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NEW YORK CITY

TAXI & LIMOUSINE COMMISSION

PUBLIC HEARING

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December 4, 2018
10:25 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

LAUVIENSKA POLANCO

NORA C. MARINO

KENNETH C. MITCHELL

STEVEN KEST

THOMAS SORRENTINO

James Tetta
Court Reporter

MS. JOSHI: We are going to begin our meeting now, and unfortunately, due to a broken cable that would take too long to repair and I don't want to keep everybody waiting. The footage will be available on YouTube afterwards, but we won't be able to broadcast this on live stream as we usually do. But I think in the interest of time that people have taken to come here today, we should move ahead.

First on the agenda for today is the minutes for our meeting on November 28th.

All in favor?

(Whereupon, a vote was cast.)

MS. JOSHI: With that, those minutes are unanimously adopted.

Second is -- today we have no base approvals. We are going to have a vote on the driver income rules and then a vote on the high volume service rules. And then there's some comments from commissioners on the testimony that we

heard last week on the concession fee implementation rules.

So, I just want to speak briefly on the -- let me first allow Chris to go through the mechanics of when it was published and the changes that were made.

MR. WILSON: Thank you.

On the agenda this morning, the rules provided for the driver income protection for FHV drivers, who certainly turn to these requirements. These rules were published in the City Record on August 28, 2018 and the comment deadline was September 28th. A public hearing was held on these rules on October 3, 2018. Numerous public comments were received following the public hearing.

In this result, the staff (inaudible) public comments the following changes were made to the rule. We changed the per-mile rate for the waves and the non-waves as a result of a

broader review of driver expenses. We added a uniform rate of fare for all companies, for all miles and minutes drivers spend transporting passengers outside New York City.

We added an initial utilization rate for all companies for the first year that will be the average rate for all basis subject to the stated rules. We updated the daily requirements subject to income rules through GPS data, total miles driven, miles and minutes, and driving passengers outside the city, company (inaudible), itemized weekly earnings, and total hourly earnings paid by the hour.

We added a manual annual evaluation by the commissioner of the private payment rates. We added a section expanding the wheelchair accessible act for eligible acting fund payments and we eliminated the cap on certain payments to bring drivers receiving accessible (inaudible) payments. It is local law

that requires the final rule for commission actions on the commission's website on November 29th to the commissioners on that date.

MS. JOSHI: All in favor of the driver income rules?

(Whereupon, a vote was cast.)

MS. JOSHI: With that, they are passed with a vote of one, two, three, four, five, six, seven -- eight in favor and one no vote.

MS. MARINO: I'd like to say a few words. The reason why I'm voting no today is not because I don't think that drivers deserve a fair wage. Quite the contrary. I've worked all my life -- I was a cashier, I waited tables, I shampooed hair. I know how important it is to have a fair minimum wage.

However, I don't think these rules -- first of all, I don't think they go far enough. I wanted a flat percentage of eighty percent of all fares going to the drivers. I was told

when this was brought up that that would not be fair. I was told that would not work out because of the out of bases company being able to undercut their fares.

However, now there's a proposed legislation to city council to eliminate that possibility. I think we should wait a month and see what happens with that legislation and revisit this rule and see if it is possible to make a flat fee of eighty percent for the drivers.

I also find these rules incredibly complicated. Frankly, I think I'm fairly intelligent. I can't even understand them. I'd rather see a rule that makes sense and that I can understand. I've gotten way too much feedback from people in the industry, from drivers saying that the rules don't take into account monthly expenses accurately to companies saying that they give Uber an unfair advantage which is the last thing I want to see. There's

just too many unanswered questions that aren't variable in my opinion to how this rule is drafted. I would much rather see a flat rate that goes to the drivers and see what happens with Councilman Diaz's proposed legislation to eliminate the out based companies from undercutting the regulators meter rules and fares, which is why I'm voting no on these rules today.

(Whereupon, an applause was given.)

MS. JOSHI: I'd like to say a few comments and I think others would.

This is the beginning, but I certainly know that people who work for a living don't want to continue to wait for improvements in their wages. And so, though a rule is passed today, it is not the end, it is the beginning, there will be further improvements and there will be no more waiting. There will be no more waiting.

Getting things passed is amazing. Transportation, food, and our beck and

call that that convenience has cost and today we are ensuring at least in the case of (inaudible) car service, that cost is not worn by the professional men and women, who everyday safely transport tens of thousands of passengers throughout the five boroughs. And it's our hope that other cities follow.

