

NYC - Taxi & Limousine Commission Meeting  
November 28, 2018

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NEW YORK CITY  
TAXI & LIMOUSINE COMMISSION  
PUBLIC MEETING  
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November 28, 2018  
9:45 a.m.

33 Beaver Street  
New York, New York

B E F O R E:  
MEERA JOSHI, Chair and Chief Executive Officer  
CHRIS WILSON, General Counsel  
Board of Commissioners:  
BILL AGUADO  
JACQUES JIHA  
THOMAS SORRENTINO  
STEVEN KEST

Julia M. Speros  
Court Reporter

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S P E A K E R S :

Raul Rivera, TLC Driver Licensee

Nicolae Hent

Peter Mazer, MTBOT

Michael Keogh

Milenka Berengolc

Michele Dottin

Aziz Bah

Carolyn Protz

Richard Lipsky

Nancy Reynoso

Charles Komanoff

Augustine

Bhairavi Desai

Francisco Mendez

Edith Prentiss

Seydou Bah

Victor Salazar

Bill Landaven

Lalji Singh

Jose Altamirano, Livery Base Owners

Michael Wong

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S P E A K E R S C O N T I N U E D :

- Saibou Sidibe
- Mohammad Ali Awan
- Elieser Colon
- Roberto Rodriquez
- Bridget Felix
- Osman Chowdhury
- Mario Pena
- Mohamed Hasan
- Malhotra
- Robert Espriel
- Richard Chow
- Wain Chin
- Edward Costellanos
- Bernardo Celerino
- Reuben Finkel
- Prodi Kundu
- Galina Kaminkar
- Spryos Messados

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PROCEEDINGS

CHAIR JOSHI: Good morning. The time now is 9:45, and we are -- a motion to go into executive session to discuss legal matters.

All in favor?

(Raised hands.)

CHAIR JOSHI: With that, we unanimously vote to go into executive session, and I anticipate we'll return to open the public meeting at 10 a.m.

Thank you.

(Recess taken.)

CHAIR JOSHI: Good morning. The time now is 10:10, and we're going to begin our public meeting.

First, I'd like to thank everybody for coming today. You can also join us via live stream. Two of our Commissioners who expected to be here today were unfortunately unable to make it; Nora Marino and Ken Mitchell, but they wanted me to convey their regret for not being able to be here today, and assure everyone that they will be

1 watching via live stream. So they are  
2 going to hear what everybody has to say  
3 even though they're not here with us  
4 today.

5 I want to start, first, with some  
6 very sad news. We learned of the  
7 passing of driver and medallion owner,  
8 Roy Kim. He took his life on  
9 November 5th; he was age 58, and we  
10 mourned his passing, along with his  
11 friends and his colleagues.

12 And we, again, want to take this  
13 time to remind people that if you're  
14 depressed or feel isolated, please reach  
15 out to a friend or family member, or  
16 call any of the City's resources,  
17 1-888-NYC-WELL, or you can text WELL,  
18 W-E-L-L. It's a free confidential  
19 mental health support system, and, you  
20 know, it can be the matter of life or  
21 death.

22 So I urge you to use those numbers  
23 if you need them. Please share them  
24 with friends and family, and encourage  
25 others to use them as well.

1           We also had another passing here at  
2           TLC; a very untimely passing on  
3           November 20th. A former TLC Assistant  
4           General Counsel, Mark Hartikof  
5           (phonetic). He had been with the TLC  
6           for about a decade before he retired in  
7           2010 at the age of 36.

8           He worked very hard to retire very  
9           early, and moved to Florida with his  
10          wife and two daughters, and I know he  
11          will be missed by many of the long-term  
12          TLC employees who grew to know him and  
13          loved to work with him.

14          We also want to congratulate a TLC  
15          driver, who on November 13th was on the  
16          FDR and -- Kasin Adeleni (phonetic) --  
17          he saw a hawk that looked like it was  
18          injured and he stopped. He scooped that  
19          bird up; he took it to the Wild Bird  
20          Fund. The hawk is in good health now  
21          and was released back to the wild.

22          So the hawk was named, aptly, Taxi,  
23          and we can thank Mr. Adeleni for his now  
24          really wild life in a wildlife rescue  
25          reserve. So thank you very much.

1           This morning we have two proposed  
2 rules. They are scheduled for hearing,  
3 and what I'd like to do, which I think  
4 will make the meeting go more smoothly,  
5 is we'll take testimony on both rules at  
6 the same time.

7           So when you come up to give  
8 testimony, you can give testimony on  
9 either the congestion fee rules or the  
10 for-hire service rules, and you can  
11 intersperse your testimony flipping back  
12 from one to the other.

13           We have also the adoption of minutes  
14 from our October 3rd public meeting.

15           All in favor of the adoption of the  
16 minutes from the October 3rd hearing?

17           (Hands raised.)

18           CHAIR JOSHI: With that, they're  
19 unanimously adopted.

20           I want to introduce our newest  
21 Commission member, Steven Kest, who is a  
22 mayoral appointee. He's a longstanding  
23 community and youth organizer; works at  
24 the Center for Popular Democracy. He  
25 previously helped lead the fight in

1 Fight for \$15 campaign that won pay  
2 raises for fast food workers, and lives  
3 in Flatbush, Brooklyn.

4 And we're really grateful to have  
5 him join our Commission and add to the  
6 skill set of an already amazingly varied  
7 and skilled Commission.

8 So thank you Steve, and we look  
9 forward to working with you.

10 COMMISSIONER KEST: Thank you.

11 CHAIR JOSHI: We have some base  
12 applications for determination.

13 Good morning.

14 MS. MEOLA: Good morning,  
15 Commissioners.

16 My name is Angelique Meola, and I'm  
17 the Director of the Base and Business  
18 Services.

19 Today we have 12 applications for  
20 your approval; eight renewals, three  
21 with various changes, and one denial.

22 CHAIR JOSHI: All in favor of  
23 approving the base recommendations from  
24 licensing?

25 (Chorus of "Ayes".)

1 CHAIR JOSHI: And with that, they're  
2 unanimously approved.

3 MS. MEOLA: Thank you.

4 CHAIR JOSHI: We're going to start  
5 today -- like I said, we have two  
6 hearings, which we'll combine the  
7 testimony for.

8 One is proposed implementation rules  
9 from a State Law that was passed in  
10 April that puts a congestion surcharge  
11 on TLC licensed vehicles that pick  
12 up/drop off, or travel below 96th Street  
13 in Manhattan.

14 And the second is implementation  
15 rules for a Local Law that was signed  
16 into law August 14th. That creates a  
17 new class of for-hire service --  
18 High-Volume For-Hire service vehicles,  
19 new licensing class, and -- for services  
20 that provide more than 10,000 or more  
21 trips on a daily basis.

22 So we're going to start with a  
23 presentation on the high-volume rules  
24 from Maddie Labadie of the  
25 Commissioner's Office. And the State

1 congestion surcharge, Chris Wilson can  
2 give a brief outline of the State Law  
3 and the implementation rules which  
4 pretty much mirror the State Law, after  
5 the high-volume presentation.

6 So thank you, Maddie.

7 MS. LABADIE: All right. Good  
8 morning, Commissioners, Chair Joshi.

9 My name is Madeline Labadie, Senior  
10 Advisor for Strategic Initiatives, and  
11 I'm going to present on the proposed  
12 High-Volume For-Hire service rules that  
13 we're hire considering today.

14 Since large out-base for-hire  
15 services entered the New York City  
16 market, the TLC has worked to ensure  
17 these companies provide safe operation,  
18 transparency in data and information to  
19 customers, and that they're held  
20 accountable to the public interest.

21 New York City is unlike any other  
22 U.S. cities in this regard. New York is  
23 the only American city in which out-base  
24 services are subject to further driver  
25 vetting, training, and monitoring for

1 safety -- like preventing fatigued  
2 driving -- regular vehicle inspections,  
3 commercial insurance, trip data  
4 requirements, consumer security and  
5 transparency protections, and a  
6 requirement to provide wheelchair  
7 accessible service.

8 Since 2015 the TLC has advocated for  
9 road control mechanisms in the for-hire  
10 vehicle sector, especially among the  
11 sources of that growth -- what we'll  
12 call High-Volume For-Hire services.  
13 Since then daily trips dispatched by  
14 High-Volume For-Hire services have grown  
15 exponentially, as shown here broken out  
16 by the white line on the graph.

17 At the time of the City Council  
18 hearing on the initial FHV Pause Bill in  
19 June 2015, High-Volume For-Hire services  
20 were dispatching 100,000 daily trips  
21 combined. Today these companies  
22 dispatch more than six times that  
23 amount.

24 Until City Council passed  
25 legislation this past summer, TLC was

1           unable to manage this growth or its  
2           impact. In recent years High-Volume  
3           For-Hire services have become  
4           increasingly distinct from traditional  
5           car services, particularly in their  
6           scale of operation and their use of  
7           technology. Given the size of their  
8           operation and online corporate black  
9           cars -- which are -- they're direct to  
10          consumer operation -- their impact on  
11          the City is widely felt.

12                 Their advanced technology creates  
13          new policy questions, such as those  
14          about how passengers are protected while  
15          using their apps, and provides  
16          opportunities for answers given the  
17          significant amount of data that they  
18          collect.

19                 These distinctions require  
20          additional accountability in the form of  
21          future growth management, a power  
22          recently delegated to the TLC after a  
23          congestion study is complete, and  
24          monitoring the impact of this massive  
25          number of trips on the City streets, a

1 public resource.

2 It also means that new technology  
3 must be monitored to ensure 21st century  
4 consumer and driver protections, as well  
5 as requiring additional data stats for  
6 the City and the public to use and to  
7 inform public policy, and for TLC to use  
8 to enforce safety and consumer and  
9 driver protection rules.

10 In August of this year City Council  
11 passed a new law creating a new license  
12 category for these businesses. It  
13 requires all companies operating under a  
14 single branch that dispatch over 10,000  
15 for-hire trips per day to obtain this  
16 new High-Volume For-Hire service  
17 license. The new law requires their  
18 applicants to undergo additional review  
19 in the form of application requirements  
20 and monitoring to operate in New York  
21 City. TLC's proposed High-Volume  
22 For-Hire service rules outline the new  
23 license requirements in more detail.

24 The new HVFHS license will be an  
25 umbrella license for companies using a

1 single brand or system. The rules do  
2 not eliminate the need to dispatch trips  
3 via a base. When TLS posts the  
4 application and instructions to our  
5 website, affected companies will have  
6 three months to submit their materials  
7 and the application fee. The  
8 application will be available soon after  
9 the rules go into effect.

10 After companies submit the  
11 application, TLC and related experts  
12 will review and either approve or reject  
13 applicants. During this time, TLC may  
14 also ask for additional information.  
15 The penalties for unlicensed operation,  
16 outlined in the Local Law, will go into  
17 effect after the application review  
18 process is complete.

19 There are four main sections of the  
20 initial High-Volume For-Hire service  
21 license application. It will include  
22 general business information as we  
23 require for all business licensees, as  
24 well as a business plan outlining past  
25 and future operation metrics, impact

1 analysis focused on the applicant's  
2 transportation impacts, a mitigation  
3 plan addressing the negative impacts of  
4 operation, and finally businesses will  
5 also be required to regularly submit  
6 additional data.

7 The business plan requires companies  
8 to submit detailed information on their  
9 operations, both passed and projected,  
10 for the two-year period of licensure.  
11 For example, information required by TLC  
12 will include trip and vehicle counts,  
13 areas of service throughout the City,  
14 average driver earnings including  
15 incentives and deductions from driver  
16 pay, and details on how companies will  
17 comply with the new wheelchair  
18 accessible service requirements.

19 This information will hold  
20 businesses accountable during  
21 application, and if approved, licensure,  
22 while providing new and enhanced data  
23 for the City to study and the public to  
24 review.

25 The next additional level of

1 scrutiny in the application is the  
2 impact analysis, which requires  
3 companies to study their operations of  
4 facts on traffic congestion, local  
5 transportation and noise, among other  
6 issues. Some of the details TLC will  
7 require include vehicle miles traveled,  
8 and how many trips are paid through a  
9 per-tax commuter benefits program;  
10 information as of yet unknown by the  
11 City or the public.

12 This is a not a comprehensive list,  
13 but it provides a few examples on the  
14 slide.

15 We'll also ask more in depth  
16 questions on locations of interest to  
17 the City where for-hire transportation  
18 is implicated, such as airports and  
19 areas affected by the L train shutdown.

20 Companies will also be required to  
21 submit a mitigation plan outlining how  
22 they will reduce harmful impacts of  
23 their operation, such as reducing  
24 congestion, reducing crashes, and  
25 increasing driver pay. By requiring

1           this information, TLC is setting a high  
2           standard to hold companies to account  
3           through ongoing monitoring for  
4           compliance during licensure, setting up  
5           clear metrics for improvement.

6                        Finally, the High-Volume For-Hire  
7           service license requires companies to  
8           regularly submit significant new data to  
9           the TLC, including more minute data on  
10          trips. These include trip mileage,  
11          driver availability -- or on-app time --  
12          and passenger counts, as well as  
13          cruising time. New data requirements  
14          for these companies also come from other  
15          proposed rules, including information  
16          required to enforce a congestion  
17          surcharge rule, which is also being  
18          heard today.

19                       We'll receive additional financial  
20          data related to driver incomes such as  
21          driver payments and passenger fares.  
22          These data will provide new avenues for  
23          analysis and enforcement of the new  
24          HVFHS license and related rules.

25                       The creation of the High-Volume

1 For-Hire service license is part of a  
2 broader shift that has been ongoing over  
3 the past few years at TLC; a new age of  
4 accountability. The enhanced framework  
5 includes the recently heard driver  
6 income protection rules, the FHV License  
7 Pause passed by City Council and the  
8 related ongoing congestion study,  
9 wheelchair accessible service  
10 requirements, and many ideas still to  
11 come, to protect drivers in this  
12 changing industry.

13 The largest companies in our  
14 for-hire vehicle market have been able  
15 to flourish, expanding access and  
16 transportation around the City. These  
17 proposed rules respond to the way they  
18 change the industry and ensure the  
19 public interest is paramount in their  
20 operation going forward.

21 Thank you. I'll take any questions  
22 if you have any.

23 CHAIR JOSHI: Thank you.

24 (No response.)

25 MS. LABADIE: Great.

1 MR. WILSON: Okay. Thank you.

2 And these rules, as well as the  
3 congestion rules, which we're also  
4 hearing today, were both published in  
5 the City Record for a hearing today.  
6 The comment period on those closed a  
7 couple of days ago.

8 We received numerous comments; we  
9 also have numerous speakers this  
10 morning.

11 The other package of rules that are  
12 before the Commission today for a public  
13 hearing are rules which implement State  
14 Law enacted in the spring and signed by  
15 the Governor in the fall, which would  
16 impose a congestion tax on for-hire  
17 vehicles and taxicabs which conduct  
18 trips which touch Manhattan south of  
19 96th Street.

20 The tax will basically be \$2.50 for  
21 taxis; 2.75 for FHV's -- certain  
22 provisions for shared rides. And the  
23 rules simply provide a mechanism so that  
24 TLC licensees can have some  
25 understanding of how they must collect

1 the tax and pay it to the State.

2 Shall we begin the -- okay. So  
3 we'll begin the hearing, and the first  
4 speaker is Raul Rivera.

5 CHAIR JOSHI: Can I just remind you,  
6 this is a hearing on -- right now -- for  
7 both sets of rules. So the subject can  
8 be either.

9 MR. RIVERA: I might be off-topic --  
10 I might be off-topic.

11 CHAIR JOSHI: Because we have so  
12 many people, we have to stick to the  
13 topic. The point of the hearing is to  
14 talk about the proposed rules. We have  
15 two sets of rules; high-volume and  
16 congestion. So please limit your  
17 comments to -- as they relate to the  
18 proposed rules.

19 The rules that implement a State Law  
20 saying that there's a congestion fee  
21 going into effect on January 1st --

22 MR. RIVERA: I know this --

23 CHAIR JOSHI: -- and the  
24 implementation of --

25 MR. RIVERA: I want to speak about

1 something else.

2 CHAIR JOSHI: Then we're happy to  
3 speak to you --

4 MR. RIVERA: It's pertaining to  
5 drivers -- it's pertaining to drivers,  
6 and you, and this Commission.

7 CHAIR JOSHI: We'll make sure --  
8 I'll have somebody from the outreach  
9 unit speak to you in the back.

10 MR. RIVERA: I want to speak --

11 CHAIR JOSHI: Comments today --  
12 right now -- Kala Wright has just put up  
13 her hand.

14 You're here today to share testimony  
15 on the proposed rules. If you don't  
16 have testimony on the proposed rules,  
17 you're welcome to speak to one of our  
18 outreach members in the back who can  
19 talk to you personally.

20 MR. RIVERA: I want to speak in  
21 front of the drivers. Why can't I speak  
22 in front of the drivers?

23 CHAIR JOSHI: Because this is a  
24 public hearing on the two sets of  
25 proposed rules. If you have testimony,

1 please provide it to us.

2 MR. RIVERA: I want the drivers to  
3 hear what I have to say.

4 CHAIR JOSHI: If it's on the  
5 proposed rules --

6 MR. RIVERA: It's not.

7 CHAIR JOSHI: -- you're welcome --  
8 then this is not the forum for that.

9 MR. RIVERA: Step back -- step back  
10 -- relax. That's censorship -- that's  
11 censorship. When somebody comes to  
12 speak, they should be able to say what's  
13 on their mind. That's censorship.

