehicle is

11   changed for any reason after the

12   accessibility drawing date of May 15th.

13   Drawings for the alternative fuel,

14   independent medallions with later retirements

15   will be scheduled at a future date. For a

16   list of specific medallions going into this

17   lottery, please refer to Industry Notice

18   24-04 on the industry notice page of the TLC

19   website.

20   Now, on to our hearing. For both of

21   our rule proposals, the notice to comment on

22   the proposed rule was published in the City

23   Record on April 8, 2024, and the comment

24   period ends today. We are not voting on the

25   rules today. Our first proposal will make

1   the Flex Fare pilot program permanent,

2   offering yellow taxicab passengers the same

3   price certainty as for-hire vehicle

4   passengers.

5   James DiGiovanni, our deputy

6   commissioner for policy and community

7   affairs, has a short presentation on the Flex

8   Fare rule proposal and can answer any

9   questions.

10   James.

11   MR. DIGIOVANNI: Hello. And so, as the

12   Chair said, my name is James DiGiovanni. I'm

13   deputy commissioner for policy and community

14   affairs. I'm going to be giving a brief

15   presentation on Flex Fare rule proposal and

16   what has kind of led up to this.

17   So, first, I'll talk about the kind of

18   history of e-hail and Flex Fare and how we

19   got to the point that we are now, to give

20   some context to the discussion, and then I'll

21   talk about the pilot evaluation report that

22   TLC did evaluating the Flex Fare pilot, and

23   in order to inform what the next steps are,

24   and then talk briefly about what's actually

25   in the proposed rules before you today.

1	So, first, a little bit of background
2	about e-hail and Flex Fare. So, before 2013,
3	it was your traditional taxi industry with
4	street hails, and all street hails would be
5	on the meter rated fare. There was no
6	alternative pricing structure, and there was
7	also no way to hail a cab, other than a
8	street hail. In 2013, TLC started a e-hail
9	pilot program that lasted until 2015, and
10	this was to evaluate the possibility of
11	e-hail apps that could be used -- you know,
12	as smart phone apps, it could be used to hail
13	a yellow taxi or a street hail livery. We
14	wanted to see what kind of impact that would
15	have on the industry.
16	So, importantly, though, that was just
17	a method to hail the vehicle. It did not
18	have anything to do with payment. So, you
19	could have a taxi summoned to you through the
20	app, but you were not able to see upfront
21	price or anything like that. Once you got in
22	the vehicle, it was the meter rate of fare
23	that would apply. So, in 2015, TLC decided
24	that the e-hail pilot program was successful
25	and made those rules permanent. But from

1   2015 to 2018, we had that same structure

2   where you could get a vehicle through the

3   e-hail app, but it could only be on the meter

4   rate of fare. So, we recognize that that

5   solves part of the issue with people who want

6   that kind of prearranged trip, but it didn't

7   solve the whole thing, because people are

8   interested in the upfront fare portion of it

9   as well, to have some kind of price

10   certainty. So, in 2018, TLC adopted another

11   program that is the Flex Fare Pilot that

12   we're discussing more today. So, that

13   coupled the e-hail structure, the ability to

14   prearrange taxi with upfront pricing, making

15   it more similar or making the option, at

16   least, more similar to the FHV industry.

17   So, taxi e-hail apps must be licensed

18   by TLC. We have a whole license structure

19   for them and requirements that they have to

20   meet. And you may have heard of these

21   companies, but the four largest in order of

22   trip count and the ones that were evaluated

23   in the pilot report are Curb, Arro, Myle and

24   Waave.

25   So, a little more on the 2018 TLC's

1   reasoning for adopting the Flex Fare Pilot

2   Program in the first place: It's TLC's

3   opinion that passengers preferred the upfront

4   pricing, so this was a good thing for

5   passengers. It allows them to price shop

6   between apps. I think we've all had the

7   experience of opening up one of the apps,

8   seeing what the price is, thinking maybe

9   that's a little too high, checking the other

10   apps, seeing where you can get your best

11   deal.

12   So, this allow taxis to be part of that

13   ecosystem and allow passengers to get that

14   experience from taxis as well. And perhaps

15   the most important thing is some price

16   certainty for passengers, so you know when

17   you order the vehicle what the price of the

18   trip is going to be, rather than sitting in

19   the vehicle, maybe in traffic, you know,

20   watching the meter tick up and not knowing

21   the final price until the end of the trip.

22   Another big part of this was to offer

23   the industry more flexibility and for there

24   to be more parity between the taxi industry

25   and the FHV industry. If these are things

1   that the FHV industry is allowed to do, why

2   not let the taxi industry -- not require, but

3   let the taxi industry also take advantage of

4   that flexibility. And, of course, taking

5   advantage of that flexibility involves

6   attracting passengers who prefer that option,

7   who may have been choosing FHV companies

8   because they prefer this kind of

9   prearrangement with upfront pricing. Now,

10   the taxi industry can compete for those same

11   consumers.

12   So, the key parameters of the pilot

13   program were to allow e-hail apps to offer

14   the upfront binding fare to passengers. And

15   there were other -- many other requirements

16   that went alongside it, but most notably, the

17   companies, the e-hail apps, would have to

18   file rate schedules with the TLC, so they'd

19   have to provide some transparency to us about

20   what kind of rates, surcharges and fees they

21   might be applying to these trips. And, of

22   course, TLC collected ample trip data from

23   pilot program participants to ensure that we

24   can adequately evaluate how the pilot program

25   actually went.

1   So, the first evaluation report that

2   TLC issued was in 2019. The findings were

3   very limited, namely because at that point,

4   over 99 percent of trips were part of the

5   MTA's Access-A-Ride program. So, I'm sure

6   you're all very familiar with Access-A-Ride,

7   but Access-A-Ride, the MTA's program to

8   provide accessible service to people with

9   disabilities by using TLC licensed vehicles,

10   including taxis and street hail liveries.

11   So, they were able to use the Flex Fare Pilot

12   Program to expand their Access-A-Ride service

13   into TLC licensed vehicles. And at the point

14   of the 2019 study, that was essentially the

15   only Flex Fare trips that were happening.

16   So, it was very limited findings. We didn't

17   really see a lot of broader takeaways at that

18   time, so the recommendation at that time was

19   to continue the pilot program, and continue

20   evaluating its impact to see how it would

21   evolve.

22   By fall of 2023, it was a very

23   different landscape, so we are now able to

24   see the impact of the pilot program much more

25   sufficiently and have a much more informed

1   perspective on next steps. So, first, I'll

2   say that because of COVID, TLC did allow the

3   pilot program to continue beyond the initial

4   two-year scope that was imagined. The

5   two-year scope ended in the midst of the

6   pandemic, and TLC didn't want to determine

7   what the next steps were without having a

8   sense of what the status quo of the industry

9   was or, you know, what the post-pandemic

10   normal was going to look like because of how

11   uncertain things were during the pandemic, so

12   extended it for a few years until we got

13   ample post-COVID data that we were able to

14   evaluate and figure out what our

15   recommendation would be.

16   So, the key finding in the report were

17   in four basic categories. I'll go into

18   those, to each of these, in a little more

19   detail. But first, on driver income, the

20   average Flex Fare trip we found is more

21   profitable for taxi drivers than the average

22   street hail trip, and this is both on a per

23   mile basis and on a total basis, on a per

24   trip basis. For taxi utilization, Flex Fare

25   trips have grown in popularity, which is

1   especially notable when taxi trips overall

2   are only at about 50 percent of pre-pandemic

3   levels, so these e-hail and Flex Fare trips

4   are representing a larger percentage of trips

5   for the taxi industry, which makes them a

6   more important component of the taxi

7   industry, for the health of the industry, for

8   passengers and for drivers.

9   Service geography, we looked at where

10   the trips were actually taking place to see

11   if they were much different from street hail

12   trips, and they really weren't. The e-hail

13   and Flex Fare trips continue to be in the

14   Manhattan core in the surrounding area where

15   taxis predominantly operate, if they're doing

16   street hail as well.

17   And for acceptance and cancellations,

18   both by drivers and passengers, cancellations

19   are relatively high, so this is something

20   that we think needs to be improved upon

21   because it definitely impacts both the

22   passenger and driver experience if the

23   cancelation rates are too high. It makes the

24   service overall less dependable.

25   So, on driver income, as I said, the

1   average Flex Fare trip is more profitable for

2   drivers than the average street hail trip on

3   a per mile basis and on a total basis. So,

4   per mile, it's slightly higher. So, $4.44

5   per mile in driver income for Flex Fare, as

6   compared to $4.28 on the meter. But if you

7   couple that with how much longer Flex Fare

8   trips are on average, as compared to street

9   hail trips, it does represent a significant

10   additional earning potential.

