

NYC - Taxi & Limousine Commission Meeting
October 30, 2019

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PROCEEDINGS

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NEW YORK CITY
TAXI & LIMOUSINE COMMISSION
PUBLIC MEETING

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33 Beaver Street
New York, New York

October 30, 2019
10:05 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

KENNETH C. MITCHELL

Sabrina Brown Stewart,
Court Reporter

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PROCEEDINGS

MR. JIHA: Calling the meeting to order at five after ten. Good morning. Let the record also reflect that we have a quorum for the meeting.

Today the Commission will hold public hearings on two rules packages. The first package will repeal the requirement that some medallion owners must hack up their medallions with the Taxi of Tomorrow, which is no longer being manufactured. Owners will continue to be able to use other approved vehicles.

The second package for resolve under Broker's Review, the Commission completed earlier this summer, and implements the rulemaking accommodations that resulted from the review. Together with certain changes to the requirements regarding agents, there will be a brief presentation by the TLC staff about this package. Note that this package represents only parts of an ongoing effort by the TLC to help address issues facing the yellow industry.

Some of the steps include reducing

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transfer taxes, extending vehicle retirement dates, and imposing accessible service requirements and a temporary licensing panel on the FHV industry. So, this is not the end of our efforts to assist entitled owners and drivers. More work will follow.

Bill, do you have anything?

MR. HEINZEN: Yes. Thank you, Commissioner Jiha. Before this meeting, staff presentation, I would like to share some agency updates briefly.

Earlier this month, TLC graduated 54 new officers from our TLC Academy. Our enforcement division helps keep the City's street safer. And by enforcing against unlicensed drivers and illegal street hails, our officers also protect the livelihood of those drivers who follow the rules, which is obviously the overwhelming majority. Our officers primarily support the mayor's Vision Zero initiative by enforcing important traffic safety rules, as well as the City's for-hire regulations through traffic stops.

Traffic stops are one of the most

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2 dangerous types of enforcement, and it is
3 important to have enough officers so that we
4 can enforce effectively and safely. Under
5 Deputy Commissioner Dianna Pennetti and her
6 team, TLC is taking great steps with
7 professionalized enforcement through
8 expanding trainings with more strategic
9 employment. We are excited to welcome more
10 officers to TLC and also pleased that we will
11 begin a new class of enforcement cadets next
12 month.

13 I also wanted to acknowledge the work
14 that she and Deputy Commissioner Jenny Tavis
15 and her team have done to improve working
16 conditions for our officers, including a pay
17 increase that was to keep priority for
18 Commissioner Joshi. With more cadets and
19 more officers, we can increase enforcement
20 which makes our streets safer for all of us.
21 Big thanks to the Mayor's Office for
22 supporting all of our recruitment and
23 retention efforts for drivers.

24 This month, we also held our Vision
25 Zero Honor Roll ceremony in Queens, where we

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honored our drivers, bases, and fleets with great safety records and also drivers who do the most accessible dispatch trips. Each year, this event gives us the opportunity to honor and thank drivers and to meet them and their families.

I also want to remind everyone that Daylight Saving Time ends this Sunday at two a.m. Yesterday we spoke at a Dusk to Darkness Safety Campaign event with the PD and the Department of Transportation that highlighted the demonstrated increase in safety risk and vehicle crashes that occur when it gets dark earlier in the afternoon. The message to our drivers and the bases and the fleets that support them is, pedestrians and cyclists are at a greater risk than any other time of year, so please be extra vigilant. There is a demonstrated increase in crashes this time of year. I just want to really highlight that.

We want to be able to keep saying that New York City offers the safest for-hire ride in the country. Unfortunately, we also

1
2 learned this month that longtime driver and
3 driver advocate, Bill Lindauer, has passed
4 away. Mr. Lindauer drove taxi for over
5 forty years, and he was a familiar presence
6 and regular attendee at Commission meetings
7 where he spoke with the benefit of his long
8 experience. While he used humor, letters,
9 and even poetry to make his points, he never
10 hesitated to tell us when he thought we were
11 on the wrong path. And the seriousness of
12 his commitment to justice and improving
13 conditions for drivers was clear. So, we
14 want to remember him today. And we send our
15 deepest condolences to his daughter, Melony,
16 to his many friends across the City,
17 including those at the Taxi Workers Alliance.

18 Today, as Commissioner Jiha mentioned,
19 the Commissioners will hear your testimony on
20 two packages of medallion rules. Earlier
21 this year, Mayor de Blasio ordered TLC, along
22 with the Departments of Finance and Consumer
23 and Worker Protection, to review medallion
24 broker practices and to make recommendations
25 to protect against abuses and provide greater

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transparency for those looking to buy or sell a medallion.