14 MR. WILSON: Nicolae Hent is the  
15 next speaker.

16 MR. HENT: Thank you, Commissioner;  
17 thank you, Chairman for letting me  
18 speak. I will start with the congestion  
19 price.

20 Do you have control over the 120,000  
21 app cars, like you have on the yellow  
22 drivers -- the (inaudible) medallion?

23 Second; car pool. What's in car  
24 pool; 1 passenger, 2, 3, 4, 5, 10, 15?  
25 That second question is (inaudible). I

1 don't think you have anyone -- I don't  
2 think you know what's in car pool. It  
3 would be 75 cents for one passenger in  
4 the car pool or for four or for five?

5 What's going to stop the app cars  
6 from changing their minds saying, "We  
7 don't have individual; we have car  
8 pool"?

9 In the spring, the City Hall  
10 Chairman, you testified we have to have  
11 control over the app cars; same said  
12 Governor Cuomo before when he passed the  
13 -- when he passed the 2.50.

14 Until August, you said, the  
15 Chairman, we don't have any authority to  
16 stop the mess. Now, from (inaudible) to  
17 now, did you do anything to correct  
18 this; to get control over the app cars?  
19 I don't think you did.

20 But you did send out the email,  
21 July 4th, that contain those rules. I  
22 think it's something you have to think  
23 about.

24 Second; how many Evgeny Friedman you  
25 will create with this (inaudible) of the

1 app cars and the congestion price? You  
2 had the chance to stop Evgeny Friedman  
3 in the first month. You could lock up  
4 his company's meters to every car. You  
5 didn't because you didn't care about the  
6 50 cents because that's State. But  
7 you're supposed to care about the  
8 (inaudible) cents, which started  
9 (inaudible).

10 So I think that's your problem and  
11 your guilt. Hopefully, you're not going  
12 to let this happen again with the 2.50.  
13 And I will say this to any garages --  
14 yellow taxi garages -- don't pay the  
15 2.50 until you're going to have  
16 100 percent control for all 120,000 app  
17 cars. That should be equal for  
18 everybody; not somebody give him a  
19 chance to steal and somebody rip him  
20 off; suck my blood.

21 I don't know how long I'm going to  
22 be alive, but I've had enough of this  
23 Taxi & Limousine Commission. Once you  
24 had control of the yellow taxi you're  
25 supposed to get control for other cars

1 too, but you didn't. Good luck.

2 (Applause.)

3 MR. WILSON: The next speaker is  
4 Peter Mazer.

5 MR. MAZER: Good morning. I have  
6 written testimony on both rules which I  
7 will submit and ask that it be  
8 incorporated into the record. But I'm  
9 going to speak on both of them, and I'll  
10 speak -- I'll start off primarily with  
11 respect to the proposed congestion  
12 surcharges.

13 Good morning. My name is Peter  
14 Mazer and I'm General Counsel to the  
15 Metropolitan Taxicab Board of Trade. We  
16 represent the owners and operators of  
17 about 5,000 licensed medallion taxicabs;  
18 we also operate a full-service driver  
19 center which provides free legal and  
20 other services to thousands of drivers  
21 of our members of taxicabs.

22 I am before you today to comment on  
23 these proposed rules, but also to urge  
24 this Commission to consider taking  
25 emergency action to address a crisis

1 every licensed taxicab and driver will  
2 face on January 1st of 2019 when the new  
3 congestion surcharge goes into effect.

4 On January 1st the State imposed  
5 congestion surcharge will make every  
6 trip that is in whole or in part below  
7 96th Street at least \$2.50 more  
8 expensive. A passenger entering a cab  
9 anywhere below 96th Street will see at  
10 least \$5.80 on a meter even before the  
11 cab moves.

12 State Law mandates that this  
13 surcharge be collected from passengers  
14 and separately reported on any receipt.  
15 In taxicabs, the surcharge will be  
16 placed on the meter and added to the TLC  
17 regulated rate of fare, State Law and  
18 these proposed rules requiring. But  
19 action is urgently needed to counteract  
20 the most significant flaw in the  
21 imposition of this surcharge.

22 In theory, a passenger in a livery  
23 or black car should also see an  
24 additional surcharge of 2.75 as the law  
25 requires, but in reality nothing

1 prevents the large black car companies  
2 and other liveries from simply lowering  
3 their fares by an equivalent amount of  
4 the surcharge so that passengers end up  
5 paying the same; after all their fares  
6 are not regulated. This will place the  
7 burden of the surcharge squarely on the  
8 backs of the drivers who will earn tens  
9 of millions of dollars less, as their  
10 money gets redirected to the MTA.

11 Taxicabs will become proportionally  
12 more expensive since the surcharge must  
13 be added to the metered rate of fare.  
14 Other services can lower their fares so  
15 the passenger pays the same. Drivers  
16 will be the big losers, irrespective of  
17 the type of service they provide.

18 Yellow cabs will be more expensive,  
19 as drivers lose rides; black car drivers  
20 will lose revenue. This is an emergency  
21 situation that every segment of your  
22 regulated industries will face on  
23 January 1st, but fortunately, the  
24 Commission has the power to address this  
25 problem.

1           Since 1971, the Commission has had  
2           the power in the City Charter to  
3           regulate fares, not only in taxicabs,  
4           but also in liveries and black cars.  
5           The TLC can now enact rulemaking to  
6           ensure that black cars cannot lower  
7           their fares below what is set by the  
8           Commission for a taxicab or a street  
9           hail livery and equivalent ride.

10           Such a mandatory minimum fare for  
11           for-hire vehicles will protect drivers  
12           from income erosion which would occur if  
13           predatory pricing is allowed to  
14           continue. The race to the bottom must  
15           stop.

16           I, therefore, urge this Commission  
17           to introduce rulemaking effective as of  
18           January 1st to ensure that at least  
19           High-Volume For-Hire service does not  
20           charge less than taxicabs or SHLs for a  
21           trip of equivalent time or distance.  
22           This will preserve all drivers' incomes,  
23           whether they drive yellow, black, green,  
24           or liveries, and will make certain that  
25           all segments of the industry are in

1 compliance with the intent of the State  
2 Law. It will make sure that all  
3 segments are treated in an equivalent  
4 manner.

5 The City Council recently passed  
6 legislation requesting that the TLC  
7 consider minimum fares in High-Volume  
8 For-Hire services after the completion  
9 of a study on vehicle utilization. But  
10 the law does not limit the City  
11 Charter's authority that TLC already has  
12 to regulate fares at any time that need  
13 exists.

14 If I could have just 30 seconds.

15 This need will never be greater than  
16 on January 1st when price reductions by  
17 some livery and black car services will  
18 offset the surcharge and become a  
19 reality. While the surcharge is not  
20 within your control, you can take action  
21 to limit the damage this surcharge will  
22 cause for all drivers through emergency  
23 rulemaking.

24 I have other specific comments on  
25 the rules, specifically addressing the

1           problem with pool rides, and the problem  
2           with self-reporting by black cars and  
3           the high-volume services. They are in  
4           my written testimony.

5           I have also written testimony  
6           addressing the issue on the proposed  
7           High-Volume For-Hire service rules,  
8           primarily stating that it's great that  
9           we have all off of these requirements;  
10          we have to look at the requirements. We  
11          have to make sure that bases comply with  
12          their written business plans and do what  
13          they say they're going to do.

14          And with that, I will accept any  
15          questions that you may have. Thank you  
16          for the opportunity to testify this  
17          morning.

18          And as just as a note of personal  
19          privilege, as somebody who worked with  
20          -- had Mark Hartikof directly working  
21          for me for a number of years -- I, of  
22          course, know that he will be sorely  
23          missed. Thank you.

24                 COMMISSIONER JIHA: Question for  
25                 you.

1 MR. MAZER: Yeah.

2 COMMISSIONER JIHA: On what basis do  
3 you believe that the FHV industry will  
4 absorb this surcharge instead of passing  
5 it on to the passengers?

6 MR. MAZER: Because their rates of  
7 fare are not regulated. They will have  
8 the opportunity, if they so choose, to  
9 have a competitive advantage against  
10 every other licensed vehicle by simply  
11 lowering the fares.

12 It will not hurt them revenue-wise  
13 because the High-Volume For-Hire  
14 services in general lose money, and  
15 they're able to subsidize the cost of  
16 the fare.

17 For example, right now, let's say a  
18 taxicab ride is \$10 from point "A" to  
19 point "B", and let's say one of the  
20 high-volume services also charges \$10.

21 After the surcharge goes into  
22 effect, the taxicab will be 12.50  
23 because it will be on the meter, but the  
24 for-hire service will lower their fare  
25 to \$7 and then charge a separate

1 surcharge, as required by the State Law  
2 -- 2.75 will be on the receipt and the  
3 passenger will pay 9.75.

4 If they do that, for the most part  
5 the high-volume services take about  
6 30 percent of the money from the driver  
7 and the driver gets about 70 percent,  
8 give or take. So on a \$10 fare right  
9 now, a driver gets 7; the high-volume  
10 service gets 3.

11 If they lower the fare to 7, the  
12 driver will see 4.90; that's why his  
13 money will go down. The service will  
14 see 2.10, so they'll absorb a little bit  
15 of it; they're only absorbing a small  
16 piece of the surcharge. They're going  
17 to get 2.10 instead of 3; so they're  
18 absorbing 90 cents. The driver ends up  
19 absorbing \$2.10 out of this; the  
20 passenger is paying the same. Albany  
21 will get its money.

22 The other thing, which will be in my  
23 written testimony, a lot of the  
24 high-volume services will simply have  
25 the opportunity to declare a lot of

1           their trips to be pool trips, which will  
2           only be 75 cents a passenger. And  
3           there's no requirement under either the  
4           State Law or under these rules that a  
5           pool ride have more than one passenger.

6           So all -- I get into a cab -- into  
7           one of these high-volume services -- all  
8           I have to say is, "I'm willing at some  
9           point" -- "I'm willing at some point --"  
10          -- if I want -- "if somebody else wants  
11          to share part of the ride, they can",  
12          and the surcharge will one be 75 cents.  
13          We don't have that opportunity in the  
14          yellow cab industry. That's why it's --

15          CHAIR JOSHI: Just on the comment on  
16          pool rides -- and you're right -- the  
17          State Law says a request for a pool ride  
18          is the same as a pool ride -- and I know  
19          you're probably aware on 11/16/2018 they  
20          put out additional guidance with several  
21          examples, which illustrates that yes, if  
22          you request a ride, whether or not it's  
23          pooled, you're going to get the benefit  
24          of the 75 cents.

25          We can't do regulations that are

1 different than that because that is the  
2 State Law, but we recognize the problem,  
3 which is it may not actually in all  
4 cases be incentivizing car-sharing.  
5 It's incentivizing the request for  
6 car-sharing.

7 MR. MAZER: I'm fully aware of that;  
8 I saw the emergency rulemaking that was  
9 promulgated by Albany, and I think we  
10 all in this room recognize that that's a  
11 very significant problem. Thank you.

12 MR. WILSON: Thank you. The next  
13 speaker is Edith Prentiss.

14 (No response.)

15 MR. WILSON: I don't know that she's  
16 in this room. The next -- we'll skip  
17 and come back.

18 The next speaker is Mike Keogh.

19 MR. KEOGH: Good morning. My name  
20 is Michael Keogh. I'm testifying on  
21 behalf of David Beier; he's the  
22 President of the Committee for Taxi  
23 Safety. Thank you for this opportunity  
24 to comment on the rules today.

25 We're just going to focus on the

1 congestion pricing rules because, first  
2 off, we'd like to thank the Chair for  
3 pointing out publically that this is an  
4 impending crisis in yellow taxis.  
5 You've heard some of the speakers  
6 already talk about the obvious flaws in  
7 what the State has done.

8 But we do think at the Committee for  
9 Taxi Safety that requiring some type of  
10 portal into the dispatching of the other  
11 for-hire services would go a long way to  
12 keep some of the things that you just  
13 asked about, Commissioner, in terms of  
14 having people manipulate the system so  
15 that they are encouraging people to say  
16 that they are in a pool ride when there  
17 is no real intention to have other  
18 passengers in the car with them.

19 This 75 cent loophole is something  
20 that these companies lobby for very  
21 successfully. It will result in some  
22 money going to the State -- and the  
23 State might be happy with that because  
24 they have no plan to get any other money  
25 going into the subway system.

1           The State does not seem to  
2           comprehend yet -- although the outgoing  
3           Chair of the MTA, Joe Lota (phonetic)  
4           did raise a number of concerns that they  
5           would not see the money that they had  
6           anticipated from the congestion pricing  
7           plan of the State -- that they will wind  
8           up with less money, but they seem to be  
9           okay with taking less money.

10           The only way that taxis will be able  
11           to get through this crisis is if the  
12           other services have to have a portal  
13           mandated so that everybody will know  
14           what is actually being dispatched and  
15           who is actually being dispatched on the  
16           streets of New York.

17           Currently, the Commission has been  
18           not able to do anything about non-TLC  
19           registered vehicles that happen to be  
20           being dispatched by Uber and Lyft.  
21           Everyone sees the Connecticut license  
22           plates -- the New Jersey license plates  
23           -- being dispatched, picking up people.  
24           Uber and Lyft does not send them back to  
25           New Jersey right away.

1           They have high-volume; they will  
2           continue to dispatch them. Your own  
3           enforcement agents have seen those and  
4           have ceased some of those. There is  
5           certainly many more of that that's going  
6           on, none of which will do anything other  
7           than dilute the individual medallion  
8           owners' ability to compete fairly.

9           And there is no way that we will be  
10          able to compete with us having to have  
11          over \$3 in the MTA surcharge and another  
12          30 cents with the TIF -- none of which  
13          the other services are paying anywhere  
14          near that -- and they have this  
15          loophole.

16          You need to give us -- you need to  
17          give yourself rather this enforcement  
18          tool of having a portal into their  
19          operations so that the monies owed can  
20          be fairly collected. Thank you.

21                 CHAIR JOSHI: Thank you.

22                 MR. WILSON: Thank you.

23                 The next speaker is Milenka  
24                 Berengolc.

25                 MS. BERENGOLC: Good morning,

1           Commissioners. Thank you for the  
2           opportunity --

3           MR. WILSON: I've been told we're  
4           moving the translators. I'll just ask  
5           you to wait for 30 seconds while -- so  
6           they can position. We'll be right with  
7           you.

8           (Brief recess taken.)

9           MR. WILSON: Okay. Thank you; we're  
10          ready.

11          MS. BERENGOLC: Okay. Thank you.  
12          Again, good morning, Commissioners and  
13          thank you for this opportunity to  
14          express our views.

15          My name is Milenka Berengolc, and  
16          I'm Director of Special Projects at the  
17          Brooklyn Center for Independence of the  
18          Disabled, or BCID. I have a written  
19          statement.

20          Our organization does not have a  
21          position on congestion pricing,  
22          especially if it is imposed on private  
23          vehicles, other than those operated by  
24          people with disabilities.

25          We do, of course, support a fully

1 funded transit system. However, we want  
2 to make it clear that the Taxi and  
3 Limousine Commission should do whatever  
4 it can to relieve financial pressure on  
5 drivers; particularly those who operate  
6 accessible vehicles.

7 Last March we joined several other  
8 disability groups in a letter about  
9 transit pricing to Governor Cuomo, which  
10 stated, "Discounted congestion fees and  
11 other bridge and tunnel tolls should be  
12 used as an incentive to increase the  
13 supply of for-hire wheelchair accessible  
14 vehicles or WAVs".

15 We noted that companies such as Uber  
16 and Lyft offer virtually no accessible  
17 service while adding to the City's  
18 congestion dramatically. Meanwhile,  
19 hundreds of WAVs in the yellow taxi  
20 fleet sit unused in parking lots.  
21 Unfortunately, the situation has not  
22 changed dramatically since then.

23 Waiving congestion fees for yellow  
24 taxi WAVs would encourage medallion  
25 owners to put these vehicles in service

1 and help offset the cost associated with  
2 operating them. In addition, waiving  
3 congestion fees for accessible for-hire  
4 vehicles, for FHV's, would do the same.

5 The TLC should do everything in its  
6 power to get more accessible taxis and  
7 FHV's on the road. An onerous fee will  
8 add to the difficulty of meeting the  
9 settlement in Taxis For All versus TLC,  
10 which mandates, as you know, that 50  
11 percent of all yellow taxis be  
12 accessible.

13 It would also make it harder for the  
14 MTA to expand its on-demand and e-hail  
15 and Access-A-Ride programs, which have  
16 vastly improved Access-A-Ride service  
17 over the past year. If it is possible  
18 to change the fee here at the TLC, we  
19 urge you to do so.

20 If a change in the law in Albany is  
21 needed, then we pledge to join you and  
22 our allies here in advocating for that  
23 change. Thank you.

24 CHAIR JOSHI: Can I ask you, has  
25 your group talked to anybody in Albany

1 about getting a waiver for accessible  
2 FHV's and taxis? Because it is an Albany  
3 change that would need to be made, so I  
4 was just curious if you have those  
5 conversations.

6 MS. BERENGOLC: I believe we have.  
7 Joe Rappaport, our Executive Director,  
8 has been up in Albany with our System's  
9 Advocate and others, and we will be  
10 going up again in January.

11 CHAIR JOSHI: Thank you; thank you  
12 for coming to today.

13 MS. BERENGOLC: Thank you. I would  
14 like to have these distributed.  
15 (Handing.)

16 MR. WILSON: Thank you.

17 And the next speaker is Tina  
18 Raveneau.

19 (No response.)

