

In Re Public Hearing NYC - Taxi & Limousine Commission  
December 11, 2024

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NEW YORK CITY  
TAXI & LIMOUSINE COMMISSION  
PUBLIC HEARING

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Held Remotely  
Via Zoom Videoconference  
December 11, 2024.  
10:05 a.m.

B E F O R E:  
DAVID DO  
COMMISSIONER AND CHAIR  
  
BOARD OF COMMISSIONERS:  
COMMISSIONER SARAH KAUFMAN  
COMMISSIONER THOMAS SORRENTINO  
COMMISSIONER KENNETH MITCHELL  
COMMISSIONER ELISA VELAZQUEZ  
COMMISSIONER PAUL BADER  
COMMISSIONER KENNETH Y.K. CHAN

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S P E A K E R S :

JOE RAPPAPORT

JEAN RYAN

ANNA HUMPHREY

JOSE ALTAMIRANO

MICHAEL SIMON

EMAN RIMAWI-DOSTER

AVIK KABESSA

EVAN YANKEY

DAN BRATSHPIS

KEITH GREENBAUM

JEREMY MOSKOWITZ

ANDREW GREENBLATT

CIRA ANGELES

SCOTT WOLLNEY

KAMAL AHMED

MIKE ROSE

1                   MODERATOR: Good morning. Today's public  
2 hearing is about to begin. This hearing is being  
3 conducted remotely via Zoom and is being  
4 simulcasted to the TLC's website, livestream, and  
5 Facebook accounts. All persons wishing to testify  
6 were asked to sign up in advance of the hearing.  
7 All registered speakers are joining the meeting  
8 via Zoom.

9                   If you are speaking today, your audio and  
10 video were automatically muted. When your name is  
11 called, the moderator will activate your account  
12 and you will have control of your camera and  
13 microphone. When ready, please state your name  
14 and affiliation and then proceed with your  
15 testimony.

16                   Public testimony will be limited to three  
17 minutes per speaker. Any additional comments may  
18 be submitted in writing to the Commission. When  
19 your testimony is complete, your audio and video  
20 will be muted by the moderator.

21                   A special note for our registered speakers,  
22 please ensure that your display name in the Zoom  
23 meeting matches the name that you used when you  
24 signed up to speak. This will enable the  
25 moderator to confirm that you are present in the

1 meeting.

2 Closed captioning is available for today's  
3 meeting. Thank you for your attention. I will  
4 now yield the floor to our Commissioner and Chair,  
5 David Do.

6 MR. DO: Good morning. The time is now  
7 10:06 a.m. and welcome to this public hearing on  
8 TLC's proposed rule packages. Mandated response  
9 times for the for-hire vehicle  
10 wheelchair-accessible vehicles and enhanced  
11 insurance requirements for for-hire vehicles. I  
12 am Commissioner David Do and I'm joined today by  
13 Commissioners Kaufman, Chan, Bader, Sorrentino and  
14 Mitchell.

15 This is our last hearing of the year. And  
16 before we start, I'd like to wish everyone a safe  
17 and happy holiday season. This time of year  
18 brings increased risks of people being killed or  
19 injured by drivers who are under the influence.  
20 So if you're heading out for some merry-making,  
21 don't take chances behind the vehicle, take a TLC  
22 vehicle.

23 All of our drivers receive vision zero  
24 focused training and they want your business. If  
25 you have a safe ride, tips are appreciated. On a

1 related note, I'd like to point out that as of  
2 November 6th, we've had a new New York State DMV  
3 point system in effect. Penalties for a whole  
4 host of violations, including driving under the  
5 influence, fleeing from the scene of a crash, or  
6 speeding in a work zone and passing a stopped  
7 school bus, are now much stiffer.

8 While these regulations apply to everyone,  
9 I'd like to point out that TLC drivers are already  
10 amongst the safest on the road. They drive for a  
11 living and are too often victims of bad actors.  
12 It is my hope that these rules make their  
13 workplace safer.

14 Lastly, I'd like to reflect on what an  
15 impactful year it's been. We've had some  
16 challenges, most notably was lockouts. I want to  
17 ensure everyone that we have been moving on a  
18 rule-making process to discourage future lockouts  
19 as fast as possible. Adjusting minimum pay rules  
20 is not something we undertake lightly. It is a  
21 deliberative process that requires legal and data  
22 consultations and consultation with stake-holders.

23 We hope to introduce a package before the  
24 end of the year. We will now be doing that in the  
25 coming year, along with rules for in-vehicle

1 advertising, increased upfront tip payments and,  
2 of course, our annual driver pay assessment.

3 I don't want to mention driver pay without  
4 noting that our fantastic data team, who you will  
5 hear from in a second, now has a driver pay  
6 feature up on-line. I'd like to thank them for  
7 their hard work and I encourage everyone who is  
8 interested in TLC metrics to log on to our  
9 website.

10 Now on to scheduled business. Today's  
11 proposal to amend our insurance coverage rules for  
12 for-hire vehicles is intended to better ensure  
13 that drivers, passengers, pedestrians, cyclists,  
14 and other roadway users are adequately and quickly  
15 compensated, in the event of a crash involving a  
16 TLC-licensed vehicle by an admitted product to New  
17 York City.

18 The proposal also aligns with New York  
19 State laws, including the VTL, which is the  
20 Vehicle and Traffic Law, the DMV, and the DFS  
21 regulations which require that insurance companies  
22 providing coverages are authorized to do business  
23 in New York by the Superintendent of Insurance.

24 The requirement offers added protections to  
25 vehicle owners. If a New York-authorized

1 insurance company becomes insolvent, the guarantee  
2 funds step in to provide a safety net and pay  
3 covered claims. Key proposed changes, enhanced  
4 insurance carrier requirements to facilitate the  
5 prompt payment of claims and improved tracking of  
6 required coverage, these changes call for a more  
7 comprehensive reporting to TLC, such as submitting  
8 the VIN and certificate of liability.

9 Additionally, these amendments clarify that  
10 TLC's minimum No-Fault and liability coverage  
11 requirements for TLC-licensed vehicles must be met  
12 through a single primary policy, simplifying  
13 coverage monitoring and claims processing.

14 The proposed amendments would apply to all  
15 carriers providing coverage to TLC licensees.  
16 These rules will continue to allow American  
17 Transit to renew and issue new policies, as well  
18 as they follow the DFS rules and procedures.

19 We appreciate the New York State Department  
20 of Financial Services collaborative approach and  
21 look forward to continuing to work with them,  
22 state law-makers, to support the long-term  
23 stability of the taxi and for-hire insurance  
24 industry.

