

NYC - Taxi & Limousine Commission Meeting  
August 7, 2019

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NEW YORK CITY  
TAXI & LIMOUSINE COMMISSION  
PUBLIC MEETING

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33 Beaver Street  
New York, New York  
  
August 07, 2019  
10:16 a.m.

H E L D B E F O R E:

JACQUES JIHA, Acting Chair  
CHRIS WILSON, General Counsel

BOARD OF COMMISSIONERS:

BILL HEINZEN, Acting Commissioner  
BILL AGUADO  
THOMAS SORRENTINO  
STEVEN KEST  
LAUVIENSKA POLANCO  
KENNETH C. MITCHELL  
NORA CONSTANCE MARINO

Sabrina Brown Stewart,  
Court Reporter

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PROCEEDINGS

MR. JIHA: Calling the meeting to order at 10:16 this morning. And let the record reflect that we have a quorum for the meeting.

Good morning.

AUDIENCE MEMBERS: Good morning.

MR. JIHA: Welcome to the TLC meeting. Today the Commission will hold a vote on a rules package to implement the policies that the TLC and DOT evaluated in a year-long study of traffic congestion in Manhattan.

The Commission will also vote on a package of technical amendments to the technology service provider rules applicable to taxicabs.

Bill, do you have anything to add before we start?

MR. HEINZEN: Yes, thank you.

Today the Commission is voting on a historic package of rules that takes aim at congestion in New York City.

These rules come one year after the City Council and Mayor de Blasio enacted a legislation that required TLC and the City's

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PROCEEDINGS

Department of Transportation to study the impacts of over 80,000 new for-hire vehicles in New York City. For too long, the app companies' calculated oversupply of vehicles in New York City has resulted not only in traffic congestion, but in lower income for drivers. The council also gave the TLC specific powers to address these impacts, including to set a minimum per trip payment for drivers, to limit the issuance of new for-hire vehicle licenses, and to require the app companies to minimize the time their cars cruise without passengers, so that the City streets are not choked with too many vehicles.

Although New York City is the first to act, our experience is not unique. Every major city in the country has experienced the disruption caused by app-based vehicles. The two largest app companies just released a study yesterday on their impacts outside of New York City. And by their own admission, they're contributing to congestion across the country, especially in core urban areas.

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2           For-hire transportation is a good and  
3 necessary service in every city. Cities  
4 require fast and reliable ways to keep moving  
5 and public transit is not always close at  
6 hand. But transporting passengers is a  
7 privilege. The app companies do not have an  
8 inalienable right to operate without  
9 intelligent regulations. They do not have a  
10 right to have their public statements  
11 accepted uncritically without challenge.  
12 They have certainly not achieved their  
13 standard goals of reducing either car  
14 ownership or the number of cars.

15           We think that New York City is showing  
16 the way to effectively regulate how the app  
17 companies do business so that cities and  
18 people are not left behind. While our  
19 anti-congestion rules are tailored to  
20 conditions in New York City, they are  
21 adaptable to any other city in the country or  
22 the world. It starts with data collection,  
23 so that cities know what is happening on  
24 their streets and can develop policies to  
25 address it.

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This agency has fought hard to collect trip data time and again, and that has allowed New York City to develop new policies that have resulted in better consumer protection for passengers, better road safety, better service for people with disabilities, and better pay for drivers.

One example of this work -- the Driver Income Rules, passed by the commission, have returned over \$225 million -- that's almost a quarter billion -- to drivers since February.

These rules represent another chapter, but we are very aware there's still work to be done. Many drivers have raised concerns about the terms and conditions of for-hire vehicle leases and about whether the app companies are limiting your ability to earn a living.

I know the commissioners heard these concerns loud and clear, and TLC will investigate them and continue our work. We have also heard new concerns that the License Cap may prevent some drivers from owning rather than leasing. We will investigate

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that issue as well.