20 MR. WILSON: Okay. Michele Dottin.

21 MS. DOTTIN: Good morning,  
22 Commissioners. How are you today; nice  
23 and cold?

24 I'm here because we're sort of  
25 neutral on this congestion pricing. We

1 know that we have no option to change  
2 it, but we would suggest that there are  
3 some things that can be done for the  
4 drivers -- given the fact that this fee  
5 is for MTA -- than us drivers.

6 Everyone who drives for a living  
7 should be able to use the bus lanes.  
8 Reason being, give us something for what  
9 we're paying -- the passengers are  
10 paying.

11 The congestion is not caused by us;  
12 it's caused by lanes taken out -- two  
13 lanes on 5th Avenue -- where it's just  
14 two lanes for us to operate. Then you  
15 have bike lanes that have been put in  
16 place of people being able to park, and  
17 then we have numerous constructions  
18 (sic), and then we have delivery trucks.  
19 And all of the congestion is being  
20 blamed on us, which is really unfair.

21 If you take away all those changes  
22 that have been done -- streets that have  
23 been closed, access -- no left turn; no  
24 right turn -- of course, it's going to  
25 cause congestion, because the flow has

1           been stopped by a process that's -- that  
2           said -- cause congestion; not us. Why  
3           can't we have something for it?

4           If passengers know that they have to  
5           pay an extra fee to get to their  
6           location a little bit faster by using  
7           the lanes that's meant for MTA; we're  
8           MTA now. We're paying their processes;  
9           we're paying their fees. So let's get  
10          something for it. (Applause.)

11          I mean, I don't think there's any  
12          driver who would disagree, and I think  
13          that if you send it out to passengers,  
14          they're going to say, "You know what, if  
15          I can get to where I'm going a little  
16          faster using the bus lane" -- and of  
17          course, it would have to follow the  
18          rule: Below 96th Street, we're able to  
19          get on the bus lanes; anything past  
20          that, hey, you know, we just got to do  
21          what we got to do.

22          But at the same time, let us be  
23          fair. You shouldn't blame drivers for  
24          congestion. Why is it that all the  
25          others get benefits? We get tickets; we

1           have to pay full price. Companies with  
2           buses, deliveries, and deliveries to  
3           stores, they get discounted ticket  
4           prices.

5           So then can we make this an even  
6           playing field for everyone? Everyone  
7           deserves fair treatment and fair  
8           consideration.

9           And, yes, I agree with the WAV  
10          vehicles, because as it is, they do need  
11          help, and if you can help them to make  
12          it exempt, I agree with that.

13          CHAIR JOSHI: Thank you.

14          (Applause.)

15          MS. DOTTIN: You're welcome.

16          MR. WILSON: Thank you.

17          The next speaker is Aziz Bah.

18          MR. AZIZ BAH: Hello. Good morning,  
19          everyone. Good morning, Commissioners.  
20          My name is Aziz, and I want to speak  
21          today as far as the congestion pricing  
22          is concerned.

23          They're going to take a big toll  
24          actually on ridership because they're  
25          going to make ridership like very high,

1 and those will result in both yellows  
2 and FHV's (inaudible). And the  
3 high-volume dispatchers are not  
4 regulated at all, and those will result  
5 -- they can easily pass that cost on  
6 down to the drivers because they can  
7 easily reduce their prices just to make  
8 sure it's at the same level that it was  
9 before.

10 So, therefore, this rule right here  
11 should come with some kind of fare  
12 protection to make sure at least the  
13 fare is kept at a level where it will  
14 never be passed onto the drivers.

15 And if riders are being forced  
16 pretty much to pay for a congestion fee,  
17 they should get at least something for  
18 it in return, meaning -- one example I  
19 have in mind; let us use the bus lane  
20 because both us and the bus drivers,  
21 we're in the business of moving riders  
22 up and down.

23 So if a rider is paying more money  
24 to fix congestion, then it just makes  
25 sense to allow that rider to get from

1 "A" to "B" much faster. You know, so  
2 anyone with a passenger can easily use  
3 the bus lane, and to get to where they  
4 get to much faster.

5 Otherwise, if they pay the same  
6 price, congestion, and the same status  
7 quo is still going on, then that means  
8 we're not fixing congestion; we're just  
9 making them pay for no reason.

10 So I just want you guys to take a  
11 little consideration and actually figure  
12 out how to make those high-volume  
13 dispatchers give -- I mean, regulate  
14 them in order to keep the price -- to  
15 give us some price protection. Thank  
16 you so much.

17 CHAIR JOSHI: What do you drive?

18 MR. AZIZ BAH: I drive a base.

19 CHAIR JOSHI: Okay. And how long  
20 have you been driving?

21 MR. AZIZ BAH: About four years.

22 CHAIR JOSHI: Okay. Thank you.

23 MR. AZIZ BAH: Welcome. (Applause.)

24 MR. WILSON: Thank you.

25 The next speaker -- and I apologize

1 if I butcher the name -- Larbi Aitenbou.

2 (No response.)

3 MR. WILSON: No. Okay. The next  
4 speaker is Carolyn Protz.

5 MS. PROTZ: Good morning,  
6 Commissioners; good morning to the  
7 newest Commissioner, Steve Kest,  
8 welcome. My name is Carolyn Protz; I'm  
9 a medallion owner.

10 I second everything my colleagues in  
11 the medallion segment have endorsed. A  
12 few points; sometimes when I come here I  
13 feel like I'm standing in front of the  
14 enemy castle, and I'm throwing facts at  
15 you, but somebody keeps swatting them  
16 away. But it doesn't discourage me; I  
17 keep coming back. Maybe somebody will  
18 hear me.

19 In the opinion of most medallion  
20 owners, New York City has been  
21 destroying the medallion business for  
22 the last six or seven years, and now our  
23 carcass is going to be thrown to New  
24 York State -- to the MTA -- to take the  
25 final bite.

1           What is a medallion taxi? It's a  
2           New York City and New York State created  
3           franchise. As a matter of fact,  
4           Governor Cuomo referred to it as a  
5           franchise, and it's mandated to be on  
6           the street. And that's a big difference  
7           between the yellow part and green part  
8           and the rest of the industry. We have  
9           to be on the street.

10           Why are we all in Manhattan?  
11           Because of government policies we've  
12           been ghettoized to Manhattan. In the  
13           1980s we were out on the boroughs  
14           working; now we're in Manhattan. It's  
15           not really by choice; it's just the way  
16           that it has to be.

17           The other segments are elective;  
18           they don't have to be on the street.  
19           Yellow cabs don't cause congestion. I  
20           don't think there's any traffic experts  
21           left who are blaming us for the  
22           congestion, and I don't think 133,000  
23           vehicles are going to fit into the bus  
24           lanes.

25           I think the essential problem is you

1           have enough business and room maybe for  
2           about 50,000 vehicles on the road --  
3           60,000 -- not 130,000.

4           As far as the app companies  
5           self-reporting to the TLC so that the  
6           congestion surcharge can be properly  
7           assessed; in light of the past  
8           performance where, let's face it, they  
9           often balked at producing information  
10          that they did not want to produce.

11          And I also draw your attention to  
12          the New York Taxi Workers Alliance  
13          versus Uber lawsuit in Federal Court,  
14          which is still ongoing, which required  
15          Uber to produce pay records. It should  
16          be noted that the records they produced  
17          did not match those of the drivers.  
18          These events cast doubt on the voracity  
19          of any self-reporting by Uber and the  
20          like.

21          Spokespeople from the livery base  
22          community have testified that livery  
23          bases are not equipped with the  
24          capability to track the number of trips  
25          undertaken by the driver, and have no

1 way of knowing if the fare was even  
2 paid, and if paid, whether the surcharge  
3 was collected.

4 I refer to the FHV Committee hearing  
5 at the City Council on September 17th.

6 And I want also wonder if with over  
7 800 bases, 190,000 drivers, and 130,000  
8 vehicles to keep track of, if the TLC is  
9 even capable of such a task. I know  
10 that your resources are limited.

11 As an example, today, you approved  
12 four livery bases that have no trips at  
13 all according to TLC records. It's on  
14 your website. I don't understand that.

15 There are also countless examples of  
16 black cars on the road that are  
17 affiliated with black car bases that  
18 also have no reported trips on your  
19 website.

20 So we can't rely on self-reporting  
21 information from app companies. Livery  
22 bases say they can't do it. The only  
23 cohort that will be accurately accessed  
24 for congestion surcharges are the yellow  
25 and green taxis, who aren't even causing

1 the problem with congestion.

2 I believe it should be rescinded. I  
3 wish the TLC would advocate with New  
4 York State for that, or that at least  
5 yellow and green should be exempt.  
6 Thank you. (Applause.)

7 CHAIR JOSHI: Thank you.

8 MR. WILSON: Thank you.

9 The next speaker is Richard Lipsky.

10 MR. LIPSKY: Good morning,  
11 Commissioners. Mr. Kest, I worked  
12 closely with your dad and appreciate  
13 your presence on the Commission.

14 I used this line before. I think  
15 it's appropriate here for Carolyn; I  
16 feel like Zsa Zsa Gabor's seventh  
17 husband. I know what to do, but how do  
18 you make it interesting?

19 I think that what's interesting to  
20 me is the testimony, or the overview  
21 given by the Commission's spokesperson  
22 on the rules themselves. I was kind of  
23 amused by it because the Chair opened up  
24 the hearing discussing the suicide of  
25 Mr. Roy Kim and expressed sorrow for his

1 death, but yet nowhere in the overview  
2 on the FHV rules --

3 There's a disconnect here between  
4 what's happening on the street; the  
5 human tragedy of what's going on and  
6 these denatured rules that are supposed  
7 to be applicable to ameliorating the  
8 problems that drivers and medallion  
9 owners are facing.

10 There was no mention in the overview  
11 -- not one mention of the importance of  
12 these rules to address the problems that  
13 led to the adoption of the legislation  
14 that was signed by the Mayor in August.  
15 They were designed to make sure that  
16 medallion owners and drivers of all  
17 kinds would have an adequate living;  
18 that medallion values would be  
19 preserved. I didn't see anything in the  
20 overview that spoke to that at all.

21 You talk about a business plan; you  
22 talk about an impact analysis. You talk  
23 about mitigation. And what Carolyn was  
24 pointing out, and I would agree, how are  
25 you going to know what they present to

1           you -- how are you going to evaluate it  
2           when you have no data connection to  
3           their operation?

4           You have a technology system under  
5           the surcharge rules that are mandated  
6           for all taxis; green and yellow. You're  
7           going to watch the math -- (inaudible)  
8           -- system.

9           I think Borough President Adams had  
10          a nice op-ed. This is like air traffic  
11          controllers that are looking at the  
12          planes, but two-thirds of the planes are  
13          invisible. And as Carolyn points out,  
14          the voracity of the submissions -- as  
15          you say on your website -- you don't  
16          vouch for them.

17          Well, you could. And even in your  
18          rules, you talk about the fact that  
19          app-based services must have a reporting  
20          procedure that is mandated by the TLC.  
21          Well, why not mandate the same  
22          procedures that you have for taxis for  
23          the FHV vehicles? You don't do that.

24          So, another point, the Commissioner  
25          very boldly stated her -- agreed with --

1 Chair, I'm sorry -- that Uber and Lyft,  
2 etcetera, could gain the system by  
3 absorbing the cost of the fee. Well, as  
4 Mr. Mazer pointed out, you had the  
5 ability since 1991 and have never taken  
6 it up, but could, to set fares that  
7 would prevent that; predatory  
8 surcharging -- whatever it is -- they're  
9 running amok without any oversight  
10 whatsoever.

11 One last point: What metrics are  
12 you going to be using to judge what is  
13 submitted to you by these FHV companies?  
14 Shouldn't you have an optimal level of  
15 service benchmark? Because cut through  
16 the chase -- all the BS. The solution  
17 to the problem is less cars.

18 How are you going to get to that  
19 point? Nothing in that overview spoke  
20 to that, but you should. Because  
21 without that, we'll be here next year  
22 with more deaths on your hands.

23 (Applause.)

24 MR. WILSON: Thank you.

25 The next speaker is Nancy Reynoso.

1 MS. REYNOSO: Good morning. My name  
2 is Nancy Reynoso. I've been here  
3 numerous times on behalf of the green  
4 taxis in New York. I'm a driver,  
5 advocate, owner for the past five years.

6 The past five years have been  
7 immensely hard for the green taxi  
8 community, and with this congestion  
9 pricing that it seems Albany has decided  
10 -- the Governor -- it will be totally a  
11 disaster for what we already are  
12 enduring.

13 And with our yellow fellow drivers  
14 and owners, we stand and demand to see  
15 if at least TLC -- if this is a ruling  
16 already -- is it already a ruling; it's  
17 going to happen?

18 CHAIR JOSHI: It was a law that was  
19 passed in April. For the green taxis it  
20 is 50 cents, that you already pay, plus  
21 2.75; so it's 3.25 in total when you go  
22 to a congestion zone.

23 MS. REYNOSO: Okay. So, yeah, this  
24 will be totally destructive. I hope  
25 that maybe you guys -- we can try to get

1 an emergency meeting or something with  
2 Albany -- or something with the  
3 officials, and see how this doesn't  
4 happen.

5 I mean, it's already -- it's so  
6 hurtful. It has been -- we've had  
7 suicides in the medallion industry, a  
8 lot of depression. People losing homes  
9 and everything.

10 And the green cabs, they've been a  
11 little quiet and a little better.  
12 They've been going through their own  
13 stuff, as you can tell. They're numbers  
14 went down. I think we have under 4,000  
15 green cabs left, and this will just make  
16 the worst of the worst for them. And  
17 we're begging not to put any more  
18 hardship.

19 And if anything, I would go -- like  
20 what Ms. Carolyn Protz said -- if we can  
21 be exempt and look at the fact that  
22 we've already been contributing to MTA  
23 for a while, that can be a fact to see  
24 if we can be exempt or maybe even a  
25 lower pricing on it. I would appreciate

1 that. (Applause.)

2 CHAIR JOSHI: Thank you.

3 MS. REYNOSO: Thanks.

4 MR. WILSON: Thank you.

5 The next speaker is Charles  
6 Komanoff.

7 MR. KOMANOFF: Good morning,  
8 Commissioners. Good morning, Steve; I  
9 also knew your dad.

10 My name is Charles Komanoff; I'm an  
11 economist, mathematician, and a long  
12 time student of New York City traffic,  
13 transit, and transportation. I've been  
14 retained by taxi medallion interests to  
15 evaluate the proposed TLC regulations to  
16 monitor, account for, and implement the  
17 congestion pricing surcharge.

18 I have some detailed comments; I'm  
19 just going to briefly excerpt them here.  
20 May I hand this over now or when I'm  
21 done? (Handing.)

22 My primary recommendation is that  
23 this committee do -- is that the --  
24 sorry -- is that the TLC mandate at the  
25 earliest possible date universal digital

1           connectivity for all for-hire vehicles  
2           using the kind of continuous data link  
3           that yellow taxis are already required  
4           and do deploy.

5           This will ensure that the FHV  
6           surcharges -- and by "FHV", I mean --

7           CHAIR JOSHI: Can I just ask one  
8           question, is that -- when you talk about  
9           universal connectivity, is that similar  
10          to what Mr. Keogh was talking about; a  
11          portal?

12          MR. KOMANOFF: I'm not sure --

13          CHAIR JOSHI: Okay.

14          MR. KOMANOFF: -- but it would be --  
15          a performance standard -- and I think  
16          that Spyros is going to be talking about  
17          this in his remarks -- that will enable  
18          the Commission to know, not just the  
19          pick up and drop off locations of every  
20          trip, but the route that is taken, the  
21          amount of time that is taken. This --  
22          I'll explain it -- this is going to be  
23          vital to dis-incentivize the app-based  
24          companies from just hanging out in the  
25          congestion zone waiting to be pinged,

1 slowing everybody else down, for no  
2 discernable public benefit.

3 So we know that on January 1st all  
4 of the for-hire vehicles are going to be  
5 subject to some form of surcharge. I  
6 want to say to my friends here, this is  
7 not congestion pricing.

8 This is a surcharge on yellows and  
9 on app-based vehicles. It has a certain  
10 public purpose, but it is badly  
11 incomplete; it is unfair. It is unjust,  
12 and it's unbalanced because private cars  
13 and trucks are not being surcharged.  
14 They are not being congestion priced,  
15 and maybe Albany will deliver that to us  
16 in the next session. But even if it  
17 does, it's going to take some time to  
18 implement that, and I don't know what,  
19 short of deferring those surcharges, can  
20 be done --

21 MR. RIVERA: Extortion.

22 MR. KOMANOFF: -- to ameliorate the  
23 impact. But be that as it may, the FHV  
24 or -- sorry -- the app-based vehicle  
25 owners must understand, as the yellow

1 owners do, that their surcharge deposits  
2 into the State account are being  
3 monitored closely. That's why we have  
4 to have this connectivity.

5 Now, this concern is not  
6 hypothetical, and as I detail, Uber has  
7 a history of gaining rules and  
8 regulations, and there is nothing to  
9 stop Uber, or Lyft, or their drivers  
10 from bending the surcharge requirements  
11 to their own purposes.

12 And especially problematical, as we  
13 know, is this 75 cent -- or is it  
14 37-and-a-half cents -- pool ride  
15 exemption to the \$2.75 supposed  
16 congestion surcharge. A surcharge that  
17 knocks off \$2 or more and is delivered  
18 via an opaque and confusing formula is  
19 rife for abuse and calls out for  
20 rigorous independent monitoring.