25 And then I would also like to recognize

1 Commissioner Velazquez. I'm sorry I missed you at  
2 the top.

3 At this point, I want to introduce data  
4 analyst Carolyn Liu, who will now give a short  
5 presentation of why we are proposing faster  
6 response times for FHV wheelchair accessible  
7 vehicles. Carolyn.

8 MS. LIU: Thank you, Commissioner Do. Let  
9 me share my screen.

10 Hi, everyone. My name is Carolyn Liu. I  
11 am a data analyst in the policy divisions data  
12 analytics unit. Today I will be walking everyone  
13 through these slides on the current FHV WAV  
14 landscape and a bit on the analysis we performed  
15 to inform the proposed rules regarding the central  
16 dispatched wait times.

17 So, first, executive summary. The current  
18 rules of 80 percent of FHV WAV wait times is under  
19 10 minutes and 90 percent under 15 minutes are  
20 already being met. In 2023, 90 percent of WAV  
21 rides came within 10 minutes for Lyft and 88  
22 percent for Uber. And so far in 2024, that is up  
23 to October of 2024, the companies have either  
24 provided a similar level service as they did the  
25 previous year, or slightly better in Lyft's case.



1                   There has been a positive trend in the  
2                   percent of WAVs arriving in under 10 minutes. We  
3                   started at around 60 percent in 2019 and have  
4                   risen to almost 90 percent this year. So this  
5                   brings us to our proposed threshold of 90 percent  
6                   of WAV trip services completed in under 10  
7                   minutes. This will encourage companies to improve  
8                   accessibility, prevent backsliding, and exceed  
9                   typical bus headways.

10                   So a bit on the FHV WAV lead. The FHV WAV  
11                   fleet has grown tremendously over the last five or  
12                   six years. In January of 2019, there were only  
13                   339 vehicles in service, and as of October 2024,  
14                   there are over 7,600, and so far in 2024, over  
15                   8,500 drivers performed high-volume FHV trips.  
16                   This chart here shows the yearly WAV trip share  
17                   for FHV and you can see for every year since 2020  
18                   there's been year over year growth. And so far,  
19                   2024 has seen the highest share of FHV trips  
20                   completed in a WAV at just over 90 percent.

21                   So, the rest of the slides show annual  
22                   trends for wait-time thresholds. Here, we are  
23                   looking at the percentage of WAV wait times for  
24                   the 15-minute threshold and we can see that Uber  
25                   has exceeded the 90 percent under 15-minute

1 thresholds for every year since 2020. Lyft caught  
2 up in 2022. And, so far for this year, over 97  
3 percent of WAV trip services have been fulfilled  
4 in under 15 minutes.

5 This slide just shows similar to the  
6 previous slides, just for the 10-minute threshold.  
7 Both companies have been able to meet and exceed  
8 the current 80 percent in under 10-minute  
9 requirement since 2022. And Lyft, over the last  
10 two years, has actually been able to exceed the 90  
11 percent threshold, while Uber is hovering just a  
12 little bit below at the high 80s.

13 This final chart shows the industry wait  
14 times for different thresholds. 10 minutes in  
15 dark purple. Light purple is the 15 minute one.  
16 As an industry, for every year since 2020, over  
17 just about 90 percent, or at least over 90 percent  
18 have been serviced in under 15 minutes.

19 And for the 10-minute threshold, back in  
20 2019, just over 60 percent of WAV trips were  
21 fulfilled in under 10 minutes. And over the last  
22 two years the industry has kind of been rapidly  
23 approaching that 90 percent threshold.

24 And that concludes my presentation. Thank  
25 you. I'm happy to take any questions.

1                   COMMISSIONER DO: Commissioners, are there  
2 any questions?

3                   MS. KAUFMAN: I have a quick question,  
4 which is, have you seen the total number of WAV  
5 trip requests increase as well or simply the share  
6 of total trips has remained stable, while the  
7 percentage has increased?

8                   MS. LIU: I would need to look back at the  
9 data for that. I don't have the numbers for that  
10 on hand right now.

11                   MS. KAUFMAN: Thank you.

12                   COMMISSIONER DO: Are there any other  
13 questions from commissioners?

14                   Great. Okay, hearing none, I will ask  
15 Sherryl to now go through our public hearing.

16                   MS. ELUTO: Good morning. When I call your  
17 name, you can un-mute your microphone and begin  
18 your testimony. Each speaker will be allotted  
19 three minutes. This time limit will be strictly  
20 enforced. A 30-second warning will be provided  
21 and then you will need to conclude your testimony  
22 when your time is up.

23                   Today's rule proposals were published in  
24 the City Record and posted on our website on  
25 October 31st. The public comment period ends

1           today. The video of this hearing and copies of  
2           all written comments will be provided to the  
3           Commissioners, prior to the vote on these rules at  
4           the next -- before the next Commission meeting.

5                         With that, we will begin our public  
6           hearing. First, we are going to do the FHV WAVs  
7           proposal and I will call on our first speaker and  
8           that is Joseph Rappaport.

9                         Mr. Rappaport, you can begin. You need to  
10          un-mute --

11                        MR. RAPPAPORT: Yes. Yes. Yes.

12                        MS. ELUTO: There we go.

13                        MR. RAPPAPORT: Hold on. Thank you for the  
14          opportunity to testify. I'm Joe Rappaport, the  
15          Executive Director of the Brooklyn Center for  
16          Independence of the Disabled, or BCID. We are a  
17          core member of the Taxis For All campaign, which  
18          has advocated for wheelchair accessible yellow and  
19          for-hire service since 1996.

20                        We support the TLC's proposal to reduce the  
21          wait time for for-hire providers. As my  
22          colleagues, Evan Yankey, and Cathy Collins, and  
23          perhaps others, will testify today, we urge that  
24          you codify more stringent requirements over time  
25          so that service is truly equivalent.

1                   We appreciate the progress you and the  
2                   providers have made so far, however. We also want  
3                   to use this opportunity to urge you to further  
4                   change your yellow taxi accessibility rules so  
5                   that the fleet becomes 100 percent accessible, not  
6                   50 percent, to compromise the Taxis For All  
7                   campaign made 11 years ago, almost to the day.

8                   We urge you to work with us and with  
9                   drivers, particularly with drivers, to develop a  
10                  funding mechanism for a smooth transition to 100  
11                  percent over the next few years. That way, no one  
12                  will be left behind if they are looking for a  
13                  yellow taxi.