11   So, to take the company that has done

12   the overwhelming majority of the trips,

13   Curb's average mileage for a Flex Fare trip

14   is 6.55 miles, and it's less than half of

15   that for the meter. So, on a per trip basis,

16   this is a significant additional earning

17   potential for drivers.

18   So, our conclusion in doing this

19   evaluation is that at the very least, it's

20   generally -- Flex Fare trips are generally

21   fairly priced, as compared to meter trips,

22   and do not have -- at the very least, do not

23   have a negative impact on driver income, and

24   we think that's actually quite a positive

25   impact to add this to the kinds of trips the

1   drivers can do.

2   For vehicle and trip trends, so as of

3   the report, there's still less than

4   five percent of the overall number of taxi

5   trips, so there's definitely room to grow.

6   But there was some promising news in the last

7   few years, as compared to the initial

8   evaluation report in 2019. So, like I said,

9   the number of Flex Fare trips has increased a

10   bit compared to pre-pandemic levels, and

11   coupled with 50 percent of pre-pandemic taxi

12   trips overall. This is a more important

13   component of the taxi industry ecosystem than

14   it's ever been before.

15   The taxi industry flexibility, though,

16   something that I wanted to mention here,

17   which is really important, maybe

18   underappreciated when we talk about Flex

19   Fare, is that that flexibility has allowed

20   for the creative use of taxis, both by the

21   taxi industry and by others who may be

22   interested in using TLC licensed vehicles to

23   do something that's not what we typically

24   imagine the vehicles being used for. And one

25   of those things, and probably the biggest

1   things, is the MTA's Access-A-Ride program

2   that I mentioned.

3   So, the Flex Fare Pilot, because it

4   allows what the passenger pays and what the

5   driver receives to be divorced from one

6   another, and not on the metered rate. It

7   allows the MTA to charge a passenger $2.90,

8   but to pay a driver a significantly higher

9   amount, so to offer a subsidy to passengers

10   who have disabilities and passengers who use

11   wheelchairs.

12   So, there has been extensive use of TLC

13   licensed vehicles, including taxis, for this

14   Access-A-Ride program, which we think is good

15   for a few reasons; one, from the perspective

16   of the taxi industry and drivers, it

17   diversifies trip origination, so they don't

18   have to solely rely on a certain type of

19   trip, a certain type of passenger. They

20   don't have to just rely on street hails or

21   just rely on airport trips. They get this

22   other source coming in that can be more

23   reliable and more consistent than some of

24   these others sources. And perhaps as

25   importantly from the perspective of

1   passengers and passengers who have

2   disabilities, this is a really significant

3   benefit and what we've heard, and we know

4   what the MTA has heard, and a lot of public

5   comments are really supportive of the use of

6   TLC licensed vehicles for Access-A-Ride and

7   how they have expanded transportation options

8   and mobility options for people with

9   disabilities and people who use wheelchair.

10   So, there is that important component of this

11   as well, maybe not something that TLC

12   imagined being an important component five or

13   six years ago, but it has definitely become

14   something that makes this an accessibility

15   initiative in addition to all the other

16   benefits that it has.

17   For the geographic distribution, I

18   think there was some hope at the time that

19   the pilot program was adopted, that we'd see

20   more geographic distribution of taxi trips

21   into the outer boroughs through

22   prearrangement and Flex Fare. We really

23   haven't seen that quite yet. The Flex Fare

24   trips are still concentrated in the Manhattan

25   core and the surrounding areas where street

1 hails are also most prevalent, main deference

2 being the airports. Obviously, taxis do a

3 lot of airports trips, but e-hail is not

4 permitted at the airport, so there are not

5 Flex Fare trips at the airport.

6   There are, obviously, you know, some

7 advantages trying to get more service in the

8 outer boroughs, but because of the

9 concentration of taxis in the Manhattan core

10 and the surrounding areas, that's also where

11 wait times are going to be lowest. That's

12 also where driver cruising and deadhead times

13 are going to be lowest, so it does make some

14 amount of sense. If you're a passenger

15 thinking about whether you should e-hail a

16 taxi, the areas where taxis are most

17 prevalent are probably going to be the place

18 that you would be most likely to e-hail them

19 as well.

20   So, finally, you know, in light of all

21 that analysis, TLC's staff is recommending

22 making the Flex Fare Pilot Program a

23 permanent feature of TLC rules. So,

24 otherwise, we're not recommending significant

25 changes to the structure. I think the

1   structure, essentially, made sense and

2   worked, and not trying to impose things that

3   would remove some of the flexibility that we

4   think has made the pilot program permanent.

5   So, the main features would continue to exist

6   if the proposed rules were adopted, namely a

7   binding upfront fare quote for passengers

8   that drivers would not be required to accept.

9   So, if the price is too low, drivers don't

10   have to accept it. They can continue to rely

11   on street hails. I think that that's a good

12   balance, and it's according to the data

13   ensured, that the offers that drivers get is

14   adequate and actually exceeds the meter

15   rates, and that e-hail companies would

16   continue to be required to submit rate

17   schedules and submit trip data, so that TLC

18   could continue to evaluate the program.

19   So, this aligns our rules with what our

20   understanding is of both public needs and

21   industry needs, including that passengers

22   like upfront pricing. Overall, drivers like

23   the additional trip options and earning

24   potential because they don't have to accept

25   these trips. The fact that they are

1   accepting them is an indication that, you

2   know, they -- at least the ones who do these

3   trips, who have decided to do these trips, do

4   like doing them and do see them as

5   advantageous. It will continue to help

6   facilitate creative uses of taxis, like MTA's

7   Access-A-Ride program or other potential

8   similar programs that we might not even be

9   imagining right now, that the industry and

10   other government or private sector partners

11   could be considering and related to

12   Access-A-Ride. It's an important way to

13   increase accessibility and increase the use

14   of taxi WAVs to make operating those vehicles

15   a more sensible choice for individual

16   drivers/owners.

17   So, of course, all of this being said,

18   TLC is going to continue to monitor, if the

19   rules are adopted, the program's impact on

20   the industry, if there were changes, if, you

21   know, market trends or industry trends caused

22   something else to happen, you know, we

23   collect the data. We have good insight into

24   the dynamics. And if adjustments needed to

25   be made, we can certainly do it at that time

1   as well.

2   So, that is all I have. And I'm happy

3   to answer any questions you might have.

4   CHAIR DO: Thank you, James.

5   Are there any questions from the

6   Commissioners?

7   COMMISSIONER BADER: Yes.

8   CHAIR DO: Commissioner Bader.

9   COMMISSIONER BADER: Good morning.

10   Thank you for that very thorough

11   presentation. And it all sounds very

12   promising to me, relative to expanding the

13   opportunities for our yellow taxis and the

14   drivers.

15   You indicated that there were four apps

16   that the taxis can use. Are we aware, are

17   you aware, that there's any relationship

18   between those four companies and any other

19   interested parties within the industry,

20   whether it's medallion lenders, or whether

21   it's conceivably even Uber or Lyft, or

22   anybody else who's, so to speak, a player in

23   the industry? Are we aware of any

24   relationships there?

25   MR. DIGIOVANNI: Sure. So, I can say

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 1            two things primarily; one is the two largest

 2            e-hail apps, Curb and Arro, are owned and

 3            operated by the two licensed technology

 4            system providers for the taxi industry.  So,

 5            Curb is both a licensed e-hail app and a

 6            licensed technology system provider, so that

 7            is all of the in-vehicle technology, Curb

 8            also provides that under a separate license,

 9            but you could see how it would makes sense if

10            you have the e-hail app to also have the

11            in-vehicle technology.

12                 Same with Arro, it's a little less

13            straightforward with Arro because they use a

14            different name.  But under their e-hail app

15            license, they are Arro; that's their

16            passenger facing application.  But as a

17            technology system provider, they're called

18            CMT.  So, they are also, you know, a major

19            player in the industry in providing the

20            in-vehicle taxi technology.

21                 COMMISSIONER BADER:  CMT is the company

22            on 21st Street, right?

23                 MR. DIGIOVANNI:  Yes.

24                 Those two companies are also the ones

25            who have entered into an agreement with Uber,
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1   to have Uber forward trips to Curb and Arro,

2   so that Curb and Arro can dispatch them. So,

3   it's Curb and Arro who are actually doing the

4   dispatching, but it's, you know, from the

5   passengers' perspective, they're on the Uber

6   app, but it's Curb and Arro and using their

7   in-vehicle technology that's actually

8   dispatching the trip.