21 There are presently a third of a  
22 million daily zone trips using the  
23 app-based vehicles. No one knows how  
24 many of them will devolve into surcharge  
25 shortcuts or phantom pool rides that

1 will not only rob the MTA of money that  
2 it needs to fix the subways, but will  
3 also further the competitive imbalance  
4 between the app-based vehicles and the  
5 yellows.

6 So why leave it to chance? Please  
7 mandate universal connectivity for all  
8 for-hire vehicles as soon as possible.

9 Now, in the rest of my remarks, I  
10 explain how with this kind of  
11 connectivity -- and if the legislator  
12 can be roused and if the Governor can be  
13 roused -- this one size fits all  
14 2.50/2.75 surcharge could be phased out  
15 and replaced by a time in the zone based  
16 charge, so that somebody getting into a  
17 yellow wouldn't face the \$5.80 hit all  
18 of a sudden.

19 They would still face the 3.30, but  
20 they would face a permanent charge that  
21 would be proportional to congestion and  
22 would be proportional to the lengths of  
23 the trip. That would be a form of  
24 congestion pricing. But it's not going  
25 to be truly fair unless and until the

1 private vehicles and the trucks are  
2 charged along with all the for-hire  
3 vehicles. (Applause.)

4 CHAIR JOSHI: Thank you.

5 MR. WILSON: Thank you.

6 The next speaker is Augustine.

7 MR. AUGUSTINE: Hi. Good morning,  
8 Commissioner. I'm here -- my name is  
9 Augustine. I'm here to give my time  
10 over to Bhairavi Desai. (Applause.)

11 MR. WILSON: Okay. Bhairavi Desai.

12 MS. DESAI: Thank you, Augustine.

13 Before I start, may I just say -- I  
14 know you named -- you know, Commissioner  
15 Joshi, I know you named, I believe, both  
16 Fausto Luna and Roy Kim, and, you know,  
17 I also wanted to just express our  
18 condolences again to both of those  
19 families.

20 I also, on behalf of Taxi Workers  
21 Alliance wanted to express our  
22 condolences to the family of Mark  
23 Hartikof. I remember him well from when  
24 we first started organizing in this  
25 industry, and he was always -- you know,

1 always a real gentlemen, and was one of  
2 the -- you know, one of the people that  
3 really listened fairly to drivers and we  
4 were saddened by his loss.

5 So good morning, everybody. My name  
6 is Bhairavi Desai; I'm the Executive  
7 Director of the New York Taxi Workers  
8 Alliance. You know, I know that, you  
9 know, it's going to seem like we're  
10 asking you to basically do the  
11 impossible. Like everybody in this room  
12 -- in this industry understands that the  
13 State passed a law and the Taxi &  
14 Limousine Commission, as the regulatory  
15 agency, has to take guidance from that  
16 State Law.

17 But what really -- what we want to  
18 say to all of you is that on the day  
19 that the State passed the law, like a  
20 lot us in this room, we were on the  
21 steps of City Hall literally the same  
22 day. We were on the steps of City Hall  
23 with four coffins laid out in front of  
24 us.

25 Nicanor Ochisor had just died and we

1           were out there, you know, mourning our  
2           brother and raising a spotlight on the  
3           devastation that has impacted this  
4           workforce across this industry. On the  
5           day they passed it, four suicides;  
6           today, there have been eight suicides.

7           I know, Commissioner Joshi, you know  
8           this well. I know you've already  
9           testified that the implementation of  
10          congestion pricing as it stands, it is  
11          going to absolutely devastate the yellow  
12          cab industry. There is just -- there's  
13          no doubt about it; there's no doubt  
14          about it.

15          And I don't think it's enough to  
16          even say that the 75 cents and the 2.50  
17          need to be equalized. It's not even  
18          enough to say that the rate of fares  
19          need to be equalized. The bottom line  
20          is the yellow cab sector has to be  
21          exempt from this surcharge, and we're  
22          not going to give up on that fight.

23          We believe that Albany, you know,  
24          can -- their eyes and their hearts can  
25          be open to the plight that had unfolded

1 for this workforce since the day that  
2 they passed this rule up to today.

3 When we ask you, as our regulator --  
4 as an entire -- you know, not just to --  
5 our Chairwoman -- but to the entire  
6 Board of Commissioners -- is take an --  
7 you know, act with your conscience and  
8 like stand with us. Don't have a quorum  
9 at your meeting when you have to pass  
10 this regulation.

11 When we're out there in front of the  
12 Governor's Office, stand with us. Ask  
13 our Governor to show us mercy. Ask him  
14 to show mercy for our elderly driver  
15 brothers and sisters who in their 70s  
16 are out of retirement and back to work.  
17 I can't tell you, like, the shame that I  
18 feel when I see somebody who's 75 --

19 At the vigil for Roy Kim in  
20 Flushing, we had a Korean driver brother  
21 who said to me, "I'm 72. I had been  
22 retired. I'm an owner/driver". He came  
23 out of retirement and is now back to  
24 work. The number of our brothers and  
25 sisters in their 60s who think they will

1 never see retirement in their days. I  
2 mean, it is such a devastating, you  
3 know, crisis in this industry.

4 In 2009 when the MTA 50 cent  
5 surcharge was passed and it was on  
6 yellow cabs alone -- the livery sector  
7 was exempt -- and it was exempt because  
8 Albany, at the time, said, one, they did  
9 not have a proper means of regulating  
10 the collection, and number two, that the  
11 bases were small businesses, and they  
12 wouldn't be able to take the hit.

13 Well, since then to now, the yellow  
14 cab sector has contributed a billion  
15 dollars to bail out the MTA. Even if  
16 this, you know, devastating fine --  
17 really, it's a punishment. They're  
18 punishing the victims of congestion and  
19 they're giving a loophole to the  
20 perpetrators.

21 And by the way, for anybody who has  
22 an ounce of doubt that this would be  
23 devastating to the yellow cab sector,  
24 there's only one company you need to  
25 ask, and that's Uber Technologies.

1           Because on the eve, right before this  
2           agreement was made as to amounts --

3           I believe Augustine yielded his  
4           time.

5           -- you know, on the eve when this  
6           vote was -- when it was taking place,  
7           Uber and company -- Uber alone, as  
8           reported in court, lobbied spending  
9           \$100,000 for this version that passed.  
10          Okay. They know this will be  
11          devastating.

12          AUDIENCE MEMBER: I will give you my  
13          time too. (Applause.)

14          MS. DESAI: 90 percent of yellow cab  
15          trips -- 90 percent of yellow cab trips  
16          -- over 90 percent -- are going to be in  
17          the affected zone, number one. Number  
18          two, you're going to be losing  
19          ridership. Forget it.

20          Whatever tips somehow manage to  
21          miraculously survive after Uber and Lyft  
22          have destroyed the tipping culture, with  
23          congestion pricing, it's going to be  
24          completely destroyed in the yellow cab  
25          sector altogether. They know that.

1           They know that they got themselves a  
2           loophole of 75 cents while their biggest  
3           competitor is going to have to charge  
4           2.50. They also know that since 2017,  
5           they no longer charge the passenger with  
6           transparency of distance and time on the  
7           receipt.

8           We have submitted to the TLC 1,000  
9           Uber X trips which detail for you how  
10          much the passenger was charged under  
11          upfront pricing, how much the driver was  
12          paid -- which, of course, is at a much  
13          lower rate -- and how much that same  
14          trip would have been under a yellow  
15          cab/green cab meter rate.

16          On average, per trip, Uber X trips  
17          today under upfront pricing are 8.9  
18          percent higher than a yellow cab meter,  
19          but nobody would know it because they --  
20          because it's a Wall Street financed 100  
21          billion dollar operation.

22          You know, to misguide the public  
23          into still believing that somehow  
24          they're cheaper, and they get to get  
25          away with it because of that money and

1           because they're not under regulation,  
2           and because there's no transparency  
3           required of them as to what they're  
4           actually charging.

5           So, you know, within loopholes  
6           they've managed to get additional  
7           loopholes as far as congestion pricing  
8           is concerned. And deep in that abyss is  
9           where a workforce of 100,000 people are  
10          falling into.

11          There have been thousands of  
12          bankruptcies and foreclosures already.  
13          By February -- by February there are  
14          going to be thousands more -- thousands  
15          more. People are going to lose their  
16          entire savings. And so we say to you,  
17          stand with us. Be our voice. Nobody  
18          has the first-hand witness testimony  
19          that you as the Taxi & Limousine  
20          Commission has.

21          Nobody knows more -- the billion  
22          dollars these men and woman have  
23          contributed with their sweat and labor  
24          more than you. Nobody knows more how  
25          devastating this is going to be. Nobody

1 knows more, the phone calls you're going  
2 to have to face from drivers who say,  
3 "I'm about to be homeless". You know.  
4 "I'm feeling desperate; what do I do?"

5 The Governor is not going to answer  
6 that call, but you will. Tell them that  
7 and tell them you don't have an answer  
8 because when this happens, you won't  
9 have an answer. We haven't had an  
10 answer up to now; there is no way we're  
11 going to have an answer for something  
12 this devastating.

13 This isn't about bike lanes; this  
14 isn't about neutrality. This is about  
15 people literally living. Reaching a  
16 point where they can literally live;  
17 where they can survive. I have gone  
18 from being a labor union activist who is  
19 talking about livable incomes to living  
20 workers.

21 This is so shameful and you can be  
22 our voice of conscience. You are our  
23 witness. If you are on that front line  
24 with us, you can help us tell that story  
25 to Albany. It is not too late; we can

1 still fix this. We can fix this.

2 (Applause.)

3 CHAIR JOSHI: Thank you.

4 MS. DESAI: But we can't fix it  
5 without you.

6 CHAIR JOSHI: Thank you.

7 MS. DESAI: I also have written  
8 testimony. (Handing.)

9 MR. WILSON: Thank you.

10 And the next speaker is Francisco  
11 Mendez.

12 (Translator used.)

13 MR. MENDEZ: Good morning dear  
14 Commission members; good morning to the  
15 press and public.

16 Today, here, I'm going to speak  
17 about how we are to implement the  
18 surcharge of 2.50 or 2.25. I see that  
19 very few people have spoken about that.

20 I would suggest to the Commission to  
21 look for a better way to charge those  
22 2.50; I couldn't recommend them to leave  
23 it up to the bases. Companies such as  
24 Uber, Lyft, and all those are not going  
25 to have any issues collecting the money

1 and paying it to the Finance Department.

2 Forgive me, please, I didn't  
3 introduce myself and the company I'm  
4 representing. I am Francisco Mendez,  
5 and I'm on behalf of GTY Car Services, a  
6 small company representing green  
7 taxicabs.

8 Those high value companies wouldn't  
9 have a problem collecting the money  
10 because they pay their drivers; we don't  
11 pay the drivers. The drivers charge the  
12 riders and -- for instance, very  
13 (inaudible) wouldn't have any problem  
14 collecting that money. And it would be  
15 really difficult for us to pay that  
16 money to the Finance Department.

17 I have testimony, in fact, here  
18 about payment plans that we have to  
19 (inaudible) the Finance Department  
20 because sometimes the drivers, when they  
21 collect that money, they collect that  
22 amount and then they change their base  
23 because the City, the State, and even  
24 the Commission, they don't do anything  
25 against this kind of drivers that do not

1 pay this charge.

2 When this law was approved there was  
3 no consequence implemented for drivers  
4 who do not carry this payment. I would  
5 suggest the Commissioner to implement  
6 the (inaudible).

7 I myself am a driver. I think that  
8 if you remain this system of payment,  
9 the TLC is going to save a lot of  
10 problems, otherwise we're going to  
11 create a lot of trouble for small bases  
12 or in -- or any way, if you can create a  
13 set of rules for those drivers that  
14 change from one base to another one,  
15 that punishment to be implemented for  
16 those drivers that switch bases when  
17 they're stealing away the money from the  
18 surcharge.

19 Imagine if this is already happening  
20 with 50 cents, what is going to happen  
21 when this increases by the time by 5 to  
22 25 (sic) or 2.50 when the drivers  
23 already collect money and they many  
24 times spend it already. Believe me,  
25 it's going to be really difficult to

1 collect this money.

2 I hear how the examples of rulings  
3 of the court of people that we have  
4 taken for trying, and even when the  
5 court rules against them, there is no  
6 really way to collect the money or it's  
7 really difficult for us to do so.

8 So last night I was having -- I was  
9 doing a lot thinking about companies and  
10 small bases that's not like ours, that  
11 we have 53 drivers. I would just think  
12 that if this continues, we're just going  
13 to disappear.

14 Ultimately, what I'm seeing is that  
15 the State is looking to collect money  
16 because it's a law that was approved  
17 just to -- as a portion -- (inaudible)  
18 -- so I don't see congestion decreasing.

19 It should be -- a device should be  
20 placed in cars like the tolls -- like  
21 the E-ZPass device is placed, so that  
22 the law covers everybody, not just one  
23 sector.

24 CHAIR JOSHI: Okay. Let me just  
25 say, we do have to move on. I just want

1 to note that we do --

2 I think we're going to hear  
3 additional testimony from other livery  
4 base owners associations on this same  
5 point, which is the difficulty of  
6 collection with the livery model where  
7 the drivers keep the fares and pay an  
8 affiliation fee, and we welcome your  
9 comments.

10 We do have a section of the rule  
11 that's -- you're right, the State Law  
12 does not penalize drivers that don't pay  
13 the bases. We added a rule that says  
14 that the driver is liable for monetary  
15 penalties if they don't pay the base or  
16 they don't pay the medallion owner, and  
17 we welcome your comments on how we can  
18 make that rule more affective.

19 Ultimately, it's not going to solve  
20 your problem, but it is another tool  
21 that you can use to try to help increase  
22 collection.

23 But I acknowledge that it is a  
24 difficult problem for you.

25 COMMISSIONER AGUADO: If I may, I am

1           pained by the testimony by the drivers.  
2           I see the issues, the problems, the  
3           challenges. You are the members of our  
4           community. You are supporting the next  
5           generation of people, youth, children  
6           coming in.

7           And on our end, I see what the laws  
8           are; what the challenges are for us, and  
9           TLC is very well meaning. But it  
10          doesn't address the pain that I'm  
11          hearing here today. So I don't know  
12          what we can do or what we should do, but  
13          I do know that we're not serving the  
14          driver in general.

15          AUDIENCE MEMBER: Reform the TLC;  
16          reform the TLC. We're going to start a  
17          petition December 4th; reform the TLC.  
18          Shame on you; shame on you.

19          COMMISSIONER AGUADO: Shame on me,  
20          you're absolutely right, shame on me.

21          AUDIENCE MEMBER: This is a  
22          Trump-like commission; Trump-like  
23          commission.

24          COMMISSIONER AGUADO: Well, there I  
25          will disagree with you.

1           AUDIENCE MEMBER: Blood on your  
2           hands. You're not going to sensor me.  
3           I'm going to keep speaking. Petition is  
4           coming December 4th; December 4th,  
5           petition is coming.

6           MR. WILSON: Okay. Thank you.  
7           The next speaker, I believe, is  
8           Edith Prentiss.

9           MS. PRENTISS: Hi. I'm sorry, but  
10          it is not a good transit morning.

11          I am the -- first off, I would like  
12          to thank the Chair and the Commissioner  
13          for allowing us to speak at this very  
14          important issue; that of congested  
15          surcharge.

16          I believe the City and State need to  
17          ensure drivers with disabilities who  
18          will -- ensure drivers with disabilities  
19          are not faced with prohibitive costs. I  
20          realize this is not your issue  
21          particularly, but I would hope you would  
22          carry it forward to Albany along with  
23          the other discussions that you'll be  
24          having.

25          In the same light, TLC needs to work

1 together to alleviate the financial ruin  
2 confronting many owners and drivers,  
3 including the congestion surcharge. We  
4 believe WAVs, like drivers with  
5 disabilities, should be exempt from  
6 congestion surcharges, including tolls  
7 and parking fees.

8 New York City has a far from stellar  
9 record in dealing with passengers and  
10 drivers with disabilities. Before the  
11 early 1980s, when a settlement brought  
12 accessible buses, door-to-door  
13 para-transit, and they promised 100  
14 accessible key stations by 2020, people  
15 with disabilities had to drive, be  
16 driven, or pay exuberant costs for  
17 accessible transportation.

18 At that time Medicaid covered  
19 transportation for medical importance  
20 and appointments. We believe the City,  
21 the MTA, New York City Transit need to  
22 ensure that people with disabilities  
23 have access to much more equitable  
24 accessible transportation.

25 Despite the recent flurry of

1 articles claiming that Uber offers WAV  
2 in New York City -- I believe we're one  
3 of the three cities they point out and  
4 say, "Look, we do this". I recently  
5 heard of a wheelchair user who had an  
6 Uber trip in a non-accessible vehicle --  
7 he transfers and his chair comes apart  
8 -- recently received a quote corrective  
9 bill charging him a higher fee. So  
10 there's a lot of Uber issues beyond  
11 whether or not they serve people with  
12 disabilities.

13 Exempting yellow and green WAVs  
14 hopefully will move the mothball WAVs  
15 from parking lots onto the streets. I  
16 would hope the State would also consider  
17 eliminating the south of 96th or 110th  
18 Street ban on green vehicles; the WAVs.  
19 It's really frustrating to stand there  
20 at Essex Street and watch the parade of  
21 WAVs -- green WAVs coming over from  
22 Brooklyn and knowing they're not going  
23 to pick up for at least 100 blocks.