14                  And, finally, we urge you also to hold off  
15                  on abandoning the current accessible dispatch  
16                  system. Some of you may remember the late Edith  
17                  Prentiss, who headed the Taxis For All campaign  
18                  for several years. Edith pushed and pushed, as  
19                  only Edith could, for accessible dispatch, because  
20                  she knew that without 100 percent accessibility in  
21                  the yellow taxi fleet, and far from complete Uber  
22                  and Lyft accessibility, wheelchair users would  
23                  always have difficulty getting a ride. Drivers  
24                  would pass them up illegally. And in some  
25                  neighborhoods in the city, including Washington

1 Heights, where Edith lived, it would be hard to  
2 get an accessible taxi.

3 Edith was right. Now, when Uber and Lyft  
4 don't show up, when Access-A-Ride gets lost, or  
5 when someone just wants to use Yellow Cab to get  
6 home on a rainy day, accessible dispatch works for  
7 them. One huge advantage of accessible dispatch  
8 is that it's easy to use. We urge you to keep it  
9 in place, until any replacement is as easy and  
10 effective for all disabled riders.

11 Thank you for the opportunity to testify  
12 and we look forward to hearing more and for your  
13 passage of these rules. Thank you.

14 MS. ELUTO: Thank you. Our next speaker up  
15 is Jean Ryan.

16 MS. RYAN: Hello, I am Jean Ryan. Can you  
17 hear me and see me?

18 MS. ELUTO: Yes.

19 MS. RYAN: Thank you. I am Jean Ryan, a  
20 wheelchair user, President of Disabled in Action  
21 of Metropolitan New York, as well as a long-time  
22 member of Taxis for All campaign. And I agree  
23 with what Mr. Rappaport said about accessible  
24 dispatch. It's extremely important to people and  
25 we need to have a way to contact people, if their

1 ride doesn't show up. It can't just be an app.

2 Being able to call for or use an app to get  
3 spontaneous transportation in a for-hire vehicle  
4 is life changing and something that no wheelchair  
5 user takes for granted after many years of working  
6 toward it. However, it is not very spontaneous if  
7 we have to, almost always, wait longer for a WAV  
8 than upright people do. It's highly frustrating.

9 Changing the rules to require that 90  
10 percent of WAV trips have to come in 10 minutes or  
11 less is an improvement, but we want parity. What  
12 about that other 10 percent? What about when a  
13 WAV is totally not available by app or phone? How  
14 are those stats recorded? People in Eastern  
15 Queens and Eastern Brooklyn, in particular, can  
16 not get an Uber or Lyft in a timely manner. After  
17 an hour of trying, I never could get an Uber from  
18 Staten Island back to Brooklyn. I was stranded.

19 The Lyft app told me no vehicles were  
20 available on 42nd Street. How are those trips, or  
21 non-trips, recorded, when we try to get a ride and  
22 can't get one at all?

23 We need consistency. It's not good if we  
24 don't know when -- if we can get a ride and if we  
25 can get back too. The timeframe should be

1 tightened up even more, so that every time we want  
2 a ride, we can get one wherever we are.

3 Also, it's good that the actual arrival  
4 time will be recorded now. Because what the app  
5 says and what actually happens are seldom the  
6 same. Sometimes I have to wait three times longer  
7 than what the app said it would take for the  
8 vehicle to come.

9 I also object to Uber's app making  
10 wheelchair users cross the street to get to the  
11 vehicle much of the time. That is not safe, nor  
12 is the inability of most drivers to secure a  
13 safely -- or a wheelchair --

14 UNIDENTIFIED SPEAKER: 30 seconds  
15 remaining.

16 MS. RYAN: -- with securements and a  
17 seatbelt. It's almost impossible to get a driver  
18 to put our seatbelt on for us. They don't know.  
19 They said they left it at home or it's in the  
20 garage.

21 Thank you. Bye.

22 MS. ELUTO: Our next speaker is Anna  
23 Humphrey.

24 MS. HUMPHREY: Thank you for the  
25 opportunity to speak today. My name is Anna



1           Humphrey and I am the transportation community  
2           organizer for the Center for Independence of the  
3           Disabled in New York.

4           I am here to voice our strong support for  
5           the proposed amendments to the TLC's wheelchair  
6           accessible vehicle wait-time requirement. Access  
7           to reliable on-demand transportation is a right  
8           that should be equally available to all New  
9           Yorkers, regardless of physical ability. Since  
10          the implementation of wait-time benchmarks in  
11          2019, we've seen significant improvement with wait  
12          times for WAVs drastically reduced, yet as noted,  
13          WAV users still experience longer wait times than  
14          those who use non-accessible for-hire vehicles.  
15          This discrepancy is unacceptable and stands in the  
16          way of equal access.

17          The proposed update, which would require  
18          WAV dispatchers to meet a stricter standard of  
19          serving 90 percent of WAV requests in under 10  
20          minutes is a necessary step to close this service  
21          gap, although the goal should always be 100  
22          percent.

23          The increased availability of nearly 6,000  
24          WAVs in recent years is proof that was the right  
25          regulatory framework; accessible vehicle service

1 can be significantly enhanced. The stricter  
2 response times will incentivize dispatchers to  
3 continue prioritizing wheelchair-accessible trips,  
4 ultimately leveling the playing field for riders  
5 with disabilities.

6 We all deserve the right -- we all deserve  
7 the dignity of reliable timely service and these  
8 proposed challenges are essential to making that  
9 reality for the disability community.

10 I urge the TLC to adopt this rule to ensure  
11 that all riders, regardless of ability, have equal  
12 access to transportation services in New York  
13 City. Thank you.

14 MS. ELUTO: Thank you.

15 Our next speaker is Jose Altamirano.

16 MR. ALTAMIRANO: Can you hear me?

17 MS. ELUTO: Yes.

18 MR. ALTAMIRANO: Perfect. Good morning,  
19 Commissioners. My name is Jose Altamirano and I  
20 am here as President of the Livery Base Owners  
21 Association, which represents over 250 livery  
22 bases. These bases are predominantly small,  
23 family-owned businesses that play a critical role  
24 in connecting underserved communities, especially  
25 immigrants and first-generation American essential

1 services and opportunities. We are part of the  
2 Uber WAV program.

3 I am here today to express our concern  
4 about the proposed changes to increase the WAV  
5 trip dispatch compliance threshold from 80 to 90  
6 percent. While we support the efforts to improve  
7 customer experience, this rule, as currently  
8 drafted, risks proposing dis -- disproportionate  
9 and unsustainable costs on small livery bases.  
10 The current 80 percent compliance requirement  
11 already demands significant investment in dispatch  
12 technology, driver recruitment, and service  
13 coordination.