9   CHAIR DO: Any other -- Commissioner

10   Kaufman.

11   COMMISSIONER KAUFMAN: Thank you.

12   That was really interesting. I was

13   just wondering if there is room for or an

14   appetite for how surge pricing might become

15   an option through expanding this service.

16   MR. DIGIOVANNI: Yes. So, under the

17   Flex Fare Pilot and under the proposed rules

18   that are before you, the e-hail apps can do

19   all kinds of pricing models, as long as it's

20   consistent with the rate schedule that's

21   filed with TLC. We have not seen an

22   incredible amount of variation and

23   experimentation in different pricing models,

24   dynamic pricing or surge pricing or

25   promotional pricing or -- there's been a

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 1        little bit of promotional pricing, but for

 2        the others, it seems to be pretty close to

 3        the meter rate, and that's why it's 16 cents

 4        difference, the per mile rate between Flex

 5        Fare and e-hail trips.  So, we're seeing them

 6        stick pretty close, but, you know, maybe over

 7        time the companies can choose to experiment

 8        with more miles.

 9             CHAIR DO:  Commissioner Bader.

10             COMMISSIONER BADER:  My understanding,

11        though, because this was my concern as well.

12        My understanding is under the rules, though,

13        since these are licensed, unlike the for-hire

14        vehicles, that the rate schedule that they

15        would apply to is something that we must

16        approve, unlike the fact that we have no

17        control over the fares for Uber or Lyft.

18             But in this case, since we licensed

19        them, this is a rate schedule they would need

20        our approval for; is that correct?

21             MR. DIGIOVANNI:  So, they do -- the

22        e-hail apps do submit a rate schedule, but we

23        do not have requirements for what bans or

24        what kind of policies they have within their

25        rate schedule.  So, they just have to file it
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1   with us as a transparency, so that we know

2   what they're doing and what their plans are.

3   But if they wanted to say that they're going

4   to apply a ten times rate at certain times a

5   day, like they have wide discretion for what

6   they file with us, as long as they file

7   something.

8   COMMISSIONER BADER: And what is our

9   oversight there?

10   MR. DIGIOVANNI: So, our oversight

11   under the current pilot program and under the

12   proposed rules is just that they submit it to

13   us. If we had concerns about what they

14   submitted, we could start by having

15   conversations with the companies about it,

16   expressing our concerns about different

17   things, you know, making sure it's not

18   discriminatory or something like that would

19   be some obvious things that we would have

20   major concerns with. But if we were

21   concerned with some other aspect of it, we

22   could express those concerns to the companies

23   initially, and if there was resistance to

24   what TLC had said, we could certainly adopt

25   rules that provide some narrower range that

1   they can use or provide more parameters than

2   they currently have, but we haven't seen that

3   as an issue thus far.

4   CHAIR DO: And note, Commissioner

5   Bader, that there is a lot of market

6   participants here, right, that there are a

7   lot of competitive forces, be it Uber, Lyft,

8   Curb, or even Arro and some of the other

9   providers that James talked about today. And

10   so, really, you know, if a customer sees it

11   too high of a price, they have other choices

12   on their phone as well.

13   Are there any other questions from our

14   commissioners?

15   (No Response).

16   CHAIR DO: All right. Well, thanks,

17   again, James. And I appreciate the

18   presentation, and I think everyone does as

19   well.

20   All right. We're now going on to our

21   next rule package. Our second proposal

22   concerns amendments to our rules designed to

23   promote more wheelchair accessible taxis and

24   for-hire vehicles on the street. We had a

25   hearing on this earlier -- well, last year,

1   on November 29, 2023. We received many

2   comments from the industry stakeholders and

3   staff. And after careful review, we updated

4   the proposal, and we're now holding a new

5   hearing, so that we can hear from all of you.

6   This rule package would reapportion the TIF

7   allocations to provide a 43 percent increase

8   in the initial disbursement for hack-up cost,

9   to place a wheelchair accessible vehicle into

10   service as a taxi. We will provide upfront

11   grant payments of up to $20,000 to

12   independent owners of up to two medallions,

13   to help them purchase a wheelchair accessible

14   vehicle. For all other medallion holders, we

15   will continue to provide reimbursement after

16   putting a WAV in service, if you fit the

17   parameters of the grant program.

18   To keep more wheelchair accessible

19   taxis on the road, we will no longer have

20   vehicle retirement dates for both new WAVs

21   placed into service and currently licensed

22   accessible taxis cabs. We will also permit

23   the conversion of used vehicles to wheelchair

24   accessible vehicles in accordance with the

25   TLC's proposed criteria for used vehicle

1   conversion. We will clarify TLC's re-hacking

2   rules, to ensure that medallions eligible for

3   re-hacking new vehicles adhere to TLC's

4   existing accessible requirements. We will

5   require TLC drivers to take a TLC-approved

6   course upon substantiated complaints that the

7   drivers violating their duties to passengers

8   using wheelchair accessible vehicles. And we

9   will create consistency among the industry

10   sectors by requiring accessible FHVs to meet

11   the same ADA standards that are required for

12   taxicabs.

13   Now, on to our hearing. For both of

14   the rule proposals, the notice to comment on

15   the proposed rule was published in the City

16   Record on April 8, 2024, and the comment

17   period ends today. We're not voting on the

18   rules today. I will now hand it over to our

19   General Counsel, Sherryl Eluto, to begin our

20   public hearing.

21   Sherryl.

22   MS. ELUTO: Good morning. When I call

23   your name, you can unmute your microphone and

24   you can begin your testimony. Each speaker

25   will be allotted three minutes to speak, and

1   we will stick to that strictly today. A

2   30-second warning will be provided, and then

3   you'll need to conclude your testimony when

4   your time limit is up. The video of this

5   hearing and copies of all written comments

6   will be provided to the Commissioners prior

7   to the vote on these rules at the next

8   Commission meeting.

9   With that, we'll begin our first pub --

10 well, our public hearing on the first rule

11 proposal. And our first speaker today is

12 Peter Mazer, and he'll be followed by

13 Bhairavi Desai and Vinod Malhotra.

14   Mr. Mazer, you can begin.

15   (No response).

16   MS. ELUTO: Mr. Mazer, you need to

17 unmute.

18   MR. MAZER: I am unmuting. There I am.

19 All right.

20   MS. ELUTO: Okay.

21   MR. MAZER: Which one are we doing

22 first, Flex Fare or --

23   MS. ELUTO: Flex Fare, uh-huh.

24   MR. MAZER: Flex Fare. Good.

25   All right. Good morning. My name is

1   Peter Mazer, and I'm general counsel to the

2   Metropolitan Taxicab Board of Trade. We are

3   an association representing taxicab owners

4   and operators for more than 70 years. Our

5   full service drivers center has provided free

6   services to drivers in nearly 10,000 cases

7   before OATH traffic court and criminal

8   courts. We speak highly in favor of this

9   proposal.

10   Since 2020, ridership in taxicabs has

11   fallen by more than half. At the same time,

12   rideshare trips have recovered to near 2020

13   levels. We believe that providing for an

14   optional upfront pricing system in yellow

15   cabs and street hail liveries will provide

16   drivers with an opportunity to access the

17   growing market of passengers who use e-hails

18   with upfront pricing. Passengers will

19   benefit because they will also have the

20   opportunity to have safe, reliable,

21   convenient medallion taxicabs and will know

22   the cost of the trip in advance.

23   We would like to urge the Commission to

24   consider a couple of changes to the proposed

25   rules, which would protect both drivers and

1   passengers, and to avoid any possibility of

2   confusion which can arise in certain trips.

3   Rule 80-16(b) would allow a passenger to

4   change their destination after the

5   commencement of a Flex Fare trip. However,

6   the rule does not provide clarity as to how

7   the fare for this revised trip would be

8   calculated. The rule simply states that a

9   change can result in a different fare, but it

10   does not state how this additional fare would

11   be, whether it would be a negotiated Flex

12   Fare, a different Flex Fare set by the e-hail

13   app, a metered fare, or calculated in some

14   other manner.