24 This would be helpful for the TLC as  
25 they strive to reach the 50 percent

1 accessible taxis by the end of 2020.  
2 Unless we have a miracle, I do not see  
3 how we are going to attain the  
4 50 percent as is required by our  
5 settlement for our major suit.

6 Hopefully the WAV surcharge  
7 exemption is within the TLC's power,  
8 which I don't believe it is, but I can  
9 hope. We will have to go back to the  
10 Governor and legislator for drivers with  
11 disabilities exemption.

12 But we would hope, again, that the  
13 TLC would carry these issues along with  
14 the other ones. Thank you very much.

15 CHAIR JOSHI: Thank you.

16 MR. WILSON: Thank you.

17 The next speaker is Seydou Bah.

18 MR. SEYDOU BAH: Good morning Madam  
19 Chair. My name is Seydou Bah. I am a  
20 member of New York City Taxi Workers  
21 Alliance. My comment today will focus  
22 on the pricing -- surcharge prices.

23 Driver taxi in New York today has  
24 become one of the most difficult work to  
25 do this day, and it is costly to driver

1 and the passengers. It costs time and  
2 money to both of us.

3 Now, when stripped down to one lane  
4 traffic, I don't think is consistent  
5 with reducing the traffic or the  
6 congestion in the City. It is almost  
7 impossible now to drive on 14th Street  
8 or 25th Street because all the streets  
9 are being narrowed down. That's not a  
10 big problem; the biggest problem is that  
11 there's no right or left turn on neither  
12 of those.

13 If a driver got on this street you  
14 have only two options. If a passenger  
15 hails you, you either refuse or you take  
16 the passenger who is going east to go  
17 all the way to 10th Avenue in order to  
18 be able -- if you're going -- in order  
19 to be able to go east, which are both  
20 illegal according to TLC rules.

21 If you take a passenger on 14th  
22 Street, you have to go south first which  
23 is also going out of your way, which is  
24 by the way also illegal by TLC rules.  
25 You go south going out of your way, take

1 a narrow street, one lane.

2 If a driver is dropping somebody,  
3 everyone has to wait. If a garbage  
4 truck is picking up trash, everyone has  
5 to wait. If a car has to make a turn,  
6 everyone has to wait, and the passenger  
7 is losing time and money. The driver is  
8 doing -- is going through the same at  
9 the same time.

10 Are we really asking that passenger  
11 to pay another 2.50 in addition to his  
12 time and his money lost already? Going  
13 out of your way -- for example, from  
14 14th Street to 12th Street, you're going  
15 out of your way trying to cross. That  
16 will cause the passenger \$5 already --  
17 not going to rush where he or she is  
18 going -- but out of your way; which is  
19 illegal.

20 I believe you should join us on  
21 this; join drivers on this. I believe  
22 you should do that. Thank you.

23 (Applause.)

24 CHAIR JOSHI: Thank you.

25 MR. WILSON: Thank you.

1           The next speaker is Victor Salazar.

2           MR. SALAZAR: Good morning,  
3           everybody. How are you? It's a  
4           pleasure to be back here in Taxi &  
5           Limousine Commission in front of you all  
6           guys.

7           Unfortunately, in this crisis, I  
8           must say it's not that great, you know,  
9           and briefly explain to you -- I bought a  
10          medallion 14 years ago. Before buying a  
11          medallion it took me about 11 years to  
12          actually achieve the purchase of  
13          medallion, and that is commitment.

14          And many, many of our brothers and  
15          sisters who have purchased medallions  
16          are not even (inaudible) driving a DOV  
17          vehicle or just simple driving in New  
18          York City, and New York City yellow taxi  
19          medallion is a full commitment -- is a  
20          life commitment for us.

21          Especially, you know, we take it  
22          very seriously to serve the City of New  
23          York and I personally believe that the  
24          City of New York always, you know, that  
25          they have the (inaudible) obligation to

1 protect us, to protect our commitment  
2 that we've been serving the City of New  
3 York. This is very important for us.

4 We have so many testimonies today  
5 that should move our conscience, you  
6 know, to guide us in the right  
7 direction. And I personally think that  
8 congestion pricing is going to bring  
9 misery and, you know, instability to all  
10 drivers in general; especially to the  
11 yellow taxi industry.

12 And it's no surprise that for the  
13 last five years we've been going into  
14 this crisis and began -- everything  
15 began in Albany. Albany is the cause  
16 that we are in this particular  
17 circumstances. Right.

18 It surprises me that Andrew Cuomo  
19 has stated so many times in his  
20 campaign, recently, that he's going to  
21 fight Trump; that he's going to decimate  
22 -- have the solution to fight Trump, and  
23 but -- he's no different. To us cab  
24 drivers, he's the Trump of New York  
25 State.

1           He is literally making laws to drive  
2           us to debt. Most likely will happen if  
3           this implementation comes through -- I  
4           think it is not rational, the decisions  
5           up there in Albany is completely distort  
6           (sic), and we believe that, like  
7           (inaudible) said before, you have the  
8           moral obligation to protect the City of  
9           New York; those drivers who have that  
10          commitment, who continue to do so.

11          And that's pretty much what I want  
12          to say, but I will definitely hope that  
13          you pursue this -- you know, this with  
14          conscience (sic) heart, and that's  
15          pretty much it, what I want to say.

16          (Applause.)

17          CHAIR JOSHI: Thank you.

18          MR. WILSON: Thank you.

19          The next speaker doesn't give a last  
20          name, but I think I know who it is;  
21          Bill.

22          MR. LINDAVEN: Somebody put my name  
23          down; they probably couldn't spell my  
24          last name.

25          I think an appropriate soundtrack

1 for this meeting might be Adagio by  
2 Albinoni or Samuel Barber, or perhaps  
3 even Verdi's Requiem, because I think  
4 this ill-conceived congestion pricing  
5 plan will destroy the industry; destroy  
6 the industry.

7 And, of course, if the industry is  
8 destroyed, it might destroy Cuomo's  
9 presidential ambitions, among other  
10 things, which might be a good thing. I  
11 don't know.

12 So I urge you -- mentioning  
13 classical pieces, I urge you to think of  
14 Tchaikovsky's War of 1812 Overture, you  
15 know, or Prokofiev's Alexander Nevsky.  
16 Be aroused; you know, it's time for war.  
17 You have to -- I don't know care what  
18 the law says your powers are, you have  
19 to come up and scream in the Governor's  
20 face.

21 You have to scream if necessary  
22 because this will destroy people, and  
23 it's not fair to New York City residents  
24 even some of them are mega -- live on  
25 Park Avenue or Tribeca and make a lot

1 money. But the average cab -- the  
2 average passenger who regularly uses  
3 cabs will have to pay like \$100 more a  
4 month. That's ridiculous.

5 And how is the cab driver ever going  
6 to get a raise? Our last raise was six  
7 years ago. There has been inflation  
8 since then boys and girls. Right? How  
9 are we are going to get a raise, cause  
10 we're a cash cow for the City. Poor  
11 driver, they don't get any money.

12 This is absurd, ludicrous,  
13 horrendous. Thank you. (Applause.)

14 MR. WILSON: Thank you.

15 The next speaker also has no last  
16 name, but the name here is Lalji.

17 MR. SINGH: Hello. My name is Lalji  
18 Singh. Good morning, everyone, Taxi &  
19 Limousine Commission and all the  
20 audience. I will finish quick.

21 Not only Uber, not City, Taxi &  
22 Limousine Commission is responsible for  
23 all eight driver's suicides. City as  
24 well responsible for the eight driver's  
25 suicide. One is responsible as well.

1           And what does 2.50 -- I told  
2           everybody there -- speakers -- but I  
3           have a different idea. This is the big  
4           plan put us out of business; send to  
5           their death and maybe they have a  
6           Commission to be there sealing the box  
7           to the coffins they put us in to taking  
8           the Commission. Okay.

9           I have no money to buy the car.  
10          Okay. I wish not to be keep driving the  
11          old car. Thank you very much  
12          (inaudible) and I have no money to pay  
13          my property tax. I would lose my house.  
14          Okay. And we have no place to go.  
15          Okay.

16          You guys are responsible; all the  
17          bankruptcies, all the suicides. Okay.  
18          Please, if you guys stop beating a dead  
19          horse. We have no more energy. We  
20          cannot -- I'm 62 years old. I don't  
21          mind -- 10 years we're working everyday  
22          12 more hours. Please.

23          Okay. Don't bring this 2.50 and --  
24          many people will lose their apartment;  
25          many women, they will lose their

1 husband, and you guys, at least, lose  
2 honest driver. Okay. Thank you.

3 (Applause.)

4 MR. WILSON: Thank you. The next  
5 speaker is Mohammad Tipie Sultan.

6 AUDIENCE MEMBER: He had to leave.

7 MR. WILSON: He had to leave. Thank  
8 you.

9 The next speaker is Jose Altamirano.

10 MR. ALTAMIRANO: Is it still  
11 morning? Good morning, Commissioner  
12 Joshi, member of the Board of  
13 Commission. My name is Jose Altamirano;  
14 I'm the President of Livery Base Owners,  
15 which represents over 150 livery bases.

16 Many of us immigrants came to this  
17 country in search of a better tomorrow.  
18 We empower approximately 10,000 drivers  
19 who are hardworking immigrants  
20 themselves. We help move 150,000 New  
21 Yorkers every day, whether it's a  
22 doctor's visit, birthday party, to  
23 shopping trips.

24 I'm here to discuss the congestion  
25 trip -- congestion pricing that was

1 installed this past April by the New  
2 York State Governor's Office, which  
3 basically charges 2.75 per trip.

4 I wanted to give a little background  
5 cause I think it's important. I think  
6 the State of New York is expecting more  
7 than 400 million dollars in fees each  
8 year as a result of this surcharge. I'm  
9 not sure how it helps congestion, but I  
10 know it helps the deficit.

11 Those fees are assessed directly to  
12 passengers. Every day New Yorkers and  
13 visitors will be taxed simply because  
14 they need a ride into and through  
15 certain parts of Manhattan.

16 As originally conceived, the  
17 surcharge will be collected through  
18 E-ZPass, however the State failed to  
19 appropriate the funds necessary to  
20 implement the system. As a result, TLC  
21 has been delegated the responsibility.

22 As the rule stands now,  
23 unfortunately, the TLC proposed rules do  
24 not provide adequate protection to the  
25 livery bases. Our segment of the

1 for-hire vehicle industry transact the  
2 majority -- and by majority, about 90  
3 percent of its business -- in cash,  
4 where the passenger pays the drivers  
5 directly. That driver keeps the money  
6 for him or herself.

7 Typically, the only money that the  
8 base receives from the driver is a  
9 weekly affiliation fee. Therefore, this  
10 law and related regulations will force  
11 each base to collect a surcharge from  
12 every affiliated driver on a regular  
13 basis. In practice, the driver would  
14 have to collect and segregate that cash  
15 payment, then dutifully submit it to the  
16 base in a timely manner.

17 Unlike the green car surcharge,  
18 which is 50 cents, the congestion  
19 surcharge is significantly higher at  
20 2.75 per trip. For small bases which  
21 have 100 affiliated vehicles, the 2.75  
22 surcharge would amount to several  
23 thousands of dollars each day.

24 We believe that each segment of the  
25 FHV industry is different and blanket

1           legislation should not and do not apply.  
2           Each base is required to report trips,  
3           collect payments from the driver,  
4           aggregate and hold those payments, then  
5           regularly submit these payments to the  
6           State.

7           It is the base that will be  
8           responsible for submitting the proper  
9           amount in a timely manner, and it is the  
10          base who will be fined or otherwise  
11          penalized regardless of whether or not a  
12          driver has remitted the passenger  
13          surcharge to the base.

14          Essentially, under the proposed  
15          rule, the base is incurring all  
16          liability for the surcharge, including  
17          bearing an unfounded cost associated  
18          with potential software and staffing  
19          increases, despite the fact that it is  
20          the driver who collects the money  
21          directly from the passenger.

22          Currently, the TLC proposes a fine  
23          of \$50 per occurrence for a driver  
24          failing to remit the fee to the base.  
25          However, LBO believes that the amount to

1           be an adequate deterrent given the scope  
2           of the funds projected to be collected  
3           by the bases.

4           To correct the imbalance and  
5           inequity of the proposed rule, LBO  
6           recommends that the TLC also allow for  
7           suspension of drivers who improperly  
8           withhold these cash payments from the  
9           bases. Bases would be required to  
10          provide receipts of all surcharges paid  
11          by the drivers and the possession of  
12          receipt would create a rebuttal  
13          presumption that the surcharge had in  
14          fact paid by the driver. The bases  
15          would also submit to the TLC a monthly  
16          report of drivers who fail to remit the  
17          payment.

18          This common sense rule amendment  
19          will ensure that the drivers comply with  
20          the proposed surcharge, and that these  
21          changes will protect the bases from  
22          exposure and potential insolvency that  
23          may result from those who don't follow  
24          the rules.

25          LBO members and bases understand

1           that we are given the responsibility of  
2           paying this surcharge.  However, we are  
3           asking for protection because the bases  
4           themselves have no protection currently.  
5           Without these protections, bases may be  
6           stuck with thousands of dollars in tax  
7           liability without a means of collecting  
8           the revenue from the drivers.

9           Thank you for your time.

10          (Applause.)

11                 CHAIR JOSHI:  Thank you.  And you've  
12                 given us your written comments with  
13                 suggestions of the change?

14                 MR. ALTAMIRANO:  Yes.  (Handing.)

15                 CHAIR JOSHI:  Thank you.

16                 MR. WILSON:  Thank you.

17                 The next speaker is Michael Wong.

18                 MR. WONG:  Yes.  My name is Michael  
19                 Wong.  Okay.  I got only a few things to  
20                 say.  Okay.

21                 One, as a concession (sic), we are  
22                 paying 80 cents for every trip.  Now,  
23                 Governor Cuomo want to add on \$2.50 on  
24                 top; it will be 3.80 total.  Now, the  
25                 fare passenger don't want to jump into

1 the fare for \$5.80. Okay. Additional,  
2 on top of it, when we pay the \$3.30 at  
3 the end of the income tax, we'll be  
4 paying total at least \$12,000 a year.

5 CHAIR JOSHI: Are you saying that  
6 your income tax includes the surcharge?

7 MR. WONG: Yes.

8 CHAIR JOSHI: Your 1099 form will  
9 include the surcharge?

10 MR. WONG: Right.

11 CHAIR JOSHI: Okay. I believe -- I  
12 know Commissioner Sorrentino is very  
13 familiar with tax law, and we would  
14 certainly be interested in looking into  
15 that.

16 MR. WONG: Right. Also, I  
17 understand that when we give you  
18 question, okay, you get the question and  
19 then you try and answer it, but there's  
20 a bunch of (inaudible) between the City  
21 Council and between the TLC, and also  
22 Governor Cuomo. They're all pointing  
23 their fingers on each other about the  
24 congestion.

25 Now, the congestion is not the

1 driver only. Our thinking was 100  
2 percent Uber because of the traffic, but  
3 it's not really causing 100 percent of  
4 traffic. It's maybe 50 percent. But  
5 it's the City causing all the traffic  
6 because you got the bus lane -- there  
7 are two bus lanes now, and then you got  
8 the bicycle lane; you got the island  
9 lane, and then you got the construction  
10 and the cars parked on the sides.

11 And Governor Cuomo just wants to  
12 come and blame it on the driving.  
13 Governor Cuomo don't drive because --  
14 say it another way -- he has got clown  
15 driving him around the City to see  
16 what's going on. But Governor Cuomo is  
17 not driving the car.

18 He don't see what's going on in the  
19 City, especially the bus lane on yellow  
20 that we're allowed to pick up a  
21 passenger and get off the bus lane.  
22 Now, it's no longer that -- we cannot  
23 pick up passenger on the bus lane  
24 because the police are right there  
25 waiting for you to jump in the red lane

1 and they're writing all the drivers up.  
2 You know, especially -- like I say,  
3 Roy Kim, I was the one that reported  
4 what was happening to him. Nobody  
5 didn't know he suicide himself.

6 You know, especially -- I know one  
7 there's (inaudible), but there's one  
8 thing I want to say is FBI will jump  
9 into this matter about those eight  
10 drivers. They're coming in, and  
11 especially, I know there's a lot of  
12 cover-up. I'm working on that case  
13 myself too, but the FBI will step in  
14 this case. Okay. Thank you.

15 (Applause.)

16 CHAIR JOSHI: Thank you.

17 MR. WILSON: Thank you. The next  
18 speaker is Saibou Sidibe.

19 MR. SIDIBE: Hi everyone. My name  
20 is Saibou. I'm an Uber driver. I used  
21 to drive yellow from 2002 to 2014 when I  
22 switched to Uber, and I'm a proud member  
23 of New York Taxi Worker Alliance who  
24 have been fighting for all drivers.

25 So I'm here today to just say one

1 thing. You know, we know Governor  
2 passed the bill, but we want TLC to give  
3 (inaudible) to the Governor, but since  
4 the law passed, four more drivers kill  
5 themselves.

6 And maybe the Governor don't have  
7 the facts, and also TLC has to show  
8 Governor how many drivers filed  
9 bankruptcy; how many drivers lost their  
10 homes. How many drivers even been  
11 evicted from their house. You know,  
12 they don't know this, so you have to  
13 tell them.

14 But additional tax will bring them  
15 to death. You know, a yellow cab driver  
16 will have like \$5.80 once somebody gets  
17 inside his car. Just -- who's going to  
18 believe it. Like, just get into the cab  
19 and you see \$5.80. You didn't go  
20 nowhere because they have \$3.30 in  
21 taxis.