14 For smaller bases, many which operate with  
15 limited resources, meeting this threshold is a  
16 continuous challenge. Increasing the threshold to  
17 90 would amplify these challenges exponentially.  
18 Change does not account for factors beyond the  
19 base of WAVs providers control, such as traffic  
20 congestion, unpredictable driver availability, and  
21 the need to accommodate last-minute passenger  
22 requests.

23 In neighborhoods where transit options are  
24 limited, demand fluctuates. Analyzing bases  
25 falling short of even stricter thresholds would

1           jeopardize their financial stability and reduce  
2           their ability to serve these communities.

3                       As the Commission knows, this WAV program  
4           receives no subsidy grants or funding of any kind  
5           from the City of New York or the State of New  
6           York. We urge the Commission to consider the  
7           broader implications of this rule. By raising the  
8           compliance threshold, you risk exacerbating the  
9           economic strain on small businesses who use the  
10          WAV providers, reducing service availability for  
11          vulnerable populations and ultimately undermining  
12          the diversity and accessibility of our city's  
13          transportation ecosystem.

14                      The city's pedestrian-focused city planning  
15          also affects this timing. A few months ago, the  
16          FDNY testified in front of City Council that their  
17          emergency vehicles were not able to reach  
18          emergencies on a timely basis due to the city's  
19          implementation of bike lanes and bus lanes,  
20          causing the streets to get smaller and more  
21          congested and harder to navigate.

22                      Therefore, we recommend maintaining the 80  
23          percent threshold, which strikes a reasonable  
24          balance between service improvements and the  
25          operational realities of livery bases. This

1 approach will ensure the bases using the WAV  
2 program can continue providing safe, reliable and  
3 affordable transportation, while avoiding  
4 unintended harm to the communities they serve.  
5 Or, at the very least, to raise from the current  
6 80 percent threshold to 85 percent, allowing the  
7 economic strain to be more sustainable and  
8 organic.

9 UNIDENTIFIED SPEAKER: 30 seconds  
10 remaining.

11 MR. ALTAMIRANO: Thank you for the  
12 opportunity to testify today. I am happy to  
13 answer any questions the Commission may have.

14 MS. ELUTO: Thank you.

15 COMMISSIONER BADER: Can we ask a question?

16 MS. ELUTO: Sure.

17 COMMISSIONER BADER: Hello, sir. I  
18 appreciate your testimony. I presume that you saw  
19 the data that was recently put up online, relative  
20 to the current rate of response time, which is, in  
21 some places exceeds the 90 percent and in other  
22 places it is very, very close to the 90 percent.  
23 So, in essence, what we are really doing is  
24 codifying what currently exists; is that not true?

25 MR. ALTAMIRANO: It is true, Commissioner.

1           However, you're putting a rule in effect and it's  
2           almost like penalizing the program for being  
3           successful. So, if the program is being  
4           successful, it's already doing better than what  
5           you expected and now you are raising it to a  
6           point, you know, where now this is a new  
7           expectation that will have to definitely meet, by  
8           any standard, which means that now there is a  
9           financial obligation to meet or go over.

10                        Because that is how businesses work, right?  
11           We don't want to reach a position where we go  
12           under the percentages that are required. So now  
13           we have to, kind of, over -- you know, go a little  
14           over and that, obviously, cost money, cost  
15           training, drivers cost more vehicles.

16                        You know, I think this program has been  
17           doing an amazing job over the years and we're  
18           asking for something to be a little more moderate,  
19           you know, if we are doing such a good job.

20                        COMMISSIONER BADER: But you're aware that  
21           we are dealing here with a population, for a  
22           variety of reasons, life is not simplified for  
23           them, right? So we are dealing with a population  
24           here that has enough difficulty in getting around  
25           and the goal here is only to try to make it even

1 easier for a population, which has had this  
2 problem for many, many, many years.

3 So, for us all -- all of us here in the  
4 community, in a variety of ways, both in the  
5 government side and on the public side, to try to  
6 raise the standard for people who are starting  
7 with some difficulty, I think isn't that what  
8 community service, isn't that what government is  
9 all about, to try to make it easier for those who  
10 need the help the most?

11 MR. ALTAMIRANO: I agree 100 percent,  
12 Commissioner. I actually was -- I knew Edith very  
13 well and I was very saddened to hear that she  
14 passed away. We worked with her for many years.  
15 This is definitely true, what you're saying. But,  
16 like you said, "government". What you are doing  
17 as in the commissioner is putting this completely  
18 in private hands, because the government is not  
19 giving us any funding, any subsidies, any economic  
20 help in this situation, so we are doing this  
21 privately, all right. This is all being funded  
22 privately, so anyone that's part of this WAV is  
23 participating and, obviously, paying into it.

24 So, I mean, that is part of what the issue  
25 is, right. The government is trying to do this,

1 but it is doing it through private matters. We  
2 are trying to do it in a way, as we run our  
3 businesses, in a way that makes sense. And yes,  
4 we definitely want to continue to improve, to get  
5 better, but that is why we said, you know, if we  
6 go from 80 to 85, and then we continue to improve  
7 as we go along again.

8 But again, we are doing this privately, not  
9 through any help of the government, which is why  
10 our concern is an economic strain.

11 COMMISSIONER BADER: We are -- through the  
12 licensing process, the Commission licenses these  
13 vehicles and allows the industry to make money by  
14 picking up people on the street, so it's not like  
15 it's independent, they are certainly connected,  
16 okay.

17 COMMISSIONER DO: Thank you so much,  
18 Commissioner Bader. Thank you, Jose, I appreciate  
19 your time.

20 MS. ELUTO: Our next speaker up is Michael  
21 Simon.

22 MR. SIMON: Hello, Commission, and thank  
23 you for the opportunity to share my thoughts on  
24 the subject and my thoughts, in general. Alderman  
25 of many years ago said, when they decided to sell



1 medallions, there's too many cars, too many cabs,  
2 let's do something about it. So they said, okay,  
3 from now on, if you want to be a taxi you have to  
4 have a medallion. If you don't have a medallion,  
5 you can't pick up people in the City of New York  
6 who are hailing a car on the street. That's what  
7 medallion is for, then and now, because of the new  
8 E-hail, you unleash incredible numbers and  
9 contributed large part in congestion, the very  
10 thing that the medallion was meant to prevent.