15   If the trip is terminated and restarted

16   as a new second trip, the passenger may also

17   be responsible for additional MTA and other

18   surcharges. I suggest that some clarity is

19   needed in the rules to deal with the

20   occasional situation where an original Flex

21   Fare trip is altered significantly at the

22   request of the passenger. Drivers can also

23   be charged with an overcharge and face

24   substantial penalties if they are found in

25   violation of either of two rules; 80-17(a)(1)

1   or 80-17(j)(2). That rule states that the

2   payment must not exceed the Commission

3   approved rates, including a Commission

4   approved Flex Fare rate schedule, plus

5   optional tip. As written, a driver could be

6   charged under this rule section and face

7   possibility of fine --

8   TIMEKEEPER: Thirty seconds remaining.

9   MR. MAZER: -- or revocation, if the

10   passenger is charged a quoted fare for the

11   trip which exceeds the rate set by the e-hail

12   app. In theory, if a passenger were quoted

13   an incorrect fare for a trip, one that is in

14   excess of your approved rate of fare, then

15   the passenger -- and the passenger pays the

16   amount, it is the driver who could be held

17   liable, although the driver in all likelihood

18   would not know the approved rate of fare.

19   This rule should be clarified, also, so that

20   drivers are not liable, as long as the fare

21   pay exclusive and tip does not exceed the

22   quoted fare.

23   Thank you for the opportunity to speak

24   this morning. And if you have any questions,

25   I would be happy to answer them.

1   MS. ELUTO: All right. Thank you.

2   Our next speaker is Bhairavi Desai.

3   MS. DESAI: Good morning. My name is

4   Bhairavi Desai. I am the executive director

5   of the New York Taxi Workers Alliance. I'm

6   really stunned by the presentation that we

7   just heard. The 2019 study from the TLC

8   itself found that pay for drivers -- I'm

9   sorry. I'm like thrown off by the

10   background. I don't know why my own

11   background is not showing, but I don't work

12   for the TLC. I work for the Taxi Workers

13   Alliance.

14   Your 2019 study found that on e-hail

15   trips, drivers could be paid as low as

16   20 percent below the metered rate. Their

17   expenses are not being cut by 20 percent.

18   You know, you're talking about the workforce

19   that has the highest expenses across this

20   industry and is subject to the most

21   regulations in this industry, yet a

22   percentage of their fares that you, yourself,

23   claim are on the -- you know, are growing in

24   this industry. Why are they remaining

25   unregulated? This is just absurd.

 1   What's going to -- and you, yourself,

 2   has said in your study that most of these

 3   trips are not in the outer boroughs. They're

 4   still within the central business district

 5   where the majority of taxi trips are already.

 6   Our concern would be that over time street

 7   hails will be replaced by e-hails, but

 8   meanwhile on these e-hails, drivers are being

 9   paid less. Your own study found that. Your

10   study in 2023 did not even take into account

11   the time on these trips. You only looked at

12   mileage rates.

13   So, when you didn't conduct a full

14   thorough study is when you concluded that --

15   oh, driver pay is okay. When you had to look

16   at all of the numbers, you, yourself, said

17   that driver pay could be as much as

18   20 percent less than what they would make on

19   the meter. These rates need to be regulated.

20   We're calling on the City Council to play

21   that role. What we need the TLC to do is

22   provide transparency on these receipts.

23   There's no reason why a yellow cab driver,

24   unlike an Uber/Lyft driver, would not know

25   how much the passenger is being charged, any

1   third-party vendor cost, any fees, and then

2   what the commission rates are by these

3   companies --

4   TIMEKEEPER: 30 seconds remaining.

5   MS. DESAI: -- and what they,

6   themselves, are being left with.

7   And last point, there is nothing so

8   innovative about this. For the record, Uber

9   started in this city dispatching two yellow

10   cabs. You know, the idea that they would

11   have e-hails in the yellow cab industry is

12   nothing new. This has been going on for

13   ten years. In some cities in the world,

14   Uber, for example, can only dispatch to taxis

15   as supplemental. Upfront pricing as a

16   concept, there's nothing wrong with it. We

17   understand the convenience of it to the

18   public. However, the rates --

19   TIMEKEEPER: Time has expired.

20   MS. DESAI: -- need to be set, so they

21   don't leave drivers in poverty. The City

22   Council needs to step in. The TLC needs to

23   require proper transparency for data on these

24   trips.

25   Thank you.

1   MS. ELUTO: Thank you.

2   Our next speaker is Vinod Malhotra.

3   He'll be followed by Michael Simon and Hossam

4   Mohammed.

5   Mr. Malhotra, you can unmute your mic

6   and begin.

7   MR. MALHOTRA: Hello. Hi, good

8   morning, all Commissioners.

9   Can you hear me?

10   MS. ELUTO: Yes.

11   MR. MALHOTRA: My name Vinod Malhotra.

12   I am member of taxi NYTWA for long time. So,

13   I don't understand why everyone is in the

14   race to please the app companies. They never

15   see them happy. So, if you ask me, I like

16   e-hail, so my answer is no. Because why?

17   You just said they pay us more than meter

18   rate. I never see they pay us, even

19   according to the meter rate. Because, you

20   know, on e-hail trips, you have to spend more

21   time, you understand? I have passengers

22   every trip go to their destination, then be

23   there for passengers, most passenger, they

24   made us wait four or five minutes.

25   So, TLC needs to do something there

1   because the companies they're greedy. They

2   don't want to decrease their waiting time.

3   All Uber drivers, we the taxi drivers, we

4   first have to wait there for the passengers

5   in their apartments, they call the taxi, so

6   be on the block downstairs. So, please look

7   at all that at this point.

8   So, Uber, they send us only small jobs,

9   so between like $10, $11. They never send us

10   airports. So, if you say they have the same

11   rate as the app company drivers do, because

12   that's not fair, because they most time is

13   for the -- they gave me airport, right,

14   Newark Airport, they black cars, they charge

15      $20 toll. No way I can charge $20 toll. So,

16   this cannot be the same. So, I

17   (inaudible) can make this rule. Even app

18   companies, their companies they should pay

19   them according to the meter rate.

20   And secondly, why they -- as Mr. James

21   said, why they set the price? Who same

22   New Yorkers giving them business, they're

23   surging on them. That's not fair. So,

24   please make apps pay according to the meter

25   rate. And, yeah, for the wheelchair, I love

1   this, your idea, because disable people

2   deserve the same service because they should

3   not wait. And this the good stuff toward the

4   wheelchair owners, so to increase the -- want

5   to increase 20,000 --

6   TIMEKEEPER: 30 seconds remaining.

7   MR. MALHOTRA: So, I requested --

8   Mr. Chair, I requested the previous hearing,

9   please hear us those people for the

10   wheelchair vehicles after the COVID,

11   post-COVID, we need also reverse original

12    $6,000 each on who bring the vehicle in

13   service post-COVID, because we still not

14   making our even consensus. We still down the

15   bottom. So, please make sure the app

16   companies --

17   TIMEKEEPER: Time has expired.

18   MR. MALHOTRA: So, thank you for giving

19   time. Thank you so much. Thank you.

20   MS. ELUTO: Thank you.

21   Our next speaker is Michael Simon.

22   MR. SIMON: Hello.

23   MS. ELUTO: Hello.

24   MR. SIMON: Dear Commissioners, what

25   the apps are doing are misleading passengers

1   into believing that the price for a yellow is

2   the price that's being promoted by their app.

3   This price is usually more than their car's

4   price. Yellows are promoted falsely as being

5   more expensive. I have screenshots of this.

6   And yellows are not being offered on trips to

7   the airport from Manhattan, only their cars.

8   This false pricing leads customers to believe

9   that the app-based cars are cheaper than the

10   yellow when they are not. Customers choose

11   the best, cheapest option. They are led into

12   believing they are choosing the cheapest

13   price.

14   This appearance degrades the yellow

15   cab, relegating it to a second class. The

16   reputation and value of yellows can be

17   negatively affected here. It creates a

18   mindset to their customers that yellows are

19   more expensive. I suggest safeguards to

20   TLC -- I suggest some safeguards; a TLC

21   insignia or logo on the price being promoted

22   in the app for yellow. If it has your logo,

23   then it's the authentic taxi price. If it

24   doesn't, then it's the price of yellow only

25   in the app. If this rule is passed without

 1   safeguards, the rule that is supposed to

 2   benefit yellow will not, but will benefit the

 3   app-based companies. If your objective is to

 4   help yellow, please make sure that the apps

 5   will not use this to abuse taxis.

 6   Thank you.

 7   MS. ELUTO: Thank you.

 8   Our next speaker is Hossam Mohammed,

 9   followed by Kuber Sancho-Persad.

10   Mr. Mohammed.

11   (No response).

12   MS. ELUTO: Do we have Mr. Mohammed?

13   (No response).

14   MS. ELUTO: All right. Why don't we go

15   on to Mr. Kuber Sancho-Persad, please.