These recommendations include the proposed rules before us today and will be described by Assistant General Counsel, Jason Gonzalez. The proposals would amend the rules governing the relationship between medallion owners and agents who lease and operate medallions. These changes address the information and balance that exists between passive owners and agents today and provide additional transparency for owners into the services agents provide on their behalf.

As Commissioner Jiha said, these rules could represent more steps to hold agents and brokers to higher standards when they work with medallion owners in purchases. This is not the end of our work. In addition to the steps Commissioner Jiha mentioned, we have also stopped collecting medallion renewal fees, we've greatly expanded vehicle choice in the yellow sector, including today's proposal to remove the remaining Taxi of

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Tomorrow requirements. And, of course, the Commission has taken several steps to ensure that TLC's regulations encompass the entire for-hire industry, including the apps.

These steps includes controlling the size of the for-hire industry, protecting driver wages, and providing accessible services. The yellow industry has met these obligations for years. And today these important standards apply for our app companies as well. And we continue our work on these issues. We know taxi drivers in particular continue to struggle. TLC is establishing the driver assistance center at our Long Island City facility to provide financial and legal support to drivers and owners. And that will include helping them to advocate with vendors about our terms.

We are also creating a new Business Practices Accountability Unit that will review licensee data, including the new information they must disclose under these rules and provide greater oversight of TLC licensed businesses and their interactions

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2 and agreements with drivers. This will allow
3 TLC to take necessary enforcement or
4 regulatory actions as appropriate. We are
5 also actively participating in the City
6 Council's medallion task force, which is
7 reviewing not only what more the City can do
8 to help taxis, but also what lenders and the
9 federal government can do to correct the
10 lending practices that have been so
11 devastating for so many.

12 These rules and initiatives are a team
13 effort at TLC, drawing on the work and the
14 experience of people across our different
15 divisions. We have had strong support from
16 the Mayor's Office and the Commissioners, and
17 I would like to thank all of them today.
18 Thank you.

19 MR. WILSON: Okay. So, under a couple
20 housekeeping measure, the first item for
21 action is approval of the minutes from
22 August 7th.

23 Does anyone move?

24 MR. AGUADO: So moved.

25 MR. WILSON: Thank you.

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Does anyone second?

MR. JIHA: Second.

MR. WILSON: All in favor?

(Chorus of ayes.)

MR. WILSON: So, the minutes pass.

The next item is the base applications.

Is someone here from Licensing? Fabian, yes.

MR. CANCEL: Good morning,
Commissioners. My name is Fabian Cancel.
I'm the Director of the Base and the Business
Licensing Unit. Today I have sixty-nine
bases for your consideration. I have one new
base for approval. I have sixty-five base
renewal and change applications for our
approval. I also have two base renewals and
one new base application for denial.

MR. WILSON: Does anyone move?

MR. KEST: (Hand gesture.)

MR. WILSON: Thank you. Second?

MR. AGUADO: Second.

MR. WILSON: All in favor?

(Chorus of ayes.)

MR. WILSON: Okay. They are all
approved. Thank you.

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MR. CANCEL: Thank you.

MR. WILSON: Now, we will have a presentation on the broker rules. Jason?

MR. GONZALEZ: Good morning, Commissioners. My name Jason Gonzalez. I am one of the Assistant General Counsels at TLC. Today I will be giving a brief presentation on the proposed Medallion broker and Agent Rules.

On May 20, 2019, the mayor ordered the TLC, the Department of Finance, and the Department of Consumer Affairs and Worker Protection to examine the existing taxicab broker industry and practices. The current TLC rules regarding medallion brokers are codified in Chapter 62 of the TLC rules. In 1984, pursuant to Local Law 18, the City Council enacted these statutes to establish requirements for the licenser of taxicab brokers. So, taxicab brokers that act as intermediaries in negotiating the sale or purchase of a medallion.

The current rules provide procedures for licensing of entities that act as

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2 medallion brokers. The establishment of
3 requirements for obtaining and maintaining
4 licenser. And they set forth the operation
5 rules to protect customers and the public and
6 set penalties for violations of the rule
7 origins. The 45-day investigation provide a
8 valuable insight into broker practices. The
9 investigation revealed that although many
10 brokers help their clients obtain medallion
11 loans, very few of those clients reported
12 their broker helped them to understand the
13 loan that the broker facilitated. In some
14 cases, the broker agreements did not exist.
15 While in others, important terms such as fees
16 charged by the brokers were not clear or easy
17 to locate within the agreement. The
18 investigation also found that prior
19 disclosures, such as an interest a broker had
20 in a medallion sale were not easily
21 identifiable or written in plain language.