11 There is no indication in the law as to how  
12 to do street hail.

13 MS. ELUTO: Sir --

14 MR. SIMON: How to do --

15 MS. ELUTO: Sir, sir, do you have comments  
16 on the rule proposal, which involves FHV, it's not  
17 taxis.

18 MR. SIMON: Okay, well, my testimony is  
19 relevant, because the apps are using our  
20 street-hail rights, as well in WAV vehicles.  
21 That's why this is relevant. Everything about  
22 this meeting is relevant to taxis, because it  
23 really affects the taxis, how you implement the  
24 WAV requirements for the app cars.

25 But I will get to this -- to that subject

1 right now, more precisely. Why should app cars be  
2 allowed to discriminate? Open up the apps, Uber,  
3 wait time between Uber X and Uber WAV, you can see  
4 that it takes longer for the disabled to get an  
5 Uber WAV. That seems like discrimination to me.  
6 Apps should have equal waiting times for the  
7 disabled passengers and non-disabled passengers.

8 That's what you're doing to yellow.  
9 Equitable treatment should be for all competitors,  
10 otherwise, it's disadvantageous to yellows and  
11 will continue their downward spiral. Not because  
12 of the requirement to be WAVS, but because it's  
13 not being applied equally.

14 Okay, I have a lot to say about the E-hail  
15 being the street hail and only cars that have  
16 medallions -- only cabs can do E-hails because an  
17 E-hail is a street hail. Thank you very much.

18 MS. ELUTO: Thank you.

19 Our next speaker is Eman Rimawi-Doster.

20 MS. DOSTER: Yes, thank you. Thank you so  
21 much. Good morning.

22 Good morning, my name is Eman Rimawi-Doster  
23 and I'm the Senior Community Organizer with New  
24 York Lawyers for the Public Interest and  
25 Disability Justice Department. We are in support

1 of this improvement on the rules. We would like  
2 to use this as a platform to highlight the need  
3 for zero-emission WAVs and for the role of the TLC  
4 they often play in creating the market for those.

5 Accessibility and environmental  
6 sustainability are paramount in the future of our  
7 city. We recently met with the TLC and they asked  
8 us to come to this wonderful City Hall hearing  
9 about TLC improvements and accessibility, but we  
10 also have concerns about them wanting to cut the  
11 call center.

12 We also want to improve driver training.  
13 Issues persist with drivers not properly securing  
14 wheelchairs. I sometimes fluctuate between using  
15 a wheelchair and a walker, because of the nature  
16 of my lupus and being a double amputee. Are  
17 trainings produced for these folks, are people  
18 with disabilities actually involved in these  
19 trainings? Sometimes seatbelt buckles are tucked  
20 underneath in the seats, which can be difficult  
21 for people to get or, as Jean Ryan said, sometimes  
22 the buckles aren't even provided at all.

23 Uber and Lyft demand that passengers  
24 sometimes cross the street to meet them, putting  
25 people with disabilities in danger of inaccessible

1 road crossings. I've had to do that multiple  
2 times.

3 We encourage the TLC to engage vehicle  
4 manufacturers, like Toyota, to develop accessible  
5 EVs. New York City is an enormous market, which  
6 could entice manufacturers to develop the first  
7 widely-used accessible EVs in the U.S.

8 Lastly, we applaud the TLC for improving  
9 the requirements that dispatchers serve at least  
10 90 percent of the WAV vehicles and WAV requests in  
11 under 10 minutes, an improvement on the former  
12 numbers of 80 percent in 10 minutes and 90 percent  
13 in 15 minutes. We support the increase and  
14 reporting requirements and we support all the  
15 changes that you guys are making to make the city  
16 more accessible.

17 I want to echo what Joe, and Jean, and Anna  
18 said about the importance of this and also that  
19 ADA compliance is definitely important for  
20 disabled New Yorkers. And as more people get more  
21 disabled, and our population is aging, we need to  
22 have more accessible vehicles for everyone.

23 Thank you so much. I appreciate being able  
24 to talk.

25 MS. ELUTO: The next speaker is Avik

1 Kabessa. Mr. Kabessa, can you un-mute your mic  
2 and begin.

3 MR. KABESSA: Sorry. Good morning,  
4 Commissioners. My name is Avik Kabessa. I'm the  
5 CEO of Carmel, board member of the Livery  
6 Roundtable, and chairman of the New York State  
7 Livery Workers' Compensation Fund.

8 Carmel services 184 cities around the U.S.  
9 and, as such, I can say here before you that there  
10 is no other city in the U.S., no other city comes  
11 even close to answering 90 percent WAV requests  
12 within 15 minutes and 80 percent within 10  
13 minutes, like we currently do in New York City.

14 In other words, we are already the shining  
15 city on the hill when it comes to WAV service. As  
16 far as what the Commissioner said about we are  
17 doing it already, the data I have seen that was  
18 presented today shows that we are not doing 90  
19 percent in 10 minutes, we are doing 97 in 15  
20 minutes and 87, 10 minutes. So, again, we already  
21 hold the highest record, as far as the U.S.

22 There is nothing wrong with wanting to push  
23 our own record. But being number one already can  
24 allow us to consider a harm such push may cause.  
25 As you know, the transitional for-hire sector is

1           complying with the current WAV rule by paying into  
2           the approved WAV dispatch program. The amount we  
3           pay is directly correlated to the number of WAV  
4           needed on the road to achieve that requirement.  
5           Adapting the proposed rule will mean increasing  
6           the number of WAVs and with it, increasing the  
7           cost of traditional bases.

8           It is no secret, traditional bases are in a  
9           dire financial state, so increasing our overall  
10          will result in greater harm than the pleasure of  
11          breaking our own amazing record.

12          Therefore, we respectfully request, Livery  
13          Roundtable respectfully requests that you vote  
14          against the WAV proposal. But if you still want  
15          to push the envelope, we ask that you do it in  
16          moderation. And as Jose from the Livery Base  
17          Owner Association said, maybe just move it from 80  
18          to 85.

19          We are proud. We are the best in the  
20          nation and we don't have to cause unintended  
21          consequences, harm to the traditional sector.

22          Thank you very much and I can answer any  
23          questions.

24          MS. ELUTO: All right, thank you.

25          Our next speaker is Evan Yankey.

1 MR. YANKEY: Good morning, everybody. My  
2 name is Evan Yankey and I'm the Advocacy Director  
3 for Brooklyn Center for Independence of the  
4 Disabled and we are here today to testify in  
5 support of efforts to reduce wait times for  
6 wheelchair accessible for-hire vehicles.

7 The proposed new rules would require  
8 dispatchers to serve 90 percent of wheelchair  
9 accessible vehicle requests in under 10 minutes  
10 and require companies to do better recording on  
11 their times.