16   Mr. Persad.

17   MR. SANCHO-PERSAD: Hello, good

18   morning.

19   MS. ELUTO: Hello. Yes, we can hear

20   you.

21   MR. SANCHO-PERSAD: Yes. I would like

22   to comment on the Flex Fare Program.

23   As you heard from many other people

24   that it -- I had seen that you guys promoted

25   that it's supposed to be higher than the

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 1          meter fare, but based on time and regulation,

 2          it's usually cheaper than the meter fare

 3          that's on the meter right now.  I think that

 4          you guys need implement regulations that the

 5          base fare should be no less than what the

 6          meter is, and the driver should get what is

 7          deserved.  And there also has been

 8          discrepancies between what the passenger pays

 9          and what the drivers see between the TPEP

10          system.  So, there have been that the

11          passenger pays more, even though the driver

12          gets less, and not including their tips and

13          so forth.  But I think that we will need

14          to -- I think you guys need to put some

15          regulations, that this -- so that way we

16          don't get messed up with the fares.

17                  Thank you.

18                  MS. ELUTO:  Thank you.

19                  Our next speaker is Alli Langley.

20          Ms. Langley, you can unmute your mic.

21                  MS. LANGLEY:  Good morning.  My name is

22          Alli Langley.  I'm a staff attorney at the

23          New York Taxi Workers Alliance.

24                  Today, you've begun to hear from our

25          members about the importance of regulating
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1   driver pay on e-hail trips, and how the lack

2   of regulation has led to drivers facing

3   significant underpayment for e-hail trips.

4   We're calling on the City Council to regulate

5   driver pay. Meanwhile, the TLC must support

6   the City Council in its efforts to regulate

7   driver pay by providing a detailed and

8   thorough data analysis regarding the impact

9   of e-hail trips on income.

10   Today, I'll be focusing my comments on

11   the Flex Fare report from September '23,

12   which provided a lot of the basis for the

13   presentation you heard today. There were

14   significant gaps and methodological flaws

15   that led to its widely incorrect conclusion,

16   that Flex Fare trips have not negatively

17   impacted driver pay. The TLC must go back to

18   this data and correct these errors, so that

19   the City Council can move ahead with the

20   regulation of driver pay in a rational

21   data-informed way.

22   First, as Bhairavi Desai noted earlier

23   today, the June 2019 Flex Fare report

24   initially noted that Flex Fare trips could

25   pay up to 20 percent less than those on the

1   meter. That report ended by recommending the

2   establishment of driver fee and pay

3   transparency rules similar to FHV drivers.

4   The TLC has presented nothing, either in its

5   September 2023 report, or its presentation

6   today, to demonstrate that drivers' general

7   pay has changed or that these measures are

8   not needed now.

9   In fact, the September 2023 report has

10   less analysis of driver pay than the June

11   2019 one. The September 2023 report only

12   looks at driver pay per mile, while the June

13   2019 report looked at both per mile and per

14   time. And as noted, time is an essential

15   component of driver pay, as it compensate

16   drivers for time spent in traffic. The TLC

17   has to consider both factors before reaching

18   any conclusions about the equivalency of the

19   pay.

20   The report also relies heavily on the

21   fact that on average, e-hail trips pay more

22   per distance than metered trips. However,

23   the data in the report shows that the large

24   majority of e-hail trips actually pay less

25   per mile than street hail trips. And you

1   could see that in the chart shared today by

2   Mr. DiGiovanni in the presentation. The

3   average was bumped up because one e-hail

4   provider who provides only 13 percent of the

5   overall trips has a significantly higher per

6   mile revenue, but all other providers pay

7   less than --

8   TIMEKEEPER: 30 seconds remaining.

9   MS. LANGLEY: Than what drivers would

10   receive on the meter. In addition, the

11   report also relies on data from before and

12   after the fare raise without discussing the

13   impact of these on the averages. And it

14   doesn't provide a discussion of trips

15   dispatched by Uber. Given Uber's prominence

16   in the market, it's important we see these

17   trips broken out as a subcategory of those

18   dispatched by Curb and Arro. These

19   significant oversights have to be corrected

20   by the TLC before any further regulatory

21   action is taken, and TLC must support the

22   City Council in its efforts to regulate

23   driver pay.

24   Thank you.

25   MS. ELUTO: Thank you.

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 1              Our next speaker is Michael Kaminsky,

 2     and he'll be followed by Richard Chow.

 3              Mr. Kaminsky.

 4              MR. KAMINSKY:  Yes.

 5              MS. ELUTO:  Okay.

 6              MR. KAMINSKY:  Good morning.  I just

 7     want to suggest a couple things, if that's

 8     okay.

 9              MS. ELUTO:  Sure.

10              MR. KAMINSKY:  Oh.  I want to suggest

11     that they post the rates on the taxis like

12     they used to do.  A lot of the old taxis,

13     they have the rates on the side door, but

14     they don't have that anymore.  And what's

15     another thing I want to suggest?  Oh, that

16     the e-hails pay the cancelation fees to the

17     drivers.  I think that's very fair that they

18     do that, like the other apps do.  Like Uber

19     and Lyft, they pay cancelation fee.  I think

20     the yellow cab drivers should get that as

21     well.

22              I thank you very much.

23              MS. ELUTO:  Thank you.

24              Our next speaker is Richard Chow.

25              Mr. Chow.
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1   MR. CHOW: Good morning. Can you hear

2   me?

3   MS. ELUTO: Yes, good morning.

4   MR. CHOW: Hi. Good morning,

5   Commissioner and everyone. My name is

6   Richard Chow. I'm a taxi driver, driving for

7   18 years. I'm a owner/driver and a New York

8   Taxi Worker member, and we don't like the

9   Flex Fare because the hail pay 30 to

10   40 percent of commission, whatever they want.

11   I have to compare the trip to LaGuardia and

12   street fee hail, street hail fare and e-hail

13   fare compared to lot of the driver. We want

14   to pay by the meter rate, and I have the

15   street hail distance 9.87 miles, fare $49.90,

16   plus a surcharge pay. From Curb e-hail pay

17   distance 9.89 miles, the fare is $36.82, no

18   pay tax, no tip, and no -- there's no

19   calculated traffic and the stopping time, so

20   e-hail pay less a lot of the street pay.

21   So, same day to yellow e-hail --

22   there's JFK, LaGuardia, the surcharge, Newark

23   surcharge, they never pay. Uber never pay

24   tip, Uber have never paid the tip. Yellow

25   cab cost of living, cost of operations are

1   very, very expensive.

2   City Council and TLC must regulate all

3   the e-hail to pay fare to the driver and

4   fairly adjusted, not like the hail, whatever

5   they want. Demand the TLC the rate show on

6   the taxi door, so passenger can see the

7   price, how much taxi charge. People most pay

8   the cancelation fee to driver when the

9   passenger not show. Driving, drivers lose a

10   lot of time, e-hail company must pay the

11   driver each trip. TLC -- through the TLC

12   need to give data to the City Council, and

13   they need to set the taxi rate as soon as

14   possible. TLC require e-hail company receive

15   how much the passenger charge, how much the

16   e-hail company pay, and any fee to the

17   third-party to the vendor --

18   TIMEKEEPER: 30 seconds remaining.

19   MR. CHOW: Driver pay, the amount, must

20   be show on the meter pay and the

21   transparency. So, you know a lot of taxi

22   trip are down 50 percent before the COVID,

23   the medallion -- the cost of medallion

24   mortgage, operation mortgage, insurance, new

25   vehicle loan mortgage, title mortgage

1   maintenance, all TLC fee. So, to maintain

2   the new vehicles are very, very expensive.

3   So --

4   TIMEKEEPER: Time has expired.

5   MR. CHOW: -- e-hail mortgage is paid

6   by hundred percent the TLC street pay.

7   Thank you.

8   MS. ELUTO: Thank you.

9   Our next speaker is Golam Talukder, and

10   he'll be followed by Hossam Mohammed.

11   Mr. Talukder, you can begin.

12   Mr. Talukder, I can see you online. Can you

13   unmute your mic.

14   MR. TALUKDER: Hello, can you hear me?

15   MS. ELUTO: Yes.

16   MR. TALUKDER: Hi, good morning. My

17   name is Golam Talukder. I am the medallion

18   owner and also I'm a member of the Taxi

19   Workers Alliance. We like the trips, e-hail

20   trips, but those trips are too cheap. And,

21   you know, like my provider is very for

22   (inaudible) car. We don't know how much Uber

23   paying to the fee for and how much we get

24   paid. And on top of that, when you go for

25   pickup, pickup the passenger, you know, they

1   cancel the trip sometimes. In Uber, they

2   have cancelation fee. We don't get anything,

3   you know? And on top of that, we like our

4   fare in the -- our yellow cab meter fare, no

5   less than that.