22 Finally, there are over five thousand
23 pages of records reviewed as a part of the
24 investigation, all documents prepared by the
25 brokers for the clients were exclusively in

1
2 English. The proposed rules will remedy
3 these issues by setting specific standards
4 for the services provided by the brokers.
5 First, the proposed rules require written
6 agreements disclosing all broker fees.
7 Second, brokers must disclose all facts known
8 to the broker of impacting a medallion's
9 value, such as if the medallion is restricted
10 for use only with wheelchair accessible
11 vehicles. The rules would also make clear
12 that brokers must always act in the interest
13 of their clients.

14 For those transfers where the broker
15 facilitates financing or if the broker
16 negotiates refinancing on behalf of a client,
17 the rules will require that the broker
18 prepare a plain language explanation of the
19 material on the terms. This will be done on
20 a form created by TLC and translated into the
21 top ten spoken languages of TLC licensees.

22 With respect to the broker's potential
23 conflicts of interest, outreach to drivers
24 during the investigation revealed that
25 drivers lacked a clear understanding of the

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2 often complex business arrangements brokers
3 have with the related taxi operation, such as
4 medallion management and taxi fee operations.
5 The proposed rules expand brokers duty to
6 disclose interest to include those interests
7 possessed by family members of the broker.
8 And the revised conflict of interest standard
9 will also be expanded to apply to TLC related
10 businesses that primarily serve TLC licensed
11 drivers. There will also be annual required
12 disclosures for brokers where they will
13 disclose their interest in TLC licenses and
14 TLC related businesses, as well as
15 disclosures of actual interest in all
16 transactions facilitated by the brokers.

17 Finally, with respect to broker rules,
18 the proposed rules also would increase TLC
19 penalties. For the more serious rule
20 violations, it would extend the recommended
21 suspension period that's currently at
22 three years to a period of ten years. And
23 the proposed rules would also allow judges to
24 order clients receive restitution in certain
25 cases.

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2 Now, during the course of the
3 investigation surrounding brokers, passive
4 owners who do not operate the medallions they
5 own but reported concerns with their agents
6 who manage and operate the medallions for
7 these passive owners. These concerns
8 included one-sided agreements that allow
9 agents to lower, at any time, the lease
10 payments they pay medallion owners to operate
11 their medallions but do not provide the
12 option to find another Agent in these cases
13 without facing steep penalties for ending the
14 lease agreement early.

15 Passive owners also expressed a lack of
16 clarity to which fees -- such as the
17 remitting tips, the TLC or the MTA surcharges
18 for the state that the Agent was paying on
19 behalf of the owner. The following enclosed
20 regulations address these issues by requiring
21 written agreements between agents and
22 medallion owners, including material terms,
23 such as the cost and fees the Agent may
24 charge. The medallion lease payment Agent
25 will pay the owner, and all fees or taxes the

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2 Agent will pay on behalf of the owner during
3 the course of the Agent's management. Also
4 permit owners to cancel their existing leases
5 with agents without penalty if the Agent
6 lowers the lease price. Also require agents
7 to prepare and provide to passive owners
8 receipts for all payments and charges, as
9 well as annual accounting of all fees and
10 cost paid by the Agent on behalf of the
11 owner.

12 And finally, it will also allow judges
13 to order agents pay the owner's restitution
14 in certain cases.

15 Thank you. Any questions?

16 MR. AGUADO: Let me see if I can get
17 this right. The rules and rights for the
18 agents, is there a standardized fee for
19 different services across the board or the
20 fees differ from agents -- what I mean is
21 someone can charge fifty percent less than
22 the others, is there a recommended set of
23 fees?

24 MR. GONZALEZ: There's currently the
25 agents and the owners will negotiate the fees

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that would be set in the lease. The proposed rules would simply provide that the -- that the medallion owner would be able to get out of the lease if the Agent lowered the lease price without a penalty.

MR. AGUADO: And yet I don't see where there's an advocate or ombudsman that works on behalf of the driver, of the person or of the owner. It's left up to the owner to negotiate with the Agent; is that correct?

MR. GONZALEZ: That's correct, yes.

MR. AGUADO: What resource does the owner have to investigate what the terms are and the -- does TLC provide any oversight that drivers can go to and say, "I'm not sure if the Agent is doing this properly."

MR. GONZALEZ: Right. There are, of course, the TLC rules governing agents and there's also the Driver Protection Unit, which I know, starve legal drivers, but my understanding is that other licensees can use that as a resource as well.

MR. AGUADO: But it seems as though there's a need for the TLC to be more active

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on behalf of the drivers, to be more of an advocate to ensure that the lines of communication has to exist so that the driver is treated as a -- is fairly treated.

MR. GONZALEZ: Definitely, there needs to be a partnership with the medallion owners and TLC, open communication, of course.

MR. AGUADO: Who is going to provide the oversight of TLC?