22 So let them know, we don't really  
23 need that. Please, tell the Governor to  
24 help the New Yorkers. These drivers, we  
25 are drivers; we serve New York. We

1           serve the world, because comes here from  
2           everywhere. Everyone who wakes up from  
3           5 to 6; we don't even see our families.

4           So we thinking about, you know,  
5           bringing our dream here. So tell him to  
6           do something. It's the Governor  
7           (inaudible). New York -- all these  
8           drivers, most of them vote for him. So  
9           he has to understand what -- making this  
10          -- applying this tax in January will  
11          make more drivers to suicide.

12          It's only the yellow cab that  
13          they're the ones that are going to  
14          suffer because when you get inside you  
15          see the meter. But for the other  
16          companies, there's no meter. So right  
17          now, it's okay. Maybe (inaudible) pay  
18          for this tax, but what about the yellow  
19          cab drivers? These are the ones.

20          Because I'm seeing as I'm driving  
21          home today, but who knows, tomorrow I  
22          can go back to yellow. This is how it  
23          is. How many here sneak from Uber to  
24          yellow or from yellow or Uber or green?  
25          So we are all the same.

1           So do something; tell the Governor.  
2           I know (inaudible), and if you give him  
3           a strong statement about how New York  
4           drivers are suffering, I think instead  
5           of bringing more tax, he should do  
6           something like to help this medallion  
7           owner or the drivers.

8           That's what I wanted to say. Thank  
9           you. (Applause.)

10          MR. WILSON: Thank you. The next  
11          speaker is Mohammad Ali Awan.

12          MR. AWAN: Good morning to all  
13          Commissioners and all the people who  
14          came here today for this hearing.

15          I want to say like this is not a  
16          congestion pricing. What is the  
17          congestion? First of all, you have to  
18          explain why the congestion in Manhattan.  
19          It's not only because of like the volume  
20          of the car, it's also because of the  
21          dumbest traffic lane ever imposed on New  
22          York City, and also it's never ending  
23          construction in Manhattan. That's the  
24          reason of congestion.

25          In the name of congestion they're

1           extorting this money. It's just pure  
2           extortion. It's not a surcharge; it's  
3           just pure robbery to the drivers, to the  
4           public, and the yellow cab.

5           I'm driving for yellow cab for  
6           21 years. I never see anything like  
7           that. Last night, two-and-a-half hour  
8           ride and I have fare.

9           And I was like keep watching like  
10          the black cars are coming -- like the  
11          Uber and Lyft -- and they keep picking  
12          up because they're on the click of the  
13          button. They just appear over there,  
14          and they keep going around all five  
15          boroughs. They just come back to  
16          Manhattan below 96th Street, and that's  
17          the only area left for yellow cab.

18          You know, because the (inaudible)  
19          line was drawn by TLC -- or whatever the  
20          government was -- below the 96th Street.  
21          It's not enough are for thousands of  
22          yellow cabs. That's not enough business  
23          for us, and now with the congestion  
24          price, I don't think anybody will be  
25          taking the yellow cab anymore.

1           So at least just be -- we have a  
2           moral, like, you know, clarity. Don't  
3           call it surcharge; just call it  
4           extortion. That's it. (Applause.)

5           And just like -- you know, I want to  
6           ask the question, like, did TLC or the  
7           government or like, you know, the New  
8           York City ever did anything good for --  
9           any beneficial programs for drivers?

10          AUDIENCE MEMBER: Never.

11          MR. AWAN: We don't have medical  
12          benefits. Like, most of us, we don't  
13          have any medical insurance because like  
14          we are above the bum level, but below  
15          the poverty level. So we cannot just  
16          apply for like, you know, insurance.

17          When you go to apply for insurance,  
18          they say, like, you have to pay  
19          thousands of dollars, you know, for this  
20          medical insurance. So instead of the  
21          telephone number you give, like, for,  
22          you know -- you should just like -- we  
23          should make a sticker for, like, you  
24          know, the suicide prevention hotline for  
25          the cab drivers because that's what I

1 see the future of the yellow cab.

2 CHAIR JOSHI: We did in 2012 try to  
3 stand up a health benefits -- welfare  
4 benefits fund for drivers. It was 6  
5 cents added to every trip that went into  
6 a fund. A State Court judge ruled that  
7 the agency didn't have the jurisdiction  
8 to create a healthcare benefits fund.

9 My understanding is City Council is  
10 very poised to pass a bill that would  
11 require -- give us that authority and  
12 then we would have the ability to create  
13 a health and welfare fund for all  
14 drivers.

15 MR. AWAN: We are thankful for that,  
16 Commissioner, and all the people who  
17 just work for us. You know, so that  
18 would be very beneficial for drivers.

19 So, please, like bring back that 6  
20 cents and like help our union to do  
21 something about it, and like all -- some  
22 other benefit programs.

23 And this just like, it's making no  
24 sense. We are -- the yellow cabs are  
25 there to just refuse (sic) the

1 congestion so people don't have to  
2 driver the cars into Manhattan.

3 And if we start charging this,  
4 nobody is going to take the yellow cabs  
5 because they're going to go simply to  
6 the app companies because it's cheaper  
7 and convenient for the public. So  
8 there's nothing left for us anymore.

9 You know, so please just like don't  
10 impose this taxation or false surcharges  
11 on the yellow cabs at least because we  
12 are already like -- you know, straight  
13 to below the 96th area, it's less than  
14 10 square miles area of the working left  
15 for us, for thousands of yellow cabs.

16 You know, so please do something  
17 about it. Thank you. (Applause.)

18 CHAIR JOSHI: Thank you.

19 MR. WILSON: Thank you.

20 The next speaker is if Elieser  
21 Colon.

22 (Translator used.)

23 MR. COLON: Good afternoon,  
24 Commissioner. The point that I'm here  
25 to bring -- I know that it's very soon.

1           If after the Commissioner finishes, what  
2           she will do for us, the taxi drivers in  
3           regards to the traffic that we're  
4           experiencing at this moment, and if you  
5           will be in favor of all of us. Thanks  
6           very much.

7                     (Translator used.)

8           MR. RODRIGUEZ: Good morning,  
9           Commissioner and --

10           CHAIR JOSHI: I'm just going to  
11           pause you one moment because we have to  
12           go in order of the people that we're  
13           calling. So I think Mr. Wilson just  
14           called -- who was the gentleman that  
15           just spoke?

16           MR. WILSON: Elieser Colon.

17           CHAIR JOSHI: Has his name been  
18           called?

19           MR. RODRIGUEZ: The person that was  
20           just here said that he will give the  
21           rest of his time to him (sic).

22           CHAIR JOSHI: So he has yielded his  
23           time -- okay. So we'll give you the  
24           balance of his time.

25                     Can we get your name then for the

1 record?

2 MR. RODRIGUEZ: Roberto Rodriguez.

3 CHAIR JOSHI: Thank you very much.

4 MR. RODRIGUEZ: I'm a taxi driver  
5 for the City of New York and I have two  
6 children, and I would like to continue  
7 to guide my children taking them to  
8 school and things like that.

9 If the City continues to add on  
10 surcharges after surcharges it will be  
11 impossible for me to do these things for  
12 my children.

13 I advocate for this law -- these  
14 surcharges to be delayed till at least  
15 2020 because imposing that law as of now  
16 would be catastrophic. I would like for  
17 you as a public speaker for us to really  
18 have an affect on this. Since the  
19 phenomena of Uber drivers, we have all  
20 -- all taxi drivers -- we all have been  
21 affected by this, and we would like your  
22 assistance for this -- for these  
23 surcharges not to go in affect.

24 I would like to give an example of  
25 the recent snowstorm -- the first snow

1 storm of season. When a passenger  
2 picked up -- when a taxi driver picked  
3 up a passenger for \$27, \$30 on 42nd  
4 Street, Uber had a surcharge of \$100.

5 Then we had to like, for example,  
6 send my grandmother in an Uber. My car  
7 was not functioning at the time, and we  
8 had to send my grandmother to the  
9 airport using an Uber, and at that  
10 moment Uber was charging was \$275, which  
11 is an abuse.

12 Thank you, Commissioners and  
13 everybody present. We rely on your good  
14 faith that you will help us with this  
15 trouble. Thank you very much.

16 (Applause.)

17 CHAIR JOSHI: Thank you.

18 MR. WILSON: Thank you.

19 The next speaker is Bridget Felix.

20 MS. FELIX: Good morning. I'm here  
21 to speak about -- my name is Bridget  
22 Felix. I'm here to speak about the  
23 congestion pricing.

24 I feel that the congestion pricing  
25 should not be considered at all for this

1 City. What should be considered is  
2 retraining MTA bus operators to stay in  
3 their own lanes, reconstructing maybe  
4 the timing of the delivery trucks.

5 Less bike lanes; that would be nice  
6 because the cyclists do not even abide  
7 by the rules and regulations of the  
8 road. They're without a license, no  
9 insurance, license plate -- we don't  
10 even know who they are. They have no ID  
11 and they don't even carry a helmet. But  
12 they're carrying a bike on our roads,  
13 still taking up that space.

14 There are more fines that are  
15 imposed; more fees that are imposed  
16 against us. The rent goes up; utilities  
17 go up, but the minimum fare does not go  
18 up.

19 CHAIR JOSHI: Excuse me, which  
20 sector do you drive in?

21 MS. FELIX: I'm an FHV driver.

22 CHAIR JOSHI: And do you drive for  
23 -- what -- do you drive for a  
24 traditional base or an app base?

25 MS. FELIX: Both.

1 CHAIR JOSHI: For both.

2 MS. FELIX: I've had to do that  
3 because we have to do 10, 12 hours  
4 because there are too many cars out here  
5 in the street.

6 CHAIR JOSHI: What you're asking --  
7 what you're talking about is that the  
8 fare that the passenger pays has not  
9 gone up?

10 MS. FELIX: Correct.

11 CHAIR JOSHI: Okay. I just wanted  
12 to verify.

13 MS. FELIX: That's the minimum fare  
14 -- yeah, the minimum fare.

15 CHAIR JOSHI: Okay.

16 MS. FELIX: Yeah, that doesn't go up  
17 at all, but, yes, you want give us now a  
18 congestion price of \$2.75.

19 If you -- if a driver goes and  
20 brings a passenger into the City, 10  
21 rides, daily that's \$27.50. Since we  
22 have been forced to work seven days a  
23 week, because there is no regulations of  
24 anything, we have to pay weekly \$192.50.

25 There are months that have four

1 weeks; that's \$770. Five weeks is  
2 \$962.50. For one year, \$9,240 is taken  
3 out of the plates of these children, of  
4 the people that pay their taxes. People  
5 that just want to breathe, live.

6 Oh, yeah, suicides. Do you think  
7 that at the five week mark, \$11,550 is  
8 not going to cause somebody to want to  
9 kill themselves?

10 That's another thing, pre-tax. Is  
11 that going to be pre-taxed, or do you  
12 want to put -- just like Uber --  
13 over-tax everything at the end of the  
14 year? This needs to stop.

15 I mean, we're just getting attacked  
16 by every way, shape, or form -- every  
17 way, shape, or form. Suicide; it's  
18 inducing suicide. You want more drivers  
19 to kill themselves? This needs to stop.  
20 That's a lot of money. (Applause.)

21 Look at these drivers. They're here  
22 because they would like to survive and  
23 their families. Something needs to be  
24 done. Thank you. (Applause.)

25 CHAIR JOSHI: Thank you.

1 MR. WILSON: Thank you.

2 The next speaker is Osman Chowdhury.

3 MR. CHOWDHURY: Hi; good morning  
4 everybody. My name is Osman Chowdhury.  
5 I am a member of United Taxi Drivers  
6 Association; I have been driving the  
7 last 20 years, but today discussion is  
8 congestion price and saying completely  
9 destroy the yellow industry. The yellow  
10 industry goes to (inaudible) because no  
11 one taking (inaudible) because of the  
12 Ubers -- (inaudible) -- that's why  
13 everyone goes to the Uber; that's what  
14 happened in the States.

15 Also, the congestion price  
16 (inaudible) need to get driver some in  
17 the pocket. (Inaudible.) Drivers --  
18 what reason -- the mental health --  
19 financial problem. If it's all a  
20 financial problem, no one would be  
21 suicide because they have a happy life;  
22 no one would die their life. That's  
23 what happening.

24 (Inaudible) -- congestion price --  
25 and another thing, congestion price, why

1           should pay the congestion price?  
2           Probably because Uber -- there are  
3           unlimited Uber on the City -- the  
4           traffic condition has risen. The  
5           Governor not think that's the way  
6           because the Uber -- the multi-million  
7           dollar profit. The profit goes to  
8           congestion price -- not allowed --  
9           (inaudible) profit money congestion take  
10          them.

11                 Also, their City government and our  
12           -- (inaudible) -- New York City and they  
13           give tax breaks to a billion dollars and  
14           giving the poor people (inaudible)  
15           suicide. Why? What needed? Mental  
16           health; look that term -- mental health.  
17           The people dying; there's no money and  
18           they're getting (inaudible) and they're  
19           making like \$3 billion -- things -- no  
20           one looked (inaudible).

21                 And also now Trump in the last  
22           midterm election, the democratic have  
23           record because (inaudible) look all  
24           that's victory, but this time doing  
25           things, come to power -- they're going

1 to donate -- the democratic people all  
2 the New York City (inaudible) democratic  
3 (inaudible). Thank you very much.

4 CHAIR JOSHI: Thank you.

5 MR. WILSON: Thank you.

6 The next speaker is Luis Reynoso.

7 AUDIENCE MEMBER: He had to leave.

8 MR. WILSON: Okay. The speaker  
9 after that is Mario Pena.

10 (Translator used.)

11 MR. PENA: Good afternoon,  
12 Commissioner and the rest of the members  
13 of the panel.

14 I am here because it is a privilege  
15 to be in front of you, Commissioner,  
16 because I would like to ask you if why  
17 under your administration that you have  
18 permitted for the number of the vehicles  
19 outside on the street to bend, and today  
20 the State is blaming the drivers,  
21 penalizing the drivers with a fee when  
22 it was you that allowed this to happen.

23 Also, I would like to remind you  
24 that under your administration eight  
25 drivers have committed suicide, and I

1 ask if this surcharge is permitted, how  
2 many more drivers will commit suicide?

3 Mayor (sic) Joshi, the least that  
4 you can do is unite with us drivers and  
5 go to Albany and not allow this to  
6 happen, because otherwise all the  
7 suicides will fall under your  
8 administration. And just one of those  
9 suicides, Douglas Schifter, he blamed  
10 the act that he committed in front of  
11 City Hall -- he blamed the Governor, he  
12 blamed the Mayor, and he blamed the  
13 Commission.

14 Mayor (sic) Joshi, one last thing is  
15 if you unite with us and fight with us,  
16 we have more of a voice. If not, all  
17 those suicides will fall under your  
18 administration. Have a good afternoon.  
19 (Applause.)

20 CHAIR JOSHI: I just want to note  
21 for the record there was a point you  
22 made. Hopefully you're able to use the  
23 translation services that we provided;  
24 the headset.

25 MR. PENA: (In English.) I

1 understand English also.

2 CHAIR JOSHI: Oh, okay.

3 MR. PENA: But I want to be more  
4 clear in my language.

5 CHAIR JOSHI: I'm glad that you felt  
6 more comfortable speaking Spanish, and  
7 we were able to all understand that.

8 There is a rule -- a law that was  
9 passed by City Council that has stopped  
10 the issuance of for-hire vehicle  
11 licenses, and that was signed into law  
12 on August 14th.

13 So I just wanted to make sure you  
14 are aware of that since one of the  
15 points you raised was the endless influx  
16 of additional cars.

17 MR. PENA: I know about the rule,  
18 but I ask you, why you never stop those  
19 cars, giving license to Uber and the  
20 bases for new cars? Like, we out of  
21 control.

22 You guys, as a Commission, supposed  
23 to know better that this mess in the  
24 City is going to come giving those  
25 license free, just like that. I think

1           it's too late to stop the license, and  
2           now you come to the driver to give us  
3           like a tax; just to drive from the  
4           street.

5           Mayor (sic) Joshi, the driver has  
6           enough problems already to deal with  
7           this. If you have some other questions,  
8           go ahead.

9           CHAIR JOSHI: No; no I don't. Thank  
10          you.

11          MR. PENA: Thank you. (Applause.)

12          MR. WILSON: Thank you.

13          The next speaker is Mohamed Hasan.

14          MR. HASAN: Good morning

15          Mr. Commissioner and everybody.

16          All I'd like to say, we are here  
17          more than 50 years, the yellow cab  
18          industry. We are not making the  
19          congestion. All the other cars like  
20          Uber, Lyft, and all other app bases,  
21          they're making the congestion. We are  
22          not the congestion.

23          And this like -- seems like to me --  
24          I am livery owner. I am (inaudible) --  
25          lots (inaudible) and when I am getting

1           inside 2.50. It's a big hole, so I can  
2           drown, sink right away. Rescue us. You  
3           are more weight on us just to kill.

4           If you too -- I mean, I'm asking to  
5           the -- Mr. Mayor and the Governor that  
6           if he want to kill us, that's okay, then  
7           he should explain to everyone that we  
8           want to kill the yellow cab drivers.  
9           That's okay. Now, we can -- we know  
10          what he's doing. That's my question,  
11          and thank you very much. (Applause.)