6   For example, you guys, TLC, they passed

7   a law, our JFK fare is $70 plus congestion

8   price sometimes be set. Sometimes for

9   Manhattan, they give like JFK Airport $50,

10   undermining TLC law, you know, that's not

11   fair. We want our taxi fare -- yellow cab

12   meter fare as the fare of the e-hail trip.

13   And like, you know, over the Zoom, I cannot

14   explain to you everything, but I have the

15   receipt and, you know, everything. If you

16   guys give us a call, so we can show. And our

17   union has a lot of data, which will provide

18   what we are talking about. So, it's making a

19   permanent e-hail trip, as per the Uber

20   calculation, it's not going to work because

21   Uber -- yellow cab, like let's believe some

22   wheelchair accessible vehicle is cost right

23   now $80,000, plus insurance, mortgage. Uber

24   has less insurance versus yellow cab has

25   workers comp and the regular insurance much

1   more expensive. So, you cannot compare

2   yellow cab and Uber same thing, two different

3   thing, apple and orange. So, we want our

4   meter yellow cab fare as a e-hail fare --

5   TIMEKEEPER: 30 seconds remaining.

6   MR. TALUKDER: Another thing I want to

7   talk about. Like, let's believe, sometimes

8   the dispatch send us an offer fare to the New

9   Jersey, $28, $30. But Uber, they summons

10   another fare to the New Jersey to here. They

11   may be covered, but we don't covered. So,

12   you have to review everything and provide us

13   our yellow cab meter fare as a e-hail fare.

14   And on top of -- there's another thing --

15   TIMEKEEPER: Time has expired.

16   MR. TALUKDER: Just one second.

17   I want like, you know, used to be WAV

18   vehicle cost $38,000. Now, that vehicle

19    $80,000. With $20,000 is okay, but you know

20   other maintenance went up. Used to be $30

21   oil change, now $80. So, we have to increase

22   all that WAV vehicle trend to the drivers.

23   Thank you so much.

24   MS. ELUTO: Thank you.

25   Our next speaker is Hossam Mohammed.

1   He'll be followed by Bhupinder Baidwan.

2   Mr. Mohammed.

3   MR. MOHAMMED: Hi, good morning.

4   MS. ELUTO: Yes.

5   MR. MOHAMMED: My name is Hossam

6   Mohammed. I'm a taxi driver since 2013.

7   Actually, we got affected a lot by the fares

8   provided by Curb and Uber. The fare provided

9   by app companies need to be at least the same

10   price if the driver use the meter fare. Many

11   passengers stop using yellow cabs because

12   they know they can't get inside a yellow cab

13   in a flat price with a meter, and they don't

14   have to worry about, like if they're stuck in

15   traffic or the driver like take another route

16   because like street closure. All driver get

17   actually affected by this issue, so these are

18   drivers, like they have to drive empty or

19   accept those cheap fares. Actually, most of

20   the times is 20 percent less than the meter,

21   sometimes more.

22   Airport fares always come to taxi

23   drivers like around LaGuardia is like $28 to

24     $30. For JFK, like from $48 to $50. And, in

25   fact, like many drivers prefer only to accept

1   the e-hail trips, only because they know the

2   destination upfront. And most of the time if

3   they find a street fare, most of the time

4   they like to cancel the e-hail and they

5   accept the street fare because they work flow

6   for them if there is no surging pricing.

7   Second thing, like drivers needs a

8   right to sometimes to negotiate the price

9   inside the City, and if the passenger need

10   to, like, know how much is the fare up to the

11   front. Because most of the time when we say,

12   like, it's a meter fare only, our passenger

13   say no, I have like the fare, like say it's

14   $20 by Uber, and if I offer him like a $20

15   fare, most of the time, like, we get guilty

16   because we, like, we don't use the meter, or

17   TLC, like, sometimes we banish drivers

18   'cause, like, they give a flat price inside

19   the City, was not paying, like, the meter

20   fare.

21   TIMEKEEPER: 30 seconds remaining.

22   MR. MOHAMMED: Many cab drivers get

23   actually cheated by passenger going far

24   distance, like Far Rockaways and like from

25   the City, and like far distance. And they

1   get inside the cab, the driver put the meter,

2   by the end of the trip, passenger like he

3   don't like and refuse to pay the meter or

4   like they run away leaving driver with

5   nothing.

6   So, please, we need a regulation, like,

7   to make sure the driver can get his right and

8   accept like a flat rate inside the City with

9   negotiable price, with even with the meter --

10   with the street hail.

11   Thank you.

12   MS. ELUTO: I see I was muted. Okay.

13   Mr. Baidwan, you can unmute and begin,

14   please.

15   MR. BAIDWAN: Hi, everybody. Good

16   morning.

17   MS. ELUTO: Good morning.

18   MR. BAIDWAN: Yeah. My name is

19   Bhupinder Baidwan and I don't like that Uber

20   take a flat Flex Fare because, you know, one

21   thing I caution, that like a very (inaudible)

22   and CMT they came in industry for rent for

23   only taxi. So now, they join with Uber. I

24   don't know why they join with Uber because

25   they're going to lose all the industry, you

1   know, taxi industry, yellow taxi industry.

2   Even like you see on the JFK Airport,

3   same thing, you know, that come like a new

4   app over there with Facetiming and sitting

5   home like a (inaudible). Maybe later on they

6   do same thing, so we don't want like that.

7   We need like independent vendor in the

8   industry only for the taxi. If the New York

9   Taxi Limousine have that vendor, they give

10   license to the vendor only for taxi, not for

11   like they join any other private company.

12   Maybe later on the same thing. They go into

13   like a private company. They take our

14   business, you know, and the taxi industry,

15   the yellow. So then, we don't say later on,

16   this is for the New York City taxi. This is

17   like a Uber taxi, the yellow Uber taxi.

18   So, I have the caution, please, please

19   big request, humble request, don't do like

20   that, you know, like a fare flex. We need

21   like a meter on my taxi. I appreciate for

22   listening my request, and thank you.

23   MS. ELUTO: Thank you.

24   So, Mr. Baidwan was the last speaker

25   signed up to speak on the Flex Fare rule

1   package. So, now we're shifting to the other

2   rule proposal, the WAV Retirement Dates TIF

3   Fund rule.

4   And our first speaker is Alli Langley.

5   She'll be followed by Mohamado Aliyu, and

6   then Peter Mazer.

7   So, Ms. Langley, you can begin.

8   MS. LANGLEY: I'm sorry. I'm just

9   looking like I don't have an option to put

10   myself on video. Okay. But I can go ahead

11   as is, if that's better.

12   So, my name is Alli Langley, again.

13   I'm a staff attorney at the New York Taxi

14   Workers Alliance. NYTWA fully supports the

15   goal of making the taxicab fleet accessible

16   for people with disabilities. However,

17   you'll hear from our members about the

18   immense financial cost of conversion to

19   accessible vehicles on drivers. Today, I

20   would like to focus on the specific changes

21   to the rule packages that the TLC must make

22   to ensure drivers are treated fairly while

23   encouraging conversion of the fleet to WAVs.

24   We'll also be following up with written

25   comments, so there will be cites to the

1   specific amendments there.

2   So, first, the TLC must not reduce the

3   credit lease drivers receive against the

4   standard lease cap for driving a wheelchair

5   accessible vehicle. This reduction

6   effectively subsidizes the fleets and

7   garbages on the back of drivers. Second,

8   used vehicles must be eligible for the

9   hack-up subsidy. As it is, the subsidy does

10   not cover the full cost of the required

11   retrofitting, and drivers should not be

12   punished for attempting to reduce cost in

13   other ways, so they can afford that

14   retrofitting without significant hardship.

15   Third, the TLC must not limit

16   operational payments to seven years. NYTWA

17   applauds the removal of the retirement date

18   for WAVs, but this is undermined by limiting

19   the maintenance grants to what was previously

20   the retirement period. To ensure that

21   drivers are able to continue to afford to

22   operate these vehicles, the maintenance

23   payments must continue.

24   Fourth, medallion owners should not

25   have to apply to receive TIF subsidies.

1   Because the conversion to an accessible

2   vehicle is mandated, all drivers hacking up a

3   wheelchair accessible vehicle must be

4   presumed to be eligible for financial

5   support. There's simply no rational reason

6   to justify the addition of an application.