So, thank you to the drivers for coming today. And thank you for coming, showing up every day and making your voices heard. I want to thank the TLC commissioners. Each of them is here today, and each of them was here for the hearing. As I have said before, they volunteer their time because they are committed to improving for-hire transportation in this city. They are appointed by the mayor and the council. Majority are appointed by the council. And each has been confirmed by City Council. Their continued interest, questions, and advice are invaluable.

I also wanted to thank our partners at the Department of Transportation, including Commissioner Polly Trottenberg, Michael Replogle, Will Carey (phonetic), and Patrick Smith.

Finally, there's an incredible team at TLC who, beginning under Meera Joshi, have worked tirelessly and with great creativity on these rules. There are so many to thank,

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but I have to acknowledge Rodney Stiles, Dawn Miller, Ryan Wanttaja, Fausto Lopez, and Celine Zakaryan. You illustrate the quality and the deep integrity of the people who work at TLC. It has not been easy, but you always demonstrate your ability to excel even in difficult and challenging times.

This agency may be small, but it is not understaffed. It is fully engaged and fully committed to making the City and its for-hire transportation network better and more fair. Thank you.

MR. JIHA: Okay. Thank you, Bill.

Now, the first item for action is approval of the minutes from July 23, 2019, meeting.

Does anyone move?

MR. AGUADO: Motion to move.

MR. JIHA: Second?

(Hand gestures.)

MR. JIHA: All in favor?

(Hand gestures.)

MR. JIHA: The minutes are approved unanimously.

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MR. WILSON: The next item on the agenda is amendments to the TSP rules regarding equipment in the taxi cabs and greens. These rules were originally published in the City Record on March 25, 2019. And with a comment deadline of April 23, 2019, a public hearing was held on these rules on April 25, 2019. Three written comments were received, all of which were shared with the commissioners. Following the hearing, and based on the comments, the staff recommended the following changes be made to the rules as originally proposed:

The changes would give agents more authority to de-install technology systems in the vehicles they manage. There were further refinements to the end of contract requirements. The proposed TSP integration deadlines were amended. The TSPs are made responsible for paying owners and drivers in a timely manner when they are acting as Merchant of Record. And the proposals to remove or to amend the insurance and bond

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requirements were removed.

It is required by Cap by the final rule for commission consideration was posted on the Commission's websites and provided to the commissioners on August 2, 2013.

Does anyone move?

MR. AGUADO: So moved.

MR. JIHA: Second?

MR. MITCHELL: (Hand gesture.)

MR. JIHA: All in favor?

(Hand gestures.)

MR. JIHA: Rules are approved unanimously.

MR. WILSON: Okay. The next item on the agenda is the FHV congestion rules. These rules were published in the City Record on June 21, 2013, with an original comment deadline of July 22, 2019. A public hearing was held on these rules on July 23, 2019. Hundreds of written comments were received, all of which were provided to the commissioners. Following the public hearing, the staff recommended that the following changes be made to the rules as originally

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proposed based on the comments received.

The time to complete a renewal inspection was expanded from sixty days to a hundred and twenty days.

Wheelchair-accessible vehicles will be exempted from the Cap on Cruising rules.

When a vehicle is dispatched by a high-volume base, the en route time will be attributed to that base when assigning cruising time when a driver is working with more than one app or has more than one app on.

And finally, attributing to the core cruising time when drivers are available and dispatched by more than one app will be based on overall percentage of the trips of each app dispatching in the congestion zone. It's required by Cap by the final rule for commission consideration was posted on the Commission's website and provided to the commissioners on August 2, 2019.

MR. JIHA: Does anyone move?

MR. AGUADO: (Hand gesture.)

MR. JIHA: So moved. Second?

MR. SORRENTINO: (Hand gesture.)

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MR. JIHA: All in favor?

(Hand gestures.)

MR. JIHA: Motion --

MS. POLANCO: I'm sorry, but I do want to make a -- I did not raise my hand yet.

MR. JIHA: Okay.