MR. HEINZEN: Commissioner Aguado, may I address that?

So, in addition to the rules, some of the initiatives that we're announcing are the driver assistance center, which will be a resource for medallion owners and potential medallion owners to go to to get advice with financial advisers and also our Business Practices Accountability Unit is going to -- as we're setting it up, we've hired a director that's going to be analyzing all of the new information that were -- some of the information, we're already getting new information.

So, we are going to have resources

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within the agency to heighten our review of the medallion industry and the transactions, but also to provide direct assistance and advice for owners.

MR. AGUADO: But there's only going to be one center, one business center --

MR. HEINZEN: There is currently going to be one center in Long Island City, our licensing city --

MR. AGUADO: And the other boroughs have a lot of drivers that could benefit from having --

MR. HEINZEN: I understand. That's part of the reason why we do outreach across the City and in all the boroughs. And we can always do better, but we're out there a lot and we're working to connect with as many drivers and owners as possible.

MR. WILSON: Thank you, Jason.

We'll now have a public hearing on the taxicab vehicle rules. Our first speaker is Edith Everett.

MS. EVERETT: Good morning, Commissioners. My name is Edith Everett. I

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don't own or drive a car. I'm 90 years old, and I almost every day use yellow cabs. I'm here to represent the many thousands of cab riders who find not accessible, the taxis you designate as accessible. It would appear your cab designs address only one category of disabled people -- those in wheelchairs. While I sympathize with those individuals and have suggestions for more efficient ways of addressing that problem, I may someday be in one of those wheelchairs, so I have to worry about that.

However, the safety and comfort of the overwhelming number of riders need not and must not be sacrificed for that purpose. The current and proposed taxi designs clearly discriminate against large segments of the population. Let me suggest a few categories of disability your current designs have ignored. I represent only three of those categories. I wrote old people. But I'd like to say older people, okay? Those with physical ailments and women.

First, as an older person, those

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so-called accessible cabs are so high that claiming into them is like scaling Everest. I have to pass up many cabs till I find one I can get into. It's a big challenge, more than impossible. Ask your mothers or grandmothers how they find getting into those cabs, maybe you'll get a better answer.

Second, I'm in reasonably good health but my knees are problematic, as they are for many other people. If I do manage to get into a cab, sometimes with the help of a driver. And even, it's humiliating but the kindness of a stranger getting me in -- shoving me up into a cab, I experience significant pain. There are all kinds of visible disabilities that your designs ignores. Like, individuals who need walkers, they're just as disabled as the people in the wheelchairs, but they can't get into those taxis.

Now, third, as a woman, when I wear a skirt, the steps are so high I can't lift my leg into them. If I'm carrying packages, it's impossible to manage. Those of us who

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may be too tall or too short encounter problems. Women carrying small children are especially in trouble.

On another issue, this is not about accessibility, but I do feel I have the floor so I can say it. Many of the current cabs are not safe. The sliding doors can cause tremendous accidents. I know two people who have died as a result of being hit by the door, knocked to the ground, their heads are hit; that's it for them. So, that's one thing that really needs to be reconsidered. There are not sufficient straps inside the cabs, so that when you pull yourself up, there's nothing to hold onto on the other side. Often the safety belts cannot be closed. For one reason or another, they don't close. These are significant safety issues that I believe really needs to be addressed.

In conclusion, I urge you, before you decide on new cab designs, to bring together representatives of the cab riding public, people like myself, to have some input. I

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don't know who is responsible for the current designs, but I think you need to reassess the process.

Thank you for listening and if you have any questions, I would be glad to answer them.

MR. AGUADO: As someone who has trouble getting into the cabs, any cab, I certainly agree with you. The other point is the for-hire vehicles, usually the SUVs, who can climb into an SUV if you have certain limitations? And that's a challenge for the older people or any woman that has issues walking or what have you. So, I think that's a point that isn't stressed enough.

MS. EVERETT: Yes. It's discriminatory for sure against older people. There's no doubt that most older people have trouble getting into cabs. I dare say that there are more old people than there are people in the wheelchairs; do not math. You know, it's not right that half of the cabs are designed, as I understand it, for wheelchairs when more than half of the population is old.

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Anyway, any more questions? No? I thank you for your consideration. I do hope you'll take it very seriously.

MR. WILSON: Thank you.

The next speaker is Rita Salzman.

MS. SALZMAN: Thank you for your time and patience on this. I have suffered a very severe injury getting into your cab. And I have a picture here that I thought you might like to see of my leg. This is getting into a cab (indicating). I have been a tennis player all my life. So, I'm not exactly lacking in agility, but it is impossible to get into one of these cabs if you are wearing a skirt. It is impossible to get in if you don't have somebody helping you pulling you in from the other side.