12 More than a year ago, we met with Chairman  
13 Do to talk about this and we are pleased that TLC  
14 is moving forward. But we think another way of  
15 moving forward is to codify a tightening of these  
16 rules over time, so that response times are, in  
17 fact, equivalent to non-wheelchair accessible  
18 vehicle response times, as is required by your own  
19 rules.

20 Users who depend on these vehicles fear  
21 being stranded in fear of access to vehicle  
22 accessibility during peak usage times or when  
23 traveling in transportation deserts. With the  
24 data we saw today on for-hire vehicles achieving  
25 successes in wait time reductions, we remain

1 concerned for people in the 10 percent who are not  
2 receiving equivalent wait times and may be  
3 disproportionately impacted based on their  
4 location or needs.

5 People with disabilities in New York City  
6 can not always rely on being in a for-hire vehicle  
7 rich neighborhood when they need accessible  
8 transportation. Unless response times include  
9 even further than the proposed rule, people with  
10 disabilities will continue to face service risks  
11 that make it harder to travel around and maintain  
12 employment in the city.

13 We know that you will be hearing from other  
14 people with disabilities and organizations today  
15 who support further tightening of response times  
16 and we urge you to listen to them. Thank you.

17 MS. ELUTO: Thank you.

18 Mr. Yankey was our last speaker on this  
19 rule proposal, so now we are going to move to the  
20 other rule proposal, the restrictions on insurance  
21 regulations.

22 The first speaker up will be Dan Bratshpis.  
23 I don't think he's in the --

24 MR. BRATSHPIS: My name is Dan Bratshpis.  
25 I run the third largest TLC insurance program in



1 New York City. Since my time is limited, I won't  
2 read from the detailed document you are going to  
3 receive from me, which outlines why parts of these  
4 proposed rules are bad policy at the worst  
5 possible time. Instead, I want to take a step  
6 back and examine how we really got here.

7 The New York City TLC industry represents  
8 20 percent of all liquidations in the entire State  
9 of New York, and that isn't even taking into  
10 account the future liquidations that we are going  
11 to see, given all the recent press. So think  
12 about that for a minute. Across all the different  
13 types of insurance transacted in the huge State of  
14 New York, this agency's insurance requirements  
15 will cause more than one out of five bankruptcies  
16 that the citizens of New York will have to bail  
17 out.

18 The public motor vehicle guarantee fund,  
19 meant to protect the TLC policy holders, currently  
20 has a net balance of a whopping 7 and half million  
21 dollars, while we have a billion dollars of  
22 unfunded liabilities from the insolvent carriers  
23 that TLC accepts to this day. Each TLC licensee  
24 will be held responsible for over \$10,000 per  
25 vehicle in unfunded claims expenses and this

1 number is growing because this Commission has  
2 allowed insolvent carriers to satisfy your  
3 insurance requirements. This is just wild.

4 The industry will continue to be plagued by  
5 mismanaged and insolvent insurance carriers until  
6 real financial standards are put in place by the  
7 regulators. These responsibilities lie both with  
8 the Department of Financial Services and the New  
9 York City TLC. Every other New York City  
10 governmental department places financial standards  
11 on its insurance requirements, except the TLC.

12 To fix a pothole on Broadway, you need to  
13 bring an A and Best-rated insurance policy, but to  
14 transport a family in a cab, you allow insolvent  
15 carriers to protect them. The proposed rules  
16 today will not solve this catastrophe. It will  
17 push stable insurance companies like ours out of  
18 the market.

19 There are two parts to the proposed rules  
20 you're debating when it comes to insurance. One  
21 is to prohibit insolvent carriers from writing TLC  
22 insurance and the second is to push out surplus  
23 lines insurers. I've been told that the  
24 Commission intends to scrap the insolvent carrier  
25 rules altogether. In other words, you are going

1 to continue allowing insolvent carriers to protect  
2 the citizen, pedestrians, tourists in New York  
3 City, all while unfunded liability gets bigger and  
4 bigger. And you're proposing to kick out the only  
5 A and Best-rated financially stable insurance  
6 program in the City of New York, effectively  
7 leaving one solvent carrier in the market.

8 The TLC has as much a responsibility here  
9 as the DFS to solve --

10 UNIDENTIFIED SPEAKER: 30 seconds  
11 remaining.

12 MR. BRATSHPIS: The department should  
13 address three core areas. One, stop allowing  
14 insolvent carriers to operate in our city by  
15 setting minimum financial standards. Having one  
16 dollar of capital is not good enough to protect  
17 the citizens of New York. It's absurd that we  
18 even need to debate this.

19 Two, we need to attract financially stable  
20 insurance carriers into the market by continuing  
21 to allow pricing flexibility through surplus lines  
22 and the free trade zone, just as the TLC has  
23 allowed for 40-plus years.

24 And three, set coverage requirements so  
25 that there is no gaps in the rules, in the same

1 way that California does, insuring that coverage  
2 is maintained 24/7, 365.

3 MS. ELUTO: Thank you.

4 Our next speaker is Keith Greenbaum.

5 MR. GREENBAUM: Good morning, Chairman Do,  
6 members of the Commission. My name is Keith  
7 Greenbaum. I am here today speaking on behalf of  
8 Hereford Insurance Company. Hereford is a New  
9 York State domicile admitted insurance company.  
10 We have provided insurance services to the  
11 for-hire market in New York City for 30 years.  
12 The company is based out of Queens and employs  
13 approximately 250 employees. We work with more  
14 than 100 New York-licensed insurance brokers  
15 across the state. Hereford is a responsible and  
16 disciplined insurance company and is proud to have  
17 successfully supported this vital industry with  
18 insurance coverage throughout the last 30 years.

19 That said, we very much recognize the  
20 issues within the broader TLC insurance  
21 environment. We agree that New York City and New  
22 York State must focus on solutions to these  
23 issues. Such solutions should minimize disruption  
24 to the streets of New York and create a stable,  
25 competitive, and healthy insurance marketplace for

1 the for-hire industry. That is why we support the  
2 intent of the rules as proposed.

3 We view the proposed rules as providing  
4 elaboration for clarification of the  
5 already-existing rules. We agree with  
6 comprehensive reporting, clarifying the TLC  
7 minimum limits be met through a primary policy and  
8 that insurers providing this coverage be licensed  
9 and authorized by the New York Department of  
10 Financial Services, also referred to as being an  
11 admitted carrier. The value of being an admitted  
12 carrier is substantial. Admitted carriers are  
13 subject to strict compliance with state rules and  
14 regulations that nonadmitted carriers are not  
15 subject to.