12          CHAIR JOSHI: Thank you.

13          MR. WILSON: Thank you.

14          The next speaker is Malhotra.

15          MR. MALHOTRA: Hello. Good  
16          afternoon TLC. We love you; you are  
17          totally taxi industry, but these days  
18          we're even stepbrothers with us. So I'm  
19          sorry, I'm speaking first time.

20          I have been driving a taxi since  
21          1993; I bought a New York City medallion  
22          in 2010 for \$650,000. I spent \$135,000  
23          as a down payment for the medallion for  
24          a better future; not for the bankruptcy.

25          Please say no to congestion pricing

1 on taxis. We already dying --  
2 (inaudible) situation. We have hardly  
3 making money for a living our previous  
4 (inaudible) did not yield -- given -- by  
5 letting Mayor (inaudible) vehicles  
6 two years ago that (inaudible) --  
7 flatter New York City. They belong.  
8 This is why they in (inaudible).

9 Even their own drivers are  
10 struggling to make living. Our small  
11 drivers are four, five household  
12 members. To raise them we --  
13 (inaudible) -- 150 to \$200. We already  
14 going below 150 (inaudible) imagine if I  
15 congestion pricing 2.50 charge by the  
16 taxi when our meters start from 5.80, I  
17 don't think most meters like the taxi.

18 If this happen, there must need more  
19 (inaudible) -- not only bankruptcy --  
20 also Mayor (sic) Joshi, more and more  
21 suicides. (Inaudible) you can charge  
22 the ride-sharing company congestion  
23 price. They did -- they are dying  
24 (inaudible) to do New York City. They  
25 have too many (inaudible) congestion

1 price from 2.70 to 70 cents.

2 So please TLC to find out why driver  
3 suicides -- how their family doing after  
4 that. So not an easy for a family to --  
5 excuse me -- survive after when men had  
6 died. You need to know how much taxi  
7 drivers income after (inaudible) New  
8 York City. Please -- (inaudible) --  
9 please you must help the situation  
10 struggling taxi drivers.

11 Please talk with them who you can  
12 help us to give us lifesaving  
13 (inaudible) then maybe continuous  
14 support our families. This will help us  
15 to (inaudible) bankrupts. There are too  
16 many events already did bankruptcies. I  
17 want to tell you one thing, when one  
18 medallion bankrupt, between (inaudible)  
19 our family life (inaudible) go.

20 So please think again to help us to  
21 keep us to provide our families. We are  
22 living world's best city, best country  
23 -- New York City, who is known to help  
24 us.

25 So we are here now getting help in

1 New York City here even. So can I  
2 explain one thing? This situations  
3 break our soul -- (inaudible) -- my  
4 mother died two years ago. I couldn't  
5 -- (inaudible) -- funeral; same  
6 situation with my friend. So his mother  
7 and sisters (inaudible). Mother's brain  
8 hemorrhage, he have the money to go to  
9 India to visit them.

10 So this -- please, please help us  
11 (inaudible). We thank you so much for  
12 giving us time. So even this new 2.50  
13 surcharge, my friend (inaudible)  
14 medallion, he did have to find  
15 (inaudible) start, there's no way we can  
16 survive; no way we can survive. Thank  
17 you so much; thank you. (Applause.)

18 CHAIR JOSHI: Thank you.

19 MR. WILSON: Thank you.

20 The next speaker is Richard Chow.

21 AUDIENCE MEMBER: He just stepped  
22 out to take a phone call. I'll get him.

23 MR. WILSON: We'll go to the next  
24 speaker, Robert Espriel.

25 MR. ESPRIEL: Good morning,

1 Commissioners.

2 I'm going to start off saying, if  
3 you charge a 2.50 surcharge on the  
4 yellow cabs, and they get 26 fares a  
5 day, that's \$65 a week -- \$65 a day,  
6 \$390 a week times 52 weeks is \$20,000  
7 coming out of their pocket, which is a  
8 lot of money.

9 It's just an injustice. I mean, if  
10 you want to make this whole for the  
11 yellow cab, make everything right, you  
12 take off the surcharge, and you charge  
13 the Uber cars 6 or \$7 each ride. That's  
14 how you make it fair; that's how you  
15 make the medallion go up in value again,  
16 and everybody will be on a level playing  
17 field. That's the only way it can  
18 happen.

19 Putting a 2.50 surcharge on the  
20 yellow cab is an injustice, and the  
21 drivers are killing themselves left and  
22 right, and if you do it, next year,  
23 there will be mass killings. Each one  
24 is going to kill each other for fares  
25 and they're going to commit suicide

1           cause they owe out so much money.

2           Another thing, okay, the banks were  
3           bailed out; General Motors was bailed  
4           out. Everybody was bailed out. How  
5           come nobody goes and helps the cab  
6           driver to give them a couple hundred  
7           thousand dollars to pay off this  
8           medallion and make him whole? That  
9           would be the right thing to do. Have a  
10          good day everybody. (Applause.)

11          MR. WILSON: Thank you.

12          And I'll go back and recall Mr.  
13          Chow.

14          MR. CHOW: Hello. My name is  
15          Richard Chow. I'm driving -- thank you  
16          for giving me the opportunity to speak  
17          today. Thanks for Mayor (sic) Joshi,  
18          Commissioners, and all the audience.

19          So I driving for a cab for  
20          (inaudible), and now we facing a lot of  
21          congestion problems; not only the yellow  
22          cab. The yellow cabs not increasing in  
23          about 12 years before I driving. So all  
24          the increasing the congestion, the  
25          traffic, like Uber, Lyft, the traffic --

1 construction container, parking,  
2 double-parking, the delivery trucks, UPS  
3 -- all these things are making traffic;  
4 not only the yellow cabs.

5 Yellow cabs are all moving; they  
6 cannot stop on the street. They got to  
7 move around. After drop off, you've got  
8 to move. It's not congestion  
9 (inaudible). So now Governor, you know,  
10 tried yellow -- the congestion prices is  
11 totally unfair I think.

12 So, you know, we are working hard  
13 for our family. I raising the two kids,  
14 and then now we have to collect  
15 congestion prices like \$2.50 so all we  
16 lose a lot of short trip. And then we  
17 lose -- next year, we lose more from my  
18 pocket; like 15 percent from my pocket  
19 to them.

20 So this means we lose more business.  
21 So this means that nobody taking the  
22 yellow cab; too expensive. So we are  
23 not -- we collect from yellow cab. In  
24 London, the taxi yellow cab, they are  
25 not paying congestion price for yellow

1 cab. So New York City (inaudible) be  
2 also.

3 So my point is if you collect  
4 congestion from us so we already have --  
5 we -- I bought a medallion in 2012. I  
6 pay \$400,000. So I pay a lot of payment  
7 to the bank for the mortgage. So far we  
8 have -- the interests are raising -- so  
9 we have a lot of like -- payments are  
10 more higher. So we facing -- more from  
11 my income to pay back the loan and  
12 interest.

13 We have lose more business because  
14 of the former Mayor Bloomberg left  
15 behind a problem. So we keep the Uber  
16 and Lyft, you know, collect a City.  
17 They give them to the free medallion  
18 (inaudible) totally unfair to us.

19 So now they sold the medallion. I  
20 buy the medallion and made a profit.  
21 Now, we are medallion price under  
22 (inaudible) so the City -- this should  
23 be responsible for the, you know, laws.  
24 Like we suffer and everything; loss of  
25 medallion price. We cannot pay back the

1 loan in on time; a lot of problems.

2 So now they collect a congestion  
3 price, it's totally worse. And then --  
4 so if they collect from me, when we have  
5 problem paying back the loans. Already,  
6 the loans are not approving -- the banks  
7 are not approving to me so we -- I  
8 cannot pay back the loan. They asked,  
9 (inaudible) you got -- give me unless --  
10 more higher.

11 I cannot pay because we already  
12 working hard. Business is less and less  
13 and less. We take a little money take  
14 away home. So I think if ever collect  
15 congestion price, we are suffering and  
16 very, very, very depressed already. So  
17 maybe the next -- I'm the number nine  
18 suicide. I want to tell you.

19 So this is my -- today is -- my  
20 brother Kenny Chow -- so we suffering.  
21 We are already -- I'm already very  
22 depressed and then (inaudible)  
23 brother-in-laws. Now, I have to take  
24 care of myself. The government is going  
25 to collect the money, maybe I cannot pay

1 back. A lot of pressure already. So,  
2 you know, maybe I'm the next one.  
3 Nobody knows, you know.

4 So after me, maybe a lot of people  
5 are lining up. So, you know, I want to  
6 -- before the government -- Albany  
7 collect the congestion price, I have --  
8 (inaudible) -- the plans or -- please  
9 Commissioner, send my message to the  
10 Albany. So I'm very already  
11 disappointed to collect from us the  
12 congestion price.

13 So thank you very much. (Applause.)

14 CHAIR JOSHI: Thank you for coming  
15 here today. I know it's a difficult  
16 time to share and it's a difficult topic  
17 for you to share on.

18 But your advocacy is important and I  
19 appreciate you speaking publicly. Thank  
20 you very much.

21 MR. CHOW: You're welcome. Thank  
22 you. (Applause.)

23 MR. WILSON: Thank you.

24 The next speaker is Andrew Chen.

25 AUDIENCE MEMBER: He had to leave.

1 MR. WILSON: Okay. The next speaker  
2 is Wain Chin.

3 MR. CHIN: Good afternoon, everyone.  
4 Thank you for allowing me to speak in  
5 front of the Commission.

6 I'm a member of the Taxi Worker  
7 Alliance, also happen to be a friend of  
8 Kenny Chow, and before I start I want to  
9 start and pray for all the brothers we  
10 lost.

11 (Moment of silence.)

12 MR. CHIN: I'm especially very sad  
13 because Kenny 57 (inaudible), and this  
14 plan, you know, what they're trying, the  
15 yellow cab industry, and also all the  
16 other drivers everywhere have lost  
17 income because the app company, they  
18 were surely manipulate the price to pass  
19 on the driver. So they were make less  
20 income.

21 And also for yellow, we had a set  
22 price. We're going to lose some  
23 business with the Governor's plans. So  
24 I am totally against this. So I hope  
25 they exempt the taxi from the surcharge

1 with the congestion price, unless they  
2 change -- if Commission change the rule  
3 so the minimum fare like yellow. So it  
4 will even fair competition and fair  
5 competition for the City, or the public,  
6 or the driver -- all the drivers.

7 I hope, you know, the Governor will,  
8 you know, listen to us. You know,  
9 change the law, exempt for us, you know,  
10 because our -- most of the yellow cab  
11 work in the City area so it will affect  
12 a lot of us, and I know we don't want to  
13 see any more drivers suffering or dying.

14 So I hope the Commission, you know,  
15 comes to a fair solution for all the  
16 drivers. At least make all the minimum  
17 fares the same so regulate the app  
18 companies so they cannot (inaudible)  
19 assist or -- the law. Right now they  
20 are manipulating all the system. So  
21 they had to regulate that so they cannot  
22 be taking advantage or, you know, of the  
23 system.

24 Right now their fare is not  
25 regulated. So they can lower; they can

1 higher -- they can charge \$10. They can  
2 charge \$100. And then, you know, the  
3 congestion pricing, they will pass the  
4 cost to their driver because I have  
5 friends driving for Uber too. I know  
6 how they work.

7 Their system is not transparent;  
8 they charge the customer higher price.  
9 They compensate them for lower price,  
10 and then on top of that, they take a  
11 commission from them and then the driver  
12 has to pay for all the expenses;  
13 insurance, gas, and vehicle repair. So  
14 they are taking less money home for  
15 sure.

16 So I hope you regulate the app  
17 company to be fair and square for  
18 everybody. Thank you very much.

19 (Applause.)

20 CHAIR JOSHI: Thank you for coming.

21 MR. WILSON: Thank you.

22 The next speaker is MD Islam.

23 (No response.)

24 MR. WILSON: Okay. Next on the list  
25 would be Edward Costellanos.

1 MR. COSTELLANOS: Good afternoon.  
2 I'm going to talk (inaudible) my father  
3 that we buy the medallion in 2006, and  
4 we're seeing the property decline.  
5 There's so much competition in the  
6 street. I'm trying to survive with me,  
7 my father, my sister; all of us, we are  
8 working together to try to survive and  
9 pay for these expenses that are coming  
10 out. And so far, we are finding that  
11 it's difficult -- so difficult that  
12 there's no surcharge (inaudible) on the  
13 taxi industry, we take (inaudible)  
14 because we cannot take it anymore.

15 A lot of places I used to stop by  
16 and wait for passengers; I see them  
17 jumping in the black cars. So I don't  
18 understand why if there's only 13,000  
19 taxis and there's over 100,000 black  
20 cars, why this surcharge has to be on  
21 the yellow cabs? The ones charged --  
22 making the congestion are black cars.

23 So there's also no place to find --  
24 no place to do -- to go use the  
25 bathroom. Sometimes you have to use the

1 car -- inside the car. The people in  
2 the back smell that, so think you are a  
3 pig, but they don't see that is the  
4 circumstances in which all of you have  
5 put us. That's what we have to do it,  
6 because there's no other place to do it.

7 So, please, I beg you. I'm doing  
8 this for my father because I see how  
9 he's suffering -- my sister and I, we  
10 are trying to fight to survive to get  
11 this thing (inaudible). I see this deep  
12 (inaudible). So I don't know what else  
13 to say.

14 So anything you can do, maybe if the  
15 bank -- and there's a problem with the  
16 bank and the owner, if you can split  
17 that property and keep this license  
18 plate for this (inaudible) and the  
19 license plate to the bank, that would  
20 really help. That would be really  
21 helpful for me and my father. Other  
22 than that, I don't know. I really don't  
23 know what to do at this point. This is  
24 breaking point for me and my family.

25 So I please beg you, please do

1 something to help me and my family.  
2 This situation -- and all the drivers  
3 that buy that property that you sold us  
4 at one price, and now it's worthless,  
5 you go take it someplace so they can  
6 take care of that property. Worthless;  
7 nobody wants.

8 So we are like this with that  
9 property. We cannot do anything. Okay.  
10 So please, I encourage you to help on  
11 this matter for these guys. Thank you.  
12 (Applause.)

13 MR. WILSON: Thank you. The next  
14 speaker is Bernardo Celerino.

15 MR. CELERINO: Good afternoon. I'm  
16 a taxi medallion owner since 1989 and we  
17 are facing the worst -- the worst time  
18 ever. At the point that when they pay  
19 for my medallion in 1989, \$135,000, it's  
20 more or less the market price today.

21 It's a shame. None of your houses,  
22 Commissioners, is worth the price of  
23 1989. Most of you, like everybody else,  
24 can enjoy a booming economy in New York  
25 City. The Dow Jones is 20 times --

1           excuse me -- 10 times more today -- 12  
2           times more than it used to be when I  
3           purchased my medallion. This is  
4           terrible.

5                     Seven people commit suicide in the  
6           industry and one more is eight. How  
7           many suicides you guys want to see?  
8           It's too much.

9                     Commissioner, I have a personal  
10          feeling, and I want to make it public;  
11          cause really, you don't love my  
12          industry. I feel that for some reason  
13          you don't do anything to help my  
14          industry; just sitting there, getting  
15          \$200,000 a year and that's it.

16                    You have, under the Bloomberg  
17          administration and perfectly remember  
18          under David Yokski (phonetic), when he  
19          was a Commissioner, and this (inaudible)  
20          attack systematically to my industry.  
21          Mayor Bloomberg said very clear -- I  
22          don't want to repeat the word because  
23          everybody knows -- but I will destroy  
24          your "F" (sic) industry.

25                    Those were his words, and you were

1 under his administration, Commissioner.  
2 But you didn't raise your voice to say,  
3 "Come on, you shouldn't say that". No.

4 Like everybody's working together to  
5 destroy my industry, but the only reason  
6 that my industry was not destroyed yet  
7 is because still in August of 2018  
8 almost 300,000 New Yorkers went to the  
9 street to say "Taxi". That's why. Not  
10 for you guys, no. Because 300,000  
11 people say that.

12 But now they found a way to tell  
13 maybe 50 percent of the New Yorkers,  
14 "Hey, don't take taxi anymore". So  
15 we're going to raise \$2.50; now we're  
16 going to make sure they don't say "Taxi"  
17 anymore. Okay. That is exactly what's  
18 going to happen.

19 The Taxi & Limousine Commission does  
20 not give accurate information also on  
21 the website. According to Carolyn, how  
22 many people took yellow cab in the month  
23 of August?

24 MS. PROTZ: 253,000 trips.

25 MR. CELERINO: How about the month

1 of September; do you have the number  
2 already?

3 MS. PROTZ: It's the same.

4 MR. CELERINO: It's published  
5 already?

6 MS. PROTZ: No, actually September  
7 is not -- it's the same as July.

8 MR. CELERINO: So I understand  
9 September was not published yet?

10 MS. PROTZ: Right.

11 MR. CELERINO: October also;  
12 November is going to finish within a few  
13 more days, we're going to know.

14 On January 1st, maybe 75 to 90,000  
15 people don't want to take taxi anymore,  
16 but the Taxi & Limousine Commission  
17 reports is going to be in June of 2019  
18 when it's going to be too late. Credit  
19 unions and banks are not going to wait  
20 six months to send letters of  
21 foreclosure or things like that.

22 So guys, I beg you; send a letter to  
23 Albany. That issue is so he can  
24 (inaudible) at this point. You have to  
25 leave office one day saying, "Hey, at

1 least we did something". Show a letter  
2 saying, "Albany, stop this for two years  
3 to see what's going to happen here"; at  
4 least for two years.