You cannot -- as Eleanor Roosevelt used to describe getting into a cab as partner house role; that's the best way to get into the cabs. But you can't get into these because they're too high. They do not serve the public and I do not think we should wait five years while they expire. I think they

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should be taken off the service immediately.
And I recognize that it would be a loss. We
are paying enormous fees for riding in taxis
today. And I think that we ought to get a
better service. Thank you.

MR. WILSON: Thank you.

And the next speaker is Shelley Binder.

MS. BINDER: Hello. My name is Shelley
Binder. And thank you very much for having
this hearing and for hearing us.

I'm here to represent another
constituency. I'm not an older person. But,
however, like everyone else, I've gone
through experiences. A few years ago, I had
back surgery, extensive back surgery. I'm
fine now, but for a period of significant
number of months, I had to go to the hospital
regularly and I could not get into a number
of the taxicabs that are these high SUVs.
And I had to use car services and I could not
use a cab. And I have compassion for the cab
drivers where the cabs are now very
expensive, and I would like to be able to
provide my money, give my money to taxi car

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drivers, rather than to any other transportation service.

So, I'm here to support your inquiry as to whether you can change the specifications of the cabs to make them much easier for anybody who has suffered a disability, an injury, or is recuperating from an illness. Thank you. Any questions? No?

MR. WILSON: Thank you.

MS. BINDER: Thank you very much.

MR. WILSON: The next speaker is Jacob Policano.

MR. POLICANO: Hello. I want to apologize for the misunderstanding. We're here to testify on the brokers rules.

MR. WILSON: Why don't I add you to that list and then we'll just finish this off?

MR. POLICANO: Thank you very much.

MR. WILSON: The next speaker is Brent Caswell.

MR. CASWELL: Hello, Commissioners. Thank you for letting me speak before you today. My name Brent Caswell and I'm a

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2 resident of Manhattan. I wanted to voice my
3 support for the rule change that's being
4 proposed today. I believe that the public
5 marketplace for vehicles and a lot of our
6 choice is the best plan for improving the
7 experience of drivers and passengers alike.
8 At the same time, I believe that the TLC
9 should maintain its full regulatory authority
10 to set rules for tax vehicle standards. This
11 authority ensures that New Yorkers and our
12 visitors are able to ride in the safest, most
13 accessible, most financially environmentally
14 sustainable options of the marketplace today.

15 To that end, I would like to request
16 that as part of this proposal the Commission
17 consider a small extension of the alternative
18 field medallion vehicle type requirement
19 currently in Chapter 67, Subsection 5 -- I
20 could keep going with subsections there, but
21 it states that an alternative fuel medallion
22 vehicle must either be a hybrid electric
23 vehicle or be powered by compressed natural
24 gas, which isn't on the market today. This
25 rule actually limits the TLC from being able

1
2 to approve plug-in hybrids or electric
3 vehicles. These vehicle types are available
4 on the U.S. market and, in fact, some models
5 that have already been approved have plug-in
6 hybrid versions available.

7 I think allowing all taxi drivers to
8 have access to these vehicles would help to
9 increase the net income of taxi drivers by
10 lowering refueling cost. Because of the
11 current rule limit, the recently approved --
12 and as you saw this morning, kind of an
13 improved Tesla Model 3, which is a market
14 vehicle, is only available to unrestricted
15 medallion owners and not alternative fuel
16 medallion owners. So, today actually an
17 alternative fuel medallion owners are limited
18 to vehicles that run exclusively on gasoline,
19 which is inexpensive, including fuel source.
20 And I believe that this runs counter to the
21 original intention of the program. Adding
22 plug-in hybrids and electric vehicles to the
23 alternative fuel vehicle type requirement
24 would address this inconsistency.

25 So, I appreciate your consideration.

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Do you have any questions for me?

MR. WILSON: Thank you. Let me just say, we take your point and we're quite aware of that. The requirements for additional alternative fuel vehicle are actually set forth in Local Law. So, this body doesn't actually have the authority until Council acts to change that. We are aware of the issue. And as you know, we have approved plug-in hybrids, just you can't use them for curiously enough, from alternative fuel to alternative fuel medallion.

MR. CASWELL: Okay, cool. I'll go to the Council Member then. Thank you.

MR. WILSON: Thank you.

That's all the speakers on the taxi rules. So, we will now have speakers on the broker/Agent rules. The first speaker is Peter Mazer.