We are at the beginning. In August, city council passed a number of cars to stop them from flooding our street and diluting earnings. Also in August, council required us to study what our passengers are paying and establish a minimum pay rate. We've already begun that work.

(Inaudible) Local One has advocated for this approach and their continued input as well as the input of our commissioners and all drivers will be extremely helpful in this process.

Also pending is council legislation that would limit FHV leasings just as today we limit taxi leasings. And

there's more to be done for yellow taxi operators and drivers. Today we're reducing the amount of credit card processing that a garage can charge and in the future we'll seek to do the same for those who interface directly with the TPAP providers.

We'll continue to advocate for lenders to write down principles and modify loan terms. Many individual medallion owners keep it steadfast in their payments for decades and banks have consistently profited from years of collecting refinancing fees.

A few other changes that were made based on the advocacy of medallion owners and drivers and the New York Taxi Workers Alliance. We eliminated late charges, prohibit garages from collecting twice for repairs, once from the insurer and once from the driver. Mandated restitution for rule violations where the driver has suffered a monetary loss. And today we also increased the

amount provided to drivers and owners of accessible taxis, green and yellow, and will continue to work to reduce operating expenses and increase income.

How did we get here? With a lot of help. First, drivers themselves. One after the other you came and you told us about your lower pay. We held public hearings on this topic and they lasted the entire day. Drivers brought in receipts and shared their painful personal financial details. Advocates for drivers, the New York Taxi Workers Alliance, The Independent Driver's Guild showed up for hearings and was helpful.

Today their presence solidifies their commitment. These groups united their constituents to send us an urgent message and a need for change. Advocates for the disabled, thanks to your support and your work with drivers, today's rules have a higher pay rate for drivers who drive accessible vehicles.

The facts, they helped a lot. We

ordered the company with all of the data we needed to analyze current pay and formulate for the future. Representing the first time a city has drawn the curtain back on the actual economics of this booming industry, and it wasn't pretty. Ninety-six percent of drivers today make less than the equivalent of a minimum wage. The data will continue to be provided so we can monitor pay going forward and make adjustments when necessary.

Also, I'd also like to thank Michael Reich and James Parrott, as well as their students who spent countless hours pouring over and running and rerunning numbers and (inaudible) in a firm sense of right and wrong was invaluable. The TLC staff who have been committed to seeing this day come and insuring that informed analysis is the basis of policy as it should be everywhere.

I want to especially thank Selene and (inaudible name) who we are

incredibly indebted. I want thank my fellow commissioners, who I'm extremely fortunate to work with. They asked questions, they called, they're prodded, and they're interested and concerned. They meet with groups and hear them out and they provide us with constructive edits. And most of all, their unified design to help better the lives of everyone who's licensed by the TLC drives their each and every action and it shows. They are unpaid and they represent the finest of public service.

Thank you.

(Whereupon, an applause was given.)

MR. AGUADO: I'd like to make a couple of comments.

I want to say that I completely agree and support Commissioner Marino in her efforts to have a minimum percentage go to the driver and I think it's incumbent on us at the commission to make sure that we keep TLC's staff feet to the fire -- feet to the fire to

make sure that a minimum eighty percent happens sooner rather than later.

(Whereupon, an applause was given.)

MS. MARINO: Thanks, Bill.

MR. AGUARDO: Also feel very strongly that the driver's here today are the ones who represent the future of our city. Their children. Their contributions to the economy are extremely important and I do want to applaud the activism on the part of the drivers and to make sure you hold us accountable.

(Whereupon, an applause was given.)

MR. SORRENTINO: While no legislation or regulations are perfect, this does serve as a first step in insuring that drivers earn a fair wage for the services they provide and also provide a higher degree of transparency with regard to how drivers' pay are calculated and measured.

There is work to continue to do. I know that all the members of this

commission are hearing everything you said over time and we are working in that direction. This is our first step and we should be happy about moving in that direction.

So, thank you.

(Whereupon, an applause was given.)

MS. POLANCO: I just want to -- what every single commissioner here has said, I agree with all of you.

It's truly -- this is one of the progressive cities -- I mean, states. It's run by democrats for goodness sake. So, you'd think -- right -- that we are -- we might not be taking care of people in general. So, it does -- it does -- it is a lot of politics involved. But I'm very proud to be here because TLC is taking the first step. Today, it's taking the first step. It's not waiting for anybody else. It's not waiting for the city council members. It's not waiting for the state senate. It's not waiting for Governor Cuomo to find some

legislation, and it's not waiting for anybody else.