MS. POLANCO: Although I wholeheartedly agree with these rules, both the Cap on Cruising and the issuance of new vehicle license, I do have some concerns. And going forward, I urge the TLC commissioners and also the staff to develop an exception to the vehicle license cap that will allow long established livery bases to continue to serve the communities. Especially, nowadays, with the economic situation that's happening, community livery bases will be greatly affected.

And I'm voting yes on both the rules on Cap on Cruising and the issuance of new license. But I would like to bring back this issue regarding exception to the rules, I would say within three months, that we could discuss it. I know this exception was in

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last year's rule and it's not in this year's rule. And that's why I would like to bring it back. So, within three months, I would like to discuss this issue. So, moving forward, I'm voting yes.

MR. JIHA: Okay.

MS. MARINO: I'd like to just add to that. I completely agree with my colleague. And I have seen the small mom-and-pop livery companies just dry up in my neighborhood. I'm out in Northeast Queens where that was an integral part of the transportation, because we really didn't get yellow cabs or even the greens once they were initiated.

So, I'm seeing these companies just drive up and close their doors. And it's companies that have been there for decades and generations. So, I completely agree with my colleague. And I do not want to see a city overrun only by Uber and Lyft. I don't want to see that. And I want us to do everything we can to prevent that from happening and keeping the small mom-and-pop businesses thriving. So, I concur.

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MR. JIHA: So, we will take up the issue three months from now.

All right. So, the rules are approved unanimously. Thank you.

Now, do we have a motion to adjourn the meeting?

MS. MARINO: I do want to make one other statement about the cruising, and I know the Chair, I think, touched upon this. There was a lot of talk at the last meeting about predatory lending practices. I'm not really sure how these companies obtain such a mass collection of these licenses, but this is something we need to address. And as the Chair said, driving in New York City is not a right, it's a privilege.

And we need to -- these rules, as Commissioner Polanco said, we voted yes on these today, but these rules shouldn't end here. They still need work. It's just like -- it's like rent control. Like, you can't just build a highrise in Manhattan and charge whatever you want for rent; the City regulates it.

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(Applause.)

So, we need to also regulate these vehicle licenses. They can't pay -- it can't cost them \$200 a month to maintain this vehicle and they rent it out to some driver for \$600 -- I sorry, a week -- and then for \$600.

(Applause.)

We need to implement some type of regulation on that. And I really hope the Commission and the staff will address that. So, I don't want anyone out there to think that we are letting this go. There was a lot of testimony at the last hearing about facts that I was unaware of, I know a lot of my colleagues were unaware of, the Chair was unaware of -- and it was great to hear from the drivers and industry members out there. We are going to look at this, I sincerely hope, and I am counting on it. We are going to look at this. This does not end here.

(Applause.)

MR. JIHA: Okay. Any other business?

(No response.)

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MR. JIHA: Can we have a motion to  
adjourn the meeting?

MS. POLANCO: Yes.

MR. JIHA: Second?

MR. SORRENTINO: (Hand gesture.)

MR. JIHA: All in favor?

(Hand gestures.)

MR. JIHA: The meeting is adjourned.  
Thank you.

MR. WILSON: And just let the record  
reflect that it adjourned at 10:29 a.m.

(TIME ADJOURNED: 10:29 a.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)

:SS

COUNTY OF QUEENS)

I, Sabrina Brown Stewart, a shorthand reporter within and for the State of New York, do hereby certify that the within is a true and accurate transcript of the statement taken on August 07, 2019.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of August, 2019.

*Sabrina Brown Stewart*  
Sabrina Brown Stewart

<b>\$200</b> 14:5	<b>after</b> 2:23	<b>app</b> 3:4,13,21 4:7,16 5:17 10:11,12,15,17 (10)	<b>based</b> 8:12 10:2,15	<b>can</b> 4:24 12:23 15:2
<b>\$225</b> 5:11	<b>again</b> 5:3		<b>bases</b> 11:15,18	<b>can't</b> 13:23 14:4,4
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<b>07</b> 1:07 16:12	<b>agents</b> 8:16	<b>applicable</b> 2:15	<b>before</b> 2:18 6:8	<b>carey</b> 6:20
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