MR. MAZER: Good morning. Good morning, Chairman Jiha, Mr. Heinzen, members of the Commission. My name is Peter Mazer and I am General Council to the Metropolitan Taxicab Board of Trade, the association

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2 dedicated to serving medallion taxicab owners
3 and operators for nearly seventy years. We
4 represent about 5,000 medallion owners and
5 more than thirty operators. In addition to
6 the service that MTBOT provides to owners and
7 operators, we also provide free legal and
8 educational services to drivers. Today date,
9 we have represented drivers in about ten
10 thousand adjudications of all types and have
11 provided more than \$1.3 million in free legal
12 services to taxicab drivers.

13 Many MTBOT members are licensed agents.
14 While MTBOT is not a brokers association,
15 some of our members hold Taxicab Brokers
16 Licenses. However, since these proposed
17 rules would alter every aspect of the taxicab
18 business, MTBOT is addressing these rules and
19 have submitted extensive written comments,
20 which you now have, because these proposals
21 will impact medallion owners, businesses and
22 drivers. It is widely acknowledged that the
23 taxicab business is in a major crisis.
24 Ridership has continually decreased.
25 Medallion values have plummeted. Lending to

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the taxicab industry for any purpose, even to buy cars or to pay business debt, is non-existent.

The taxi industry is complexed with many interrelated entities that must function together for the benefit of the drivers, owners and passengers. Brokers and agents are both essential to taxicab operations. And, therefore, while MTBOT has an organization that advocates for our owners and fleet drivers that benefit from our driver center, we are here to advocate for fairness in passing broker and Agent rules. If these rules made being a broker or too owner rest and drives good Brokers out of the business or prevents Brokers from advising drivers or advocating for them with lenders, then the whole industry will suffer; the same is true with respect to Agent rules.

We've made some progress and we believe that sensible amendments to these rules will ensure more transparency and necessary clarifications that won't exceed the mission and purview of the TLC. Government agencies

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2 are looking for solutions to the medallion
3 crisis. Today, you are looking at broker and
4 lender practices to determine if these
5 businesses bear some of the blame for the
6 medallion crisis. Let me start by saying
7 that many of reports proposed today are good.
8 Tightening record keeping requirements,
9 standardizing some procedures and making sure
10 there's full disclosure are good practices.
11 I have prepared written comments for these
12 specific provisions of the proposed rules,
13 and I ask that they be part of the record.

14 But this morning, I must address some
15 fundamental concerns that I haven't proposed,
16 which if are not addressed, brokers and
17 agents as entities may very well cease to
18 exist. Proposed amendments to 6203(c)(2), it
19 expand the definition of a broker to include
20 any entity that assists a medallion owner for
21 a fee as a negotiation of medallion loans,
22 including any refinancing, extension or
23 modification. This language makes any entity
24 or person that assist a medallion owner or
25 borrower, a broker stepped into all of the

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regulations governing the conduct of brokers.

These new responsibilities include both a contractual and a fiduciary responsibility to disclose to the client every known fact which might affect the potential value of medallions. These proposals do nothing to increase the confidence of lending community and will make it hard, not easier for borrowers. Lenders are not regulated by the TLC and have no need to work with all this. These rules will cut off the only lifelines distressed owners have. And there will be no one in the industry with which they can turn. And nothing whatsoever has been done to strengthen the medallion market, instill confidence in the industry or protect medallion values.

With respect to proposed Agent rules, these rules attempt to regulate several key aspects of the Agent/owner relationship, which historically have been negotiated by the parties. First, it requires contracts to innumerate the specific compensation paid by an Agent to particular owner. This

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information will now become public and will be available to competing agents and other medallion owners. Second, it prohibits parties from including in their contract provision that an Agent's payments to owners quickly reduced at market condition more, without the owner having the right to immediately terminate the contract.

These proposed rules were drafted to protect medallion owners, but they will be the ones adversely affected by the proposed rules. It is already difficult for a medallion owner to find an Agent willing to contract with him or her.

In summary, these rules touch on peripheral issues. But the lack of financing for the taxicab industry is not addressed and there will be no stability in the taxicab industry and everybody will suffer. If the medallion industry is destroyed, so will the lives of millions -- of many thousands of hardworking drivers, hardworking New Yorkers who provide service to the public every day. MTBOT looks forward to working with the TLC

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on creative solutions to the medallion crisis.

I want to thank you for giving me the opportunity to speak to you today. And I will be happy to answer any questions that you may have. Thank you.

MR. WILSON: Thank you, Mr. Mazer.

The next speaker is Mouhamadou Aliyu.

MR. ALIYU: Good morning, Commissioners. My name is Mouhamadou Aliyu. I'm a New York City taxi medallion owner. I just hold my medallion to the City auction in 2005, October, 2005; thanks to one of the brokers (inaudible). So, it was like a dream come true. But how do you help me out to keep my dream? That is the issue now. The brokers, as we do say, they really behave predatory lender, big power people. They misbehave big time. I don't even have a word to describe how these brokers misbehave. Because it's like, we as the owner/driver, we are held to the highest standard. Like, you can't refuse. You have to go anywhere. You can't misbehave to a passenger. You have to

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make the industry look good.