16 Admitted carriers are required to have  
17 premium rates, rules, and policy forms approved by  
18 the DFS, through an established approval process.  
19 These consumer protections protect against unfair  
20 premium charges, deceptive policy terms, and  
21 unfair claims handling.

22 Significantly, policies issued by state  
23 admitted carriers are protected by the state's  
24 guarantee fund. Therefore, if an admitted  
25 insurance company can not pay a claim, the fund

1 will step in.

2 Hereford, by virtue of being an admitted  
3 carrier, pays an annual three percent liability  
4 premium assessment to New York State's guarantee  
5 fund. Nonadmitted carriers do not pay into the  
6 fund and its policy holders and claimants are not  
7 afforded the benefits of the guarantee fund.  
8 Allowing nonadmitted carriers to write this  
9 business would not only jeopardize the riding  
10 public, but it would harm the admitted insurance  
11 market and create a new, unstable and unsecured  
12 insurance market in an already vulnerable  
13 marketplace.

14 UNIDENTIFIED SPEAKER: 30 seconds  
15 remaining.

16 MR. GREENBAUM: In today's environment,  
17 insuring that licensees are covered by licensed  
18 companies, subject to the laws and regulations of  
19 the state and financially covered by the state's  
20 guarantee fund is common sense. This industry  
21 needs to solve its problems with reasonable  
22 regulation, not deregulation. Accordingly, the  
23 rules proposed would clarify and protect this  
24 industry from creating more problems, which,  
25 frankly, this industry could no longer afford.

1 I appreciate your time. I am available for  
2 any questions. Thank you.

3 COMMISSIONER BADER: So, sir,  
4 Mr. Greenbaum, thank you very much. We've heard  
5 testimony. Was that testimony on both sides of  
6 this issue regarding the first part relative to  
7 the solvency? Some people are saying it is not  
8 strict enough, that there should be a stricter  
9 criteria, based on a credit rating.

10 I am interested in what your thoughts are  
11 about that and what you think the impact would be,  
12 if we made it stricter on the economic financial  
13 side.

14 MR. GREENBAUM: I think that the DFS is --  
15 I don't think that the solution to the crisis is  
16 -- is -- the DFS needs to do a good job regulating  
17 its insurance companies. That is its sole purpose  
18 and I think that it is now committed to doing so  
19 and that the DFS is the appropriate entity to  
20 regulate insurance companies and their purpose is  
21 to license responsible insurance companies.

22 Now, if there's been a failure in the past,  
23 then that needs to be corrected. But it's  
24 ultimately their responsibility and they are well  
25 suited to comply with that responsibility.

1                   COMMISSIONER BADER: Okay. So, on the  
2 other side, in the past, there has been some  
3 surplus providers, as you are aware, that have  
4 provided lots of insurance for -- in the industry  
5 over the years and it hasn't really created  
6 problems, as far as we know. So why is it that  
7 you would want to change that and no longer allow  
8 those providers to continue to insure?

9                   MR. GREENBAUM: I'm sorry, I don't  
10 understand the question.

11                   COMMISSIONER BADER: In other words, you  
12 support the proposal to get rid of the surplus  
13 providers, correct?

14                   MR. GREENBAUM: No. We were under the  
15 understanding, based on the opening dialogue, that  
16 that language is being changed simply to -- we  
17 didn't really comment on that piece of the  
18 legislation. We were under the impression that is  
19 being modified.

20                   COMMISSIONER BADER: So, you are aware, of  
21 course, that almost 60 -- insurance for TLC is  
22 handled by one company that has real solvency  
23 problems, correct? So we don't know exactly, we  
24 all agree that the state is doing what they can to  
25 deal with that issue. We all hope that works out



1           beneficially.

2                     I don't like to have -- it's not a good  
3           situation where 65 percent of the policies are  
4           written by a company that is the weakest  
5           financially of all the insurance companies.

6                     How do you think that should be dealt with?

7                     MR. GREENBAUM: I agree with that. I think  
8           that the solution is baked into adequate pricing,  
9           appropriate and reasonable regulation, and  
10          enforcement of the existing rules. And I think  
11          that this is a collaboration between the city, the  
12          state, and the stakeholders.

13                    And I think that priority number one is to  
14          minimize disruption to the streets of New York  
15          City. Priority number two is to stop the bleeding  
16          of any additional insolvency through adequate  
17          actuarially determined rates. And then to  
18          incentivize and encourage other carriers into this  
19          marketplace with a healthy competitive  
20          marketplace.

21                    COMMISSIONER BADER: So, I'll give you one  
22          more question. If, hypothetically, come March,  
23          when a lot of these policies are up for renewal,  
24          this large carrier is not able to adequately  
25          provide, do you think that the rest of the

1 insurance industry in the area would be able to  
2 pick up that slack?

3 MR. GREENBAUM: I think that could  
4 definitely be considered disruptive to the streets  
5 of New York City and that is not our objective.

6 COMMISSIONER BADER: Okay, thank you.

7 MS. ELUTO: Thank you.

8 Our next speaker is Jeremy Moskowitz.

9 MR. MOSKOWITZ: Thank you.

10 Commissioner, thank you, and I want to say  
11 that I, when we speak one-on-one, I appreciate it  
12 that you always -- I feel listened to and heard.

13 With that said, these insurance rules show  
14 to me that the Commission's understanding of the  
15 current insurance crisis is uninformed,  
16 irresponsible, and ill-timed.

17 We've seen what happens when TLC makes  
18 quick rule changes without proper research,  
19 process planning, or consultation with the  
20 important stakeholders. The chaotic and  
21 surprising release of the EV licenses is proof of  
22 that.

23 I want to take a second to emphasize that  
24 rental is critical to this industry. Thousands of  
25 drivers, and our partners at the IVG see that.

1 For tens of thousands of first-generation New  
2 Yorkers, they need a solution that allows them to  
3 go abroad for two or three months, without paying  
4 fixed costs like insurance, and interest, et  
5 cetera. Even the safest driver can get rear-ended  
6 and their car is in the shop for a  
7 month-and-a-half and they need to rent.

8 Others, who have fallen on hard times,  
9 don't have the credit to finance a vehicle and  
10 they use rental to succeed in this industry.

11 Back to insurance. Rather than trying to  
12 prevent ATIC or Park Insurance from happening  
13 again, rather than finding a real solution to the  
14 New York City TLC insurance crisis, you are  
15 passing a rule that only exacerbates it for those  
16 of us who are operating responsibly, as  
17 Commissioner Bader just mentioned.