TLC is the taking the first step. So, I'm very proud to do that and to be here today with everyone.

(Whereupon, an applause was given.)

MR. WILSON: Next on the commissioner agenda, a rule that a (inaudible) local law creating new license for high volume for-hire vehicle services.

These rules were published in the City Record on October 26, 2018, and the comment deadline was November 28th. Numerous written comments were received and have been provided to the commissioners. The public hearing was held for these rules on November 28, 2018.

Following the public hearing, this was all staff comments as a result of public comments testimony, several changes were made to the rules including the requiring of all records for the

locations of the vehicle to be collected in an in-vehicle GPS enabled device and removing some outdated records of taxi and (inaudible) hearing division. As the law requires, the final rules of commissioner action was posted on TLC's website on November 29th and mailed by commissioners -- sent by emails to commissioners on that date.

All in favor.

(Whereupon, a vote was cast.)

MS. JOSHI: The high volume service rules pass unanimously.

That brings us to the end of our vote section of the meeting. And I know there were a few commissioners who wanted to speak to topics that were raised around the concession fee at our last meeting.

MR. SORENTINO: Thank you, commissioner.

I just want to say, personally, that at last week's meeting, the hearing, we heard very important testimony from

many, many speakers. I just wanted to let you know that it resonated with me personally and I know that it resonated with all the commissioners sitting at this table. And we do understand the concerns that you had, and do have as to how the congestion pricing surcharge has to go into effect in January will have a detrimental effect on the drivers, especially those in the taxi industry.

So, we did convey that message. I just wanted to let you know that we did share that message with Albany. We will continue to share that message with the city elected officials as well. And I just want to share that you did resonate with us and we heard you and we will do everything that we can to try and make sure that that is minimized. That detrimental effect is minimized as best as we can and in our power. I just wanted to let you know that.

Thank you.

(Whereupon, an applause was given.)

MS. MARINO: I wasn't at the last meeting, but assured, I livestreamed the entire thing. So, I was here virtually and like my colleague, I was horrified by what I heard and I'm horrified by the whole idea. I think for the governor and the state legislature to blame congestion strictly on taxis is absurd in light of the high volume of online shopping and delivery trucks, pedestrian plazas, bike lines. How can you possibly pin this on taxi cabs?

We are going to do everything in our power, limited or not, rest assured, to prevent this. There has been some talks of emergency rules. I don't know if that's going to happen, but I would support that.

(Whereupon, an applause was given.)

MR. AGUADO: I will never vote for the congestion price and that has been (inaudible) before. I would never vote for it.

I will steadfastly oppose it.

(Whereupon, an applause was given.)

MS. JOSHI: I want to note a few things. In London, taxis are exempt from congestion pricing. And here, we're in a situation where the state is contemplating congestion pricing, but one sector is singled out as the one that should bare the cost of congestion pricing at the outset.

I think anyone who lives and works in Manhattan knows we have a problem with congestion. Pricing is a way to control it, but I wholeheartedly advocate for a comprehensive policy where you don't have one industry bearing the cost of congestion because we don't really know how that will work out. Will it actually deter people from bringing their personal cars in or will the price of for-hire vehicles and taxis be higher now, which will discourage people from bringing their personal cars in.

With so many questions left

unanswered, I think the sensible thing is to postpone this until there is a comprehensive congestion pricing plan that affects all people who use the roads in Midtown Manhattan.

Thank you.

(Whereupon, an applause was given.)

MS. JOSHI: With no more business for today, I make a motion for adjournment.

(Whereupon, a vote was cast.)

MS. JOSHI: All approved.

Thank you very much.

(Thereupon, the hearing was concluded at 10:44 a.m.)

C E R T I F I C A T E

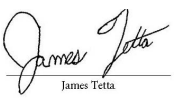
STATE OF NEW YORK)
:ss
COUNTY OF NASSAU)

I, JAMES A. TETTA, a Notary Public within and for the State of New York, do hereby certify:

That the witness whose examination is hereinbefore set forth was duly sworn and that such an examination is a true record of the testimony given by such a witness.

I further certify that I am not related to any of these parties to this action by blood or marriage, and that I am not in any way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of December, 2018.



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