My question is this: What about the brokers? It's only about the money; that's it? Nothing about making the industry look good. Because whatever they do in this process is only the money. So, I don't know whatever the outcome will be, but put some rules out there that will push these brokers to behave in a way -- this is a big industry. Everybody has to play its part. It cannot be just about money. And owner/driver out there and try to make the thing look good, but when it comes to money, refinancing, I don't even know how -- I owe \$700,000. I pay over \$100,000 in fee to brokers. Why? Why?

When I was coming to this industry, I was a driver, a yellow cab driver. My dream was to own a medallion. I don't know nothing about financing. I don't know nothing about equity. Only when I go to this broker every time they harass you. "Don't you want no money? You can get this money." And when this medallion stop taking value, I was like, "You know what? I'm starting getting

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2 nervous. I want to get out." This broker
3 will tell you, "Why do you want to get out?
4 This is a good thing to do. How much do you
5 need? You want it in check or you want it in
6 cash?" I don't know how much I'm going to
7 say, because I still hold my medallion. But
8 I know what I'm going through every single
9 day -- predatory lending. The situation we
10 are in right now, this broker have big time
11 to do with it. Big, big time. Because if
12 they played a good part of it -- if they
13 played the rule, whatever they're supposed to
14 be doing to protect this industry, I think we
15 wouldn't be here. But they were only looking
16 for the money.

17 So, I urge you -- I really don't know
18 what these rules are, but I want these rules
19 to make these brokers to behavior in a way
20 this industry can keep up for a longer time.
21 Thank you very much.

22 MR. HEINZEN: Thank you.

23 MR. WILSON: Thank you.

24 And the next speaker is Jacob Policano.

25 MR. POLICANO: Hello. My name is Jacob

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Policano. I'm here on behalf of David Beier, who is the President with the Committee for Taxi Safety. Thank you, Commissioners, for the opportunity to testify today on both the Broker and Agent License Rule Amendments. Our testimony is elaborated upon in its written form. I apologize for the graphic on the screen.

I would just like to quickly touch upon some of the highlights here before you today. Mandating brokers to disclose financial information about related parties is a violation of the privacy rights of the related parties. Brokers should not be compelled to act as risks advisers to industry stakeholders. Brokers are not legal counsels or trained to provide advice. Brokers are not lenders. They do not negotiate, prepare, or give legal advice about the terms or meaning of loan documents. Explaining loan documentation to borrowers to give any legal advice without the benefit of a law license. Loan documentation needs to be produced by lenders, not brokers.

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2 Brokers need to be allowed to retain
3 proceeds from medallion sales in escrow to
4 ensure medallions are unencumbered by
5 judgment or unpaid dues. Denying application
6 for an agent's license must be predicated on
7 penalty of revocation being posed, rather
8 than a penalty of revocation being a
9 potential penalty for a violation. Agents
10 rely on technology systems to know whether a
11 driver has a valid TLC license. Those are
12 checked once a day and the TLC needs to
13 acknowledge the practicality and not penalize
14 an Agent because driver status has changed
15 during a 24-hour period unless an Agent has
16 actual knowledge of a change in status of a
17 driver's hack license.

18 Managers who lease multiple medallions
19 from an Agent should be licensed by the
20 Commission, so they are not subject to
21 jurisdiction with the Commission. If an
22 owner terminates a management contract prior
23 to the expiration of his term with no default
24 by manager, cancellation fees should not be
25 waived to avoid it. If regular mail with an

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affidavit of service is good enough proof for the Commission to have mailing notice, it should also be good enough for licensed stakeholders.

Agents should be allowed have a right of first refusal if an owner elects to sell his medallions, provided the Agent matches the third-party offer or pays market value if there is no other offer. Mandating agents mail receipts for all payments made is unduly burdensome and expensive. Agencies receiving payments should notify the Commission if a payment is not received.

Thank you very much.

MR. WILSON: Thank you. And that was the last speaker.

MR. JIHA: Okay. So, that concludes the public hearing on the brokers rules.

Do we have any other matters to discuss now?

(No response.)

MR. JIHA: So, can we have a motion to adjourn the meeting?

MR. AGUADO: (Hand gesture.)

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MR. JIHA: Second?

MR. KEST: (Hand gesture.)

MR. JIHA: All in favor?

(All hand gestures.)

MR. JIHA: Meeting adjourned.

(TIME ADJOURNED: 10:51 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 October 30, 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 30th day of October, 2019.