7   Should the TLC decide to use this

8   application, despite the lack of rational

9   relationship to the funding, no application

10   should be denied. No medallion owners should

11   be denied lifesaving financial support

12   because of a delay in submitting paperwork.

13   Similarly, all drivers, regardless of

14   their criminal background, are subject to the

15   accessibility mandates. Drivers should not

16   be arbitrarily punished for past actions

17   unrelated to the conversion of their car, and

18   for which they've likely already experienced

19   consequences. Medallion owners who cannot

20   keep their vehicle on the road due to an

21   accident, loss of medallion --

22   TIMEKEEPER: 30 seconds remaining.

23   MS. LANGLEY: -- illness, other

24   hardship, or retirement should be exempt from

25   the service requirement, and TLC should not

1   demand repayment of funds from these drivers.

2   NYTWA supports the TLC's proposed removal of

3   retirement dates for WAVs. However. We do

4   want to make sure that lease drivers are

5   protected, so the TLC must require more

6   rigorous inspections for vehicles that

7   garages and fleets will be leasing to

8   drivers. In addition, all proposed --

9   TIMEKEEPER: Time has expired.

10   MS. LANGLEY: One minute.

11   All proposed amendments to

12   Section 53-10 must be revised to make clear

13   that all suspensions will be differed for

14   30 days, and the suspension will be withdrawn

15   if the driver completes the retraining

16   course. We have two other requested

17   amendments that will be outlined in our

18   written comments as well.

19   Thank you.

20   MS. ELUTO: Thank you.

21   Our next speaker, Mr. Aliyu, if you can

22   unmute your mic. Yes, perfect. And you can

23   begin.

24   MR. ALIYU: Yes. Good morning, all. I

25   signed up for a flex rate, not for the

1   wheelchair, so I'm going to talk about the

2   Flex rate.

3   To begin with, with all due respect,

4   the TLC report earlier, I strongly disagree

5   with all the report. Nothing, nothing true

6   is in this report. Nothing correct, nothing

7   true in this report. And then, first, I do

8   not understand why the e-hail has to be in my

9   meter. I pay for the medallion, which means

10   I pay for the license, to do this job on the

11   street. I did not pay for the medallion to

12   have access to my meter, to have Uber in

13   there. This is outrageous. It's not

14   acceptable.

15   About today rules, I urge all the

16   Commissioners to vote no because these rules,

17   there is nothing in these rules that benefit

18   the driver nor the passenger. The only part

19   that benefit from these rules is the e-hail

20   company. These rules do not benefit -- we

21   don't have nothing at all as a benefit with

22   this rule. So, I urge all the Commissioners,

23   for the record, to vote no. Because as these

24   rules apply today, it's not good for us nor

25   the passenger. You don't want to give all

1   the power to the e-hail in this industry, and

2   that's what we're moving toward. We are move

3   toward monogamy. It's only going to be one

4   side in charge of the business. There won't

5   be no competition.

6   Why in the world I will pay for the

7   medallion, I will pay for the car, I will pay

8   for the insurance, I will pay for the taxis

9   and have all these e-hail come in and charge

10   me 40 percent or 50 percent of my hard-earned

11   income? This is -- it's wrong.

12   TIMEKEEPER: 30 seconds remaining.

13   MR. ALIYU: This thing only happen --

14   only happen in this industry. It won't

15   happen nowhere else, because we are not

16   second class citizen. How in the world

17   before the e-hail we were having a better

18   life? Since the e-hail come in, everything

19   has been miserable. Everything around has

20   been sad. We're taking less money home.

21   Who say we're taking more money home?

22   No way we're --

23   TIMEKEEPER: Time has expired.

24   MR. ALIYU: -- taking more money home.

25   We're taking less money home, and that's not

1   okay. We're working hard for a better life.

2   We're not -- why is it TLC taking us ten

3   steps backward every time we make one step

4   forward? Why is it TLC is doing that? It's

5   not okay, and that should stop. And I urge

6   all the Commissioners today, for the record,

7   please, I urge you, please, vote no on this

8   rule.

9   MS. ELUTO: Thank you.

10   Our next speaker is Peter Mazer. He'll

11   be followed by Bhairavi Desai and then Kuber

12   Sancho-Persad.

13   Mr. Mazer.

14   MR. MAZER: Good morning, again. My

15   name is Peter Mazer, general counsel, the

16   Metropolitan Taxicab Board of Trade.

17   We speak highly in support of these

18   rules and believe that they will do much to

19   promote accessibility in the taxicab

20   industry. In particular, we are delighted

21   that you're increasing the upfront subsidy

22   from 14,000 to 20,000. We don't think that

23   that's enough, but at least it's a step in

24   the right direction, and we urge you to

25   restore the full $4,000 per year operational

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 1        credit.  We've submitted written comments,

 2        which we asked to be part of the record.  And

 3        they provide some further comments with

 4        respect to specific rule proposal, but I'd

 5        like to focus on two today.

 6             First, there's a proposed amendment to

 7        58-50(i), which would require that accessible

 8        vehicles be required a complete 500 trips

 9        between inspections, rather then 250 trips to

10        qualify for operational payments.  This can

11        impose an unreasonable hardship upon owners.

12        For example, if an owner is disabled or ill

13        and cannot work for a period of time, the

14        500-trip requirement might be impossible.

15        Furthermore, a vehicle might be undergoing

16        repairs and this rule would have the effect

17        of depriving an owner of the funds needed to

18        pay for costly repairs, and that's exactly

19        the purpose for which operational payments

20        were intended.

21             I suggest that the Commission give

22        consideration to adopting a procedure,

23        whereby an owner could either apply for a

24        waiver from the 500-trip requirement or

25        establish a procedure for an appeal of the
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1   decision by the Commission to deny this

2   payment using criteria that is reasonable and

3   consistent with these rules.

4   A second concern is that 58-50(i) also

5   has a requirement that the owner return funds

6   received to the TLC if the accessible vehicle

7   does not remain in service for four years.

8   This requirement raises concerns for both

9   agents and individual owners. In the case of

10   an agent who receive the funds on behalf of

11   an owner, the owner can disaffiliate with the

12   agent, take back the medallion, either to run

13   it by himself or give it to another agent.

14   The agent that had -- that was running the

15   medallion may not have another medallion

16   to -- on which to place the accessible

17   vehicle. In such a case, the agent might be

18   forced to return the monies received to the

19   TLC, monies that were already spent to

20   retrofit and maintain an accessible vehicle.

21   Likewise, in the case of a foreclosure

22   or a repossession of a medallion, the owner

23   or agent may be left with a vehicle, but no

24   medallion to attach it to, thereby compelling

25   the owner or agent to return the funds. We

1   suggest that the Board --

2   TIMEKEEPER: 30 seconds remaining.

3   MR. MAZER: -- clarify, to ensure that

4   the funds need not be returned to the TLC or

5   in the alternative that the funds be

6   prorated. Finally, we urge the Commission to

7   consider another change to 58-50(j), which

8   would permit any medallion owner, not just

9   the owners of two or more vehicles, to

10   receive the initial payment of $20,000 prior

11   to the purchase of the vehicle.

12   Again, we thank the Commissioner for

13   these important initiatives, urge its

14   adoption with some changes that we've

15   suggested.

16   Thank you for your time and

17   consideration.

18   MS. ELUTO: Thank you.

19   Our next speaker, Ms. Desai.

20   MS. DESAI: Good morning, again. I'm

21   Bhairavi Desai, executive director of the

22   New York Taxi Workers Alliance.

23   It's hard to follow after Mr. Aliyu who

24   spoke earlier. I hope that all the

25   Commissioners that are listening can really

1   hear, like the sense of, you know, pain and

2   frustration that runs really deep across this

3   entire industry. I mean, the streets are

4   just oversaturated, you know, we're back to

5   the race to the bottom for drivers. For

6   yellow cab drivers, you know, trips are still

7   down 50 percent since COVID. We're now

8   facing down congestion pricing, you know, in

9   about, what, less than two month's time.

10   Meanwhile, on Flex Fare, as you've

11   heard, they're getting cheated out of a

12   dignified living, you know, per trip. I

13   mean, even if the passenger is being charged

14   well above the meter, but the drivers are

15   still being paid less, and that's just not

16   acceptable. We appreciate the TLC's, you

17   know, increase in the grants with regards to

18   TIF. We do think that number of changes need

19   to be made. For example, for drivers that

20   would look to hack up used cars, they should

21   still be eligible for a grant.