5 And then if in two years the price  
6 of the medallion goes higher, and we can  
7 raise maybe 350,000 trips a day, maybe  
8 we can talk about getting some  
9 surcharge. But today, it's very  
10 important not to approve that and  
11 request to Albany because, at this point  
12 -- the meeting today has any point since  
13 you cannot request Albany to stop this.

14 Because if you cannot send any  
15 letter, what are we doing here? The  
16 letter is going to be -- the law is  
17 going to be affective January 1st, and  
18 we need the letter to Albany saying,  
19 "Stop, don't do that". You're going to  
20 have thousands of bankruptcies.

21 If you (inaudible) from the TLC  
22 website, how many medallions are in  
23 foreclosure, it's going to be shocking.  
24 You have two pages of transactions, and  
25 maybe 95 percent of the transactions are

1 foreclosures, and only five percent have  
2 been sold by market price that was in  
3 1989. I don't think that it's  
4 acceptable.

5 And by the way, may I have your name  
6 Commissioner? I cannot see from here;  
7 sorry.

8 COMMISSIONER AGUADO: Bill Aguado.

9 MR. CELERINO: Bill,  
10 congratulations. I saw the way that you  
11 reacted when somebody was talking, and  
12 it seems to me that you have a piece of  
13 heart. I saw the way you reacted.

14 COMMISSIONER AGUADO: It's no  
15 different than anyone else here.

16 MR. CELERINO: I'm not that sure  
17 about that. However, I see what you  
18 did; that's why I direct it to you.

19 So if you have a chance to talk to  
20 your peers later, urge them, especially  
21 the Commissioner, to write the letter to  
22 Albany saying, "We do not approve this".

23 Eventually, if that still passes  
24 that, you guys are going to come to  
25 (inaudible) and say, "Hey guys, we tried

1 to stop them, but they didn't listen to  
2 us". At least something is better than  
3 nothing. Thank you guys. (Applause.)

4 MR. WILSON: Thank you.

5 The next speaker is Robert  
6 Ferreryra.

7 (No response.)

8 MR. WILSON: Okay. The speaker  
9 after that would be Reuben Finkel.

10 MR. FINKEL: Hello. My name is  
11 Reuben; I am an owner/operator of a  
12 yellow taxi medallion in New York City,  
13 and I have a statement and a couple of  
14 questions.

15 My statement is that I've been  
16 driving since 2001, and my belief -- my  
17 understanding -- was that a yellow cab  
18 industry was part of the critical  
19 infrastructure of the transportation and  
20 the function of New York because of its  
21 shape, and size, and population.

22 That we contributed to the daily  
23 function; we were essential to that  
24 daily function of bringing people back  
25 and forth here and there.

1           And it seems that this congestion  
2           charging is declaring that we are now a  
3           burden on the City, and if that's the  
4           case, and if the 2.50 surcharge is a  
5           declaration of that, then the  
6           Commission, the City, and the Mayor  
7           should come out and declare such things;  
8           that we are essentially a burden on the  
9           infrastructure of this City. And that's  
10          my statement.

11           My question is -- the congestion  
12          charging, would that involve the FDR and  
13          the West Side Highway?

14          CHAIR JOSHI: My understanding is  
15          nothing was excluded under 96th Street,  
16          so it would involve both of them.

17          MR. FINKEL: Okay.

18          CHAIR JOSHI: And it's every trip  
19          that touches. So it's pick up, drop  
20          off, and touches; so if it passes  
21          through, it also triggers the congestion  
22          surcharge.

23          MR. FINKEL: Passing through -- so  
24          once we cross over the bridge or before  
25          we cross the bridge, we'll be charged a

1 congestion charge regardless of a  
2 customer?

3 CHAIR JOSHI: No, during a trip --

4 MR. FINKEL: Only on the trip.

5 CHAIR JOSHI: Yeah, only on the  
6 trip.

7 MR. FINKEL: So we can come into the  
8 City and not be charged, but during  
9 trips we will be charged.

10 CHAIR JOSHI: Exactly.

11 MR. FINKEL: Okay. And my second  
12 question is, is the end game of this  
13 continuing suppression and destruction  
14 of my industry and my livelihood -- my  
15 business -- to get to a point where the  
16 Commission recalls all the medallions --  
17 be direct managers over the medallion  
18 yellow cab industry?

19 Since you are the -- somebody  
20 mentioned what it was that you are in  
21 terms of -- we are just under agreement  
22 to use your property as our yellow  
23 medallions, but in the end, ultimately  
24 it belongs to you.

25 Is it your end game to acquire all

1 the medallions -- recall all the  
2 medallions under your direct management?

3 CHAIR JOSHI: No.

4 MR. FINKEL: No. If Albany decides  
5 that they want to do that, especially in  
6 an automated society, and that's when it  
7 would be best managed under one  
8 leadership or one control -- one group  
9 -- if they decide that they want to do  
10 that, do you have any opportunity to  
11 stop that?

12 CHAIR JOSHI: We can voice an  
13 opinion, but the Albany lawmakers draft  
14 and pass those laws. The City doesn't  
15 -- and the TLC does not have a seat at  
16 that table.

17 MR. FINKEL: Okay. One more  
18 question, has the infrastructure been  
19 discussed, decided on, or considered  
20 publically or even privately amongst  
21 you; what we are going to do in an  
22 automated taxi industry?

23 CHAIR JOSHI: I think that there --  
24 you know, there is generally across the  
25 world a notion that there -- as cars get

1 more and more automated, and people test  
2 drive automated vehicles, that there  
3 will be automated vehicles -- automated  
4 vehicles on the street for hire.

5 In New York State, there's a law on  
6 the books that says one hand must be on  
7 the steering wheel.

8 MR. FINKEL: For now.

9 CHAIR JOSHI: The State has  
10 authorized the experiments where GM is  
11 testing now automated vehicles in the  
12 State.

13 So I don't know what the State's  
14 plans are passed the testing, but I know  
15 as a City, we're anxious to find out as  
16 much as we can about the testing because  
17 there are a lot of dangers with  
18 automated vehicles.

19 MR. FINKEL: At the moment.

20 CHAIR JOSHI: At the moment. I  
21 mean, ultimately they may end being a  
22 huge safety boom for all of us, but the  
23 transition period is very scary for  
24 cities.

25 MR. FINKEL: But actually real, and

1 predictably to happen sometime in the  
2 future near or far.

3 CHAIR JOSHI: I couldn't speculate  
4 because I don't know how quickly that  
5 transition happens. I don't how quickly  
6 manufacturers are doing it or what the  
7 federal government is doing because  
8 there's pending legislation now at the  
9 federal level that would allow automated  
10 vehicles on the road with less testing,  
11 I think, than you have for standard  
12 vehicles today.

13 So if there are liberal policies on  
14 how you regulate automated vehicles,  
15 that allows those automated vehicle  
16 companies to produce and put those cars  
17 on the road a lot faster.

18 MR. FINKEL: Okay. I'd just like to  
19 make another statement that I oppose the  
20 congestion charging and -- that's it.

21 CHAIR JOSHI: Thank you for coming  
22 out today.

23 Yes, so we are going to need a 15  
24 minute break. The time is 10 of 1; so  
25 we will come back at 10 after 1. Thank

1           you very much.

2                   (Recess taken.)

3           CHAIR JOSHI:   The time now is  
4           quarter after 1, and we're going to  
5           resume our public hearing.

6           MR. WILSON:   Okay.   And the next  
7           speaker is Jenny Mejia; is she here?

8           AUDIENCE MEMBER:   She left.

9           MR. WILSON:   Is she coming back?   I  
10          can move on and we can call her again.

11          The next speaker is Prodi Kundu.

12          MR. KUNDU:   Hello everyone; good  
13          afternoon.   I'm very pleased to be here  
14          to raise -- speak to you.

15          So I came in America with my  
16          American dreams.   My dear friends,  
17          everyone has this dream that means  
18          better life, better education, better  
19          housing.

20          But today I see -- I am in -- we are  
21          in -- you're taking down our dream.   I  
22          bought my medallion in 2006 and also I'm  
23          operator.   Today we are in crisis.  
24          Today we are talking about the  
25          congestion fee of 2.50.   Already we are

1 in congestion. When I came, Uber, Lyft,  
2 something like car in the City already.  
3 We are stuck -- we are stuck, our  
4 business. We are stuck, our family. We  
5 are stuck everything.

6 And then, again, new stuck in  
7 congestion fail. It is going to be new  
8 and it is going to be new to our debt.  
9 So please help us; help our family --  
10 help my family. Thank you so much.

11 CHAIR JOSHI: Thank you for coming  
12 today.

13 MR. WILSON: Thank you.

14 The next listed speaker is Galina  
15 Kaminkar.

16 MS. KAMINKAR: Hi Commissioners. My  
17 name is Galina Kaminkar; I'm the wife of  
18 a taxi owner and a daughter of a taxi  
19 medallion owner, and most of the person  
20 who helps to keep up with expenses  
21 because I am working person.

22 I do not drive. My husband owns; my  
23 mother owns. She's 81 and she -- both  
24 of them actually surviving because of  
25 me, because I'm a full-time employee who

1 happens to be off because of this here.

2 I think we all understand this  
3 hearing is not to help to stop  
4 something, but basically probably to  
5 hear our opinions and maybe,  
6 Commissioner, you will voice our opinion  
7 to Albany, which personally, I doubt,  
8 because personally I saw people -- we  
9 saw people dying.

10 We know of eight numbers, but how  
11 many we don't know because they just  
12 died. Not because they killed  
13 themselves, but just died because of  
14 their heart condition, diabetes -- my  
15 husband is a diabetic driver, but he has  
16 to drive. And like it was mentioned, he  
17 has no place to empty himself because  
18 there is no such thing unless he goes to  
19 the restaurant he used to -- you know,  
20 he eats at or other places.

21 Thank God I'm working. I support my  
22 family. Thank God you probably working  
23 so you can support your families. But  
24 in the taxi -- yellow industry is dead,  
25 probably you're going to be out of your

1 jobs. I hope you can somehow have  
2 another person like I who can support  
3 you because if something happens to me,  
4 you have two families besides thousands  
5 of families probably begging on the  
6 street for food, place to live, and so  
7 forth.

8 And besides the point, nobody has  
9 mentioned that 2.50 is actually not 2.50  
10 on top of 80 cents; it's more because  
11 the majority of my husband's trip -- and  
12 I think people's trip -- are done via  
13 credit cards. Credit cards are charging  
14 additional percentile. So we're not  
15 getting 2.50 clean money; we're getting  
16 2.50 minus, and that minus comes out of  
17 our pockets.

18 When business was good -- when  
19 medallion worth money, it was not as  
20 painful as it is today. Today the 2  
21 cents, or 5 cents, or 35 cents that  
22 we're losing on a trip is really very  
23 painful; painful to my mother, painful  
24 to my husband, painful to my kids.

25 CHAIR JOSHI: Can I ask you -- one

1 quick question --

2 MS. KAMINKAR: Yes.

3 CHAIR JOSHI: While you're on the  
4 topic of credit card charges, what -- if  
5 you don't mind sharing -- what is the  
6 percentage that --

7 MS. KAMINKAR: Four percent.

8 CHAIR JOSHI: Four percent?

9 MS. KAMINKAR: Yes.

10 CHAIR JOSHI: And what provider do  
11 you use?

12 MS. KAMINKAR: My husband uses  
13 (inaudible).

14 CHAIR JOSHI: Okay. Thank you.

15 MS. KAMINKAR: I don't know how  
16 about -- (audible) -- but I think it's  
17 four percent, and that's something that  
18 comes out of our pocket.

19 There are loopholes. Like, we were  
20 talking about how will we pay -- how  
21 Uber will pay. So my mother -- she's 81  
22 -- you know, she doesn't drive, so she  
23 rents her medallion to what used to be  
24 the Taxi King. She end paying so much  
25 thousand of dollars because Taxi King

1 did not replenish the money that he  
2 collected from passengers -- from public  
3 people -- taxpayers -- to the State.  
4 And who was responsible to do that? My  
5 mother.

6 I emailed so many -- there were so  
7 many calls and emails to the TLC -- to  
8 you, Commissioner, to your advocates --  
9 telling them -- talking to them,  
10 explaining to them that my mother  
11 doesn't have the money. It's by Taxi  
12 King; he has the money. How will those  
13 -- I feel bad for the drivers.

14 I had to go out and take a loan to  
15 cover her otherwise her business would  
16 be stopped by the TLC because there was  
17 no rules in TLC, and the State didn't  
18 give a damn how. Because she's an  
19 owner, she's responsible.

20 The drivers who collect the money,  
21 it's not going to be Uber -- sorry --  
22 it's not going to be Uber who's going to  
23 be paying for them; it's going to be  
24 drivers. Because if Uber cannot somehow  
25 report how much trips they make and

1 collect it, who is going to pay for it?  
2 Somebody has to pay for it.

3 Because State will not waive, I will  
4 not allow them to waive those charges  
5 that were collected from the passengers,  
6 not to replenish them to the State. I  
7 will be the one send -- I was actually  
8 behind the TLC walls last year  
9 protesting against what was done by  
10 Eugene -- and I'm going to be protesting  
11 what Uber going to do if you're not  
12 going to replenish the money to the  
13 State.

14 So, Commissioner, I know people are  
15 pledging here with you, and I'm actually  
16 telling you -- I'm not asking you, I'm  
17 telling you to go speak up on our  
18 behalf. You're going to speak up, not  
19 just on our behalf, but on your behalf  
20 as well because as a person who sits  
21 behind that desk, that's your  
22 responsibility. Thank you.

23 CHAIR JOSHI: Thank you.

24 MR. WILSON: Thank you.

25 The next speaker listed is Spyros

1 Messados.

2 MR. MESSADOS: Hi. We all know each  
3 other for the most part. My name is  
4 Spyros Messados, and I am the founder of  
5 (inaudible) Technologies.

6 Our company was essentially born out  
7 of this; we were born out of a response  
8 at the driver level for what technology  
9 companies historically, not only Uber  
10 and Lyft, but also those in the  
11 industry, have done, which has not been  
12 very much for them.

13 On top of that, I'm here to talk  
14 pretty much directly to you about what  
15 we can do to hopefully prevent this in  
16 the future and adapt it on the other  
17 side of what seems to be an inevitable  
18 change that we're going to have to deal  
19 with, but it essentially ties into what  
20 we do every day, which is --

21 We do see ourselves, yes, as a  
22 technology provider to transport  
23 industry, but we largely see ourselves  
24 as a data company focused on what's  
25 actually happening on our streets.

1           That today is very obvious, but we  
2           don't think that it needs to get to this  
3           point to understand what is happening at  
4           every point. What we do for taxi today  
5           is an example of that. We take in the  
6           data on our driver's earnings. We  
7           analyze where in the City there are the  
8           most, basically, opportunities for  
9           fares, where there is the most  
10          congestion, and how we can rearrange  
11          vehicles to do a better job.

12          This is a service we don't only want  
13          to do for taxi. My co-founder and I, we  
14          started this with a very optimistic --  
15          some would say a very millennial  
16          approach to -- that we can inform and  
17          gear ourselves towards a society that  
18          knows what's actually happening on the  
19          streets and can do it better.

20          We would like to be a partner, not  
21          to anyone -- Uber, Lyft -- we want to be  
22          a partner for our drivers and for the  
23          TLC itself, so that we can implement  
24          what Charlie was talking about -- a data  
25          connection that's purely digital, so

1           that we can understand each data point  
2           on every trip from where they are  
3           happening to what the amount of fare is  
4           to whether a licensed TLC driver logged  
5           in or not, and we would like to work  
6           with the Commission on a monthly,  
7           quarterly, real time -- we'd be here  
8           every day if we could help inform the  
9           decisions that the City, the TLC, and  
10          the State are making.

11           On the other side of this congestion  
12          surcharge, it's even more important that  
13          we have this. We need to study how this  
14          affects driver incomes on both sides of  
15          the ball. Today, we know that yellow  
16          taxi drivers are struggling because we  
17          have that data connection, but on the  
18          app base side, we basically have a PR  
19          reality driven by a lot of venture  
20          capital, which is, "Our drivers are  
21          great. This is a great opportunity for  
22          New York"; and then an internal reality  
23          which is the vitriol that is happening  
24          in this room and the struggle of  
25          driver's and eight suicides.

1           So we simply are offering to help in  
2           that respect, and we know that there is  
3           a lot that goes into this at several  
4           levels of government. We are happy,  
5           just as with TPEP, to go through every  
6           single one of those regulations line by  
7           line together with you. We're simply  
8           asking for a dialogue in that respect.

9           CHAIR JOSHI: Thank you very much.  
10          I appreciate you also waiting for a long  
11          time.

12          MR. WILSON: Thank you.

13          And that's all the speakers we have  
14          listed, so that concludes the public  
15          hearing.

16          CHAIR JOSHI: Okay. Thank you  
17          everybody for your patience and your  
18          participation.

19          It's now 1:25 and this ends our  
20          public meeting. Thank you very much.

21          (Time noted: 1:25 p.m.)

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CERTIFICATION

I, JULIA M. SPEROS, a Notary Public  
for and within the State of New York, do  
hereby certify:

That the witness whose testimony as  
herein set forth, was duly sworn by me;  
and that the within transcript is a true  
record of the testimony given by said  
witness.

I further certify that I am not  
related to any of the parties to this  
action by blood or  
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 28th day of November,  
2018.

  
\_\_\_\_\_  
Julia M. Speros

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