Sabrina Brown Stewart
Sabrina Brown Stewart

<p>\$100000 36:16</p> <p>\$13 30:11</p> <p>\$700000 36:15</p> <p>& 1:4</p> <p>24hour 39:15</p> <p>30th 42:18</p> <p>45day 12:7</p> <p>6203c2 32:18</p> <p>7th 9:22</p> <p>able 2:12 5:23 17:4 25:24 27:12,25 (6)</p> <p>about 2:21 8:19 20:13 22:5 30:4,9 36:3,4,5,12,20,20 38:13,21 (14)</p> <p>abuses 6:25</p> <p>academy 3:14</p> <p>access 28:8</p> <p>accessibility 22:6</p> <p>accessible 3:3 5:4 8:8 13:10 20:5,6 21:2 27:13 (8)</p> <p>accidents 22:9</p> <p>accommodations 2:17</p> <p>accountability 8:21 18:19</p> <p>accounting 16:9</p> <p>accurate 42:11</p> <p>acknowledge 4:13 39:13</p>	<p>acknowledged 30:22</p> <p>across 6:16 9:14 16:19 19:15 (4)</p> <p>act 11:21,25 13:12 38:16 (4)</p> <p>acting 1:13,16</p> <p>action 9:21 42:14</p> <p>actions 9:4</p> <p>active 17:25</p> <p>actively 9:5</p> <p>acts 29:9</p> <p>actual 14:15 39:16</p> <p>actually 27:25 28:16 29:6,8 (4)</p> <p>add 26:17</p> <p>adding 28:21</p> <p>addition 7:20 18:13 30:5</p> <p>additional 7:13 29:5</p> <p>address 2:23 7:10 15:20 18:12 20:7 28:24 32:14 (7)</p> <p>addressed 22:21 32:16 34:18</p> <p>addressing 20:11 30:18</p> <p>adjourn 40:24</p> <p>adjourned 41:6,7</p> <p>adjudications</p>	<p>30:10</p> <p>adversely 34:12</p> <p>advice 18:17 19:5 38:18,20,23 (5)</p> <p>advisers 18:18 38:16</p> <p>advising 31:17</p> <p>advocate 6:3 8:19 17:8 18:3 31:13 (5)</p> <p>advocates 31:11</p> <p>advocating 31:18</p> <p>affairs 11:13</p> <p>affect 33:6</p> <p>affected 34:12</p> <p>affidavit 40:2</p> <p>after 2:3</p> <p>afternoon 5:15</p> <p>against 3:16 6:25 20:18 23:18 (4)</p> <p>agencies 31:25 40:12</p> <p>agency 3:12 19:2</p> <p>agent 11:9 15:12,18,23,24 16:2,5,10 17:5,11,17 31:14,20 33:19,25 34:14 38:6 39:14,15,19 40:8 (21)</p> <p>agent's 16:3 34:6 39:6</p> <p>agentowner</p>	<p>33:21</p> <p>agents 2:19 7:9,12,14,17 15:5,9,21 16:5,6,13,18,20,25 17:19 30:13 31:8 32:17 34:3 39:9 40:6,10 (22)</p> <p>agility 24:14</p> <p>ago 25:15</p> <p>agree 23:10</p> <p>agreement 12:17 15:14</p> <p>agreements 9:2 12:14 13:6 15:8,21 (5)</p> <p>aguado 1:17 9:24 10:21 16:16 17:7,13,24 18:9,11 19:6,11 23:8 40:25 (13)</p> <p>ailments 20:24</p> <p>alike 27:7</p> <p>aliyu 35:9,10,11</p> <p>alliance 6:17</p> <p>allow 9:2 14:23 15:8 16:12 (4)</p> <p>allowed 39:2 40:6</p> <p>allowing 28:7</p> <p>almost 20:3</p> <p>along 6:21</p> <p>already 18:23 28:5 34:13</p> <p>also 2:4 3:18</p>	<p>4:10,13,24 5:3,8,25 7:22 8:20 9:5,8 10:16 12:18 13:11 14:9,11,18,23 15:15 16:3,6,12 17:20 18:18 19:4 30:7 40:4 (28)</p> <p>alter 30:17</p> <p>alternative 27:17,21 28:15,17,23 29:6,12,13 (8)</p> <p>although 12:9</p> <p>always 13:12 19:17</p> <p>am 1:9 5:10 11:6 29:24 41:7 42:13,15 (7)</p> <p>amend 7:7</p> <p>amendments 31:22 32:18 38:6</p> <p>analyzing 18:21</p> <p>announcing 18:14</p> <p>annual 14:11 16:9</p> <p>another 15:12 22:5,18 25:12 (4)</p> <p>answer 21:8 23:6 35:6</p> <p>anybody 26:7</p> <p>anyone 9:23 10:2,18</p> <p>anything 3:8</p> <p>anyway 24:2</p>
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