22   As Alli Langley, our staff attorney,

23   said earlier, you should not have to apply

24   for one of these grants. Drivers have enough

25   of burdens. Don't make them go through

1   another application process. Their

2   eligibility should be presumed for these

3   grants. Also, we would add that for, you

4   know -- if you get a vehicle that's

5   brand-new, but you get it in another part of

6   the country where rates -- where the cost may

7   be cheaper, and you're looking to drive back

8   that car to get it hacked up here, the

9   mileage you spend driving back that car

10   should not be calculated as part of the 500

11   miles requirement in order to meet a new

12   vehicle standard.

13   Also, on Access-A-Ride trips, you know,

14   that was another part of the presentation

15   earlier, which I found really stunning.

16   Access-A-Ride trips are poverty pay. Similar

17   to e-hail trips, all drivers, whether they be

18   yellow cab or FHV drivers are all getting

19   cheated on these --

20   TIMEKEEPER: 30 seconds remaining.

21   MS. DESAI: -- access-A-Ride trips.

22   The TLC, we ask the TLC to work with the

23   State Legislature and the City Council, to

24   require the MTA to not pay drivers below, you

25   know, below minimum wage. Trips are supposed

1   to pay the driver. It's not supposed to be

2   the other way around. Both with Flex Fare

3   and Access-A-Ride, they're costing the

4   driver. The drivers are not earning from

5   these trips. We need to set that straight.

6   Thank you.

7   MS. ELUTO: Thank you.

8   Our next speaker Kuber Sancho-Persad,

9   to be followed by Golam Talukder.

10   Mr. Persad.

11   MR. SANCHO-PERSAD: Yes, hello. Good

12   morning, again.

13   Yeah, so I would like to applaud the

14   TLC for applying the rule, for increasing the

15   initial grant cost from 14,000 to 20,000. I

16   would like them to instead of decreasing the

17   quarterly payments of monthly, to every

18   four months. Just keep them at the same, or

19   maybe even the same price because the

20   maintenance of those vehicles are very high,

21   tend to break down a lot easier, you know.

22   Also, I would like for the Commission

23   to try and work with manufacturers, to try

24   and see if they could get more vehicles

25   approved, accessible vehicles approved.

1   Because as of right now, taxis only are

2   approved for two or three accessible vehicles

3   on the hack-up list; Chrysler Pacifica, the

4   Toyota Sienna hybrid, which is 80,000, and

5   Ford Transit, which is actually discontinued.

6   If the TLC wants us to put these

7   accessible vehicles in place, we need more

8   options. We don't -- we want to serve the

9   accessibility community, but we cannot serve

10   them if we can't get hands on our vehicles,

11   especially at the prices of buying us Toyota

12   Sienna with the conversion done at $80,000,

13   even though you give us 20,000 to start off.

14   Because with interest payments and insurance

15   and everything, it still would add up to a

16   lot, and it still would not cover all the

17   extreme cost. It would still leave us in the

18   negative.

19   Also, with the Flex Fare program I

20   didn't speak to earlier, yes, the

21   Access-A-Ride have been paying us actually

22   from the old meter rate, which is the $2.50 a

23   rate, $2.50 a mile. They have not been

24   paying us at the proper meter new rate, rate,

25   and they continue to do that. They also

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 1        continue to cheat drivers and make them

 2        either take multiple trips, even with not

 3        just taxis, but the for-hire vehicles, they

 4        make them take about four trips.

 5                TIMEKEEPER:  30 seconds remaining.

 6                MR. SANCHO-PERSAD:  Yep.  They make

 7        them take about four passengers, which is

 8        four different trips with the cab to make up

 9        for the time where they don't have enough --

10        the cost doesn't add up to what the meter

11        rate would have been.  I would like you guys

12        to review this, and please try to make it

13        that the minimum fare for the Flex Fare is

14        the meter fare.

15                Thank you.

16                MS. ELUTO:  Thank you.

17                Our next speaker, Mr. Talukder, to be

18        followed by Pritpal and Singh and Basia

19        Osowski.

20                Mr. Talukder, you can begin.

21                MR. TALUKDER:  Hi, good morning.

22        Can you hear me?

23                MS. ELUTO:  Yes.

24                MR. TALUKDER:  Hi.  Good morning.  My

25        name is Golam Talukder.  I'm the medallion
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1   owner and also I'm the member of NYTWA.

2              $20,000 grant to the WAV vehicle is

3   towards the right direction, you know. But

4   in the past, that vehicle cost much more

5   cheaper. Only right now, only vehicle like

6   Sienna and Transit. Sienna cost $80,000, and

7   on top of that, you guys, you know, like

8   every -- like $20,000 grant, and after that

9   you pay four years money. That money you put

10   restriction, this amount of fare you have to

11   reach to get this fund. That's not fair

12   because in the past, medallion run into

13   driver, you get end of trip. Now, you cannot

14   rent an individual owner/driver, and they

15   don't make that many trips. They're getting

16   older, like 70, 80 years old, and they're not

17   getting -- they just get initial $14,000

18   before, now we are making $20,000. That one

19   get, and rest of the money they don't get, so

20   you have to be considerable.

21   Because in the past, 24 hours the

22   yellow running, now running only one trip.

23   And if one driver drive, they cannot drive

24   like 12 hours to cover that kind of trip

25   that's get like four years start funding, so

1   be considerate.

2   On top of that, that's wheelchair fare,

3   the dispatch fare is so cheap, you have to go

4   and look up fare, and you have to be making

5   like our yellow cab fare. And on top of

6   that, there is some app called Myle, they put

7   dispatch e-hail trip, but their fare is so

8   cheap. If they dispatch anything to our

9   yellow cab, it has to be our yellow cab

10   meter.

11   And thank you so much. Have a nice day

12   to you.

13   MS. ELUTO: Thank you.

14   Our next speaker, Pritpal Singh.

15   MR. SINGH: Good morning.

16   MS. ELUTO: Good morning.

17   MR. SINGH: I'm Pritpal Singh. Good

18   morning to Commissioner and all staff, also.

19   As he said that we're standing on now the two

20   both in similar situation, where TLC have the

21   law that we can't refuse passenger, but now

22   you're asking to refuse street hail

23   passengers. For example, if I am waiting at

24   a light and suddenly receive a call from

25   Uber/Lyft and a street hail passenger

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 1          approaches me, I can still have to refuse the
 2          street hail passenger because I have already
 3          received Uber request.  These are the
 4          challenges we face.  And the passenger
 5          priority for street hail passenger over
 6          request, this should not affect the pickup
 7          because Uber making the driver's work this
 8          badly, you know?
 9                  The main issues that like Uber send us
10          now pick up and drop off destination
11          information on the tablet screen, and we want
12          to continue this displaying vendor.  We are
13          used to pick up the Uber/Lyft passenger, then
14          they would like to go there with the Uber
15          driver when we pick up passenger, then they
16          will tell us where we want to go.  That's the
17          meter, some technical issues we want to lead
18          the Uber staff regarding a technical issue,
19          like we need to display our medallion number
20          on the door priority to the passenger because
21          passenger no go back to see the number plate
22          of the taxi.
23                  Thank you so much.
24                  MS. ELUTO:  Thank you.
25                  All right.  That was our last speaker.
```

```
 1          So, that concludes our public hearing.

 2     Thanks to all our speakers.

 3               Commissioner, I turn it back to you.

 4               CHAIR DO:  Thank you so much, Sherryl.

 5     And thank you to everyone who spoke today and

 6     who, you know, talked to us about your

 7     feelings on the two proposed rules and

 8     regulations.  We'll be reviewing the written

 9     comments and the testimony today and see if

10     we can make changes to improve the two rule

11     packages.

12               In any case, I want to thank our

13     Commissioners for being on, for listening.

14     And the time is now 11:29.  I'll adjourn this

15     public hearing.

16               Thank you.

17               (TIME ADJOURNED:  11:29 a.m.)

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```
 1                    C E R T I F I C A T E

 2   STATE OF NEW YORK)

 3                        :SS

 4   COUNTY OF QUEENS)

 5

 6           I, Sabrina Brown Stewart, a Notary Public

 7   within and for the State of New York, do hereby

 8   certify:

 9           That the witness whose examination is

10   hereinbefore set forth was duly sworn and that such

11   an examination is a true record of the testimony

12   given by such a witness.

13           I further certify that I am not related to

14   any of these parties to this action by blood or

15   marriage, and that I am not in any way interested in

16   the outcome of this matter.

17           IN WITNESS WHEREOF, I have hereunto set my

18   hand on this 15th day of May, 2024.

19

20

21                        Sabrina Brown-Stewart
                          Sabrina Brown Stewart
22

23

24

25
```

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