18 This would have a direct increase on rental  
19 prices in New York and an unnecessary increase.  
20 I'd rather spend -- pass that savings to drivers  
21 or invest in newer hybrid and EV vehicles.

22 I think this is a one-way street, so I  
23 can't really ask this question, but I'd like to  
24 know how being a fully admitted policy helped Park  
25 Insurance, which screwed many of us, how being a

1 fully admitted policy helped the DFS oversee ATIC,  
2 for the last 30 years, as they operated a  
3 completely irresponsible, but fully admitted,  
4 policy that some would call, not me, but others  
5 would call, maybe, a Ponzi scheme. How has New  
6 York State, DFS, oversight helped here?

7 We have an excess, or surplus policy, as  
8 the Commissioner mentioned. Our main policy is  
9 fully admitted by New York State and our excess  
10 policy is completely responsible. I have three  
11 times as many actuaries looking at my loss runs  
12 and my insurance policies loss runs than DFS has  
13 looking at any of the other insurance policies in  
14 the market.

15 My policy has an A-rating from the only  
16 national gold standard rating agency, A and Best.  
17 That means the insurance policies backed by an  
18 insurer with a proven record of billions of  
19 dollars in assets. And since our insurance --

20 UNIDENTIFIED SPEAKER: 30 seconds  
21 remaining.

22 MR. MOSKOWITZ: -- in Vermont, with the  
23 actuaries that I have mentioned that look at every  
24 little corner, I have tens of millions of dollars  
25 in assets in addition to that protecting our

1 insurance policy. It is not even a competition to  
2 compare my insurance to ATIC, and Maya, and  
3 others.

4 You've already had this, my proposal, in  
5 writing, that this excess policy should be allowed  
6 with an A and Best rating. And if the TLC  
7 continues with this rule, without a clear study  
8 and conversation with stakeholders on how this  
9 specific rule helps prevent future ATIC or Park  
10 Insurance, or you can't articulate how my  
11 insurance is more risky, then I will feel  
12 compelled to go to the City Council to create that  
13 conversation publicly for all of us for safer  
14 streets. Thank you.

15 MS. ELUTO: Thank you.

16 Our next speaker is Jose Altamirano.

17 MR. ALTAMIRANO: Good morning,  
18 Commissioners. My name is Jose Altamirano. I'm  
19 the President of Livery Base Owners Association,  
20 and the owner of El Barrio's Car Service, a livery  
21 base in East Harlem, considered northern  
22 Manhattan. LBO represents 20 percent of the FHV  
23 sector.

24 We understand it's important to TLC's goal  
25 to ensure that all vehicles operating under its

1 jurisdiction maintain adequate insurance coverage.  
2 We are currently in the midst of an insurance  
3 crisis in the FHV industry and welcome updated  
4 laws and regulations to ensure that our affiliated  
5 vehicles can operate safely while allowing the  
6 drivers to earn a living. While we support the  
7 proposed regulation, we strongly urge the  
8 Commission to implement these changes in a way  
9 that does not place additional administrative or  
10 financial burden on FHV bases, which are already  
11 facing significant challenges.

12 It is critical to highlight that drivers in  
13 the livery sector, and the rest of the FHV  
14 industry, are independent contractors, not  
15 employees. Bases send them jobs, which they  
16 accept at their discretion. Drivers are  
17 responsible for their vehicles, including  
18 maintaining appropriate insurance coverage.

19 Our concern is that the proposed  
20 requirements for a policy detailed submission and  
21 compliance monitoring may be interpreted as a duty  
22 of the livery base, rather than the vehicle owner.  
23 While we assist our drivers with administrative  
24 matters, from time to time, we must ensure that  
25 these new matters do not shift responsibility and

1 cost onto our member bases.

2 Financial pressures could discourage new  
3 drivers from entering the livery sector and drive  
4 existing drivers out, further reducing our already  
5 limited service availability for the passengers we  
6 serve. We respectfully recommend the following,  
7 prior to adopting the proposed rule: Clarify base  
8 responsibilities, ensure that any administrative  
9 changes explicitly state that the bases are not  
10 responsible for directly managing or monitoring  
11 individual driver insurance compliance, support  
12 for small businesses, provide resources, such as  
13 training or technology support, to help bases  
14 assist drivers in adapting to the new requirements  
15 without incurring additional costs, engage  
16 stakeholders, which is maintaining an open  
17 dialogue for FHV bases and drivers to assess the  
18 impact these changes and adjustments implements as  
19 needed.

20 We are committed to working with the TLC to  
21 achieve its safety and compliance goals, while  
22 balancing these priorities with the operational  
23 realities of bases like ours.

24 We can ensure a thriving equitable  
25 transportation ecosystem for all New Yorkers.

1 Thank you for your consideration.

2 MS. ELUTO: Thank you.

3 And our next speaker is Andrew Greenblatt.

4 MR. GREENBLATT: Hi, good morning. Good  
5 morning, Commissioner Do and the Taxi and  
6 Limousine Commission members. My name is Andrew  
7 Greenblatt and I am the policy director of the  
8 Independent Drivers Guild, known as the IDG.

9 Thank you for this opportunity to testify  
10 regarding the proposed regulations relating to  
11 insurance requirements for FHV's.

12 First, I'd like to apologize for the sparse  
13 attendance today of IDG drivers. At this very  
14 moment, hundreds of IDG drivers are participating  
15 in a caravan that is calling for a fair pay  
16 increase, an end to blackouts, and a solution to  
17 this insurance crisis.

18 This meeting is just about the insurance  
19 issues, so I will talk just about that. Today I  
20 am going to comment on two of the proposals. The  
21 first would require drivers to ensure that the  
22 insurance they are required to have comes from,  
23 quote, a solvent and responsible company. The  
24 second will require that all coverage, quote, must  
25 be provided by a single primary policy.



1           First, the proposals require drivers to  
2           determine if their insurance is solvent and  
3           responsible or pay the fine would be nothing short  
4           of regulatory malpractice. The State of New York  
5           financial services -- Department of Financial  
6           Services can not adequately determine this with  
7           their team of accountants, actuaries, and lawyers,  
8           all with subpoena power. It is unreasonable to  
9           believe that any driver could effectively make  
10          this determination, much less every driver.

11           Furthermore, the state has recently  
12          disclosed that insolvent companies cover close to  
13          70 percent of the existing market and if that were  
14          forced to go away in one fell swoop, it would be  
15          very disruptive to the existing market.

16           Second, the -- so, just to be clear on  
17          this, we oppose this rule change completely and in  
18          the strongest possible terms.

19           The second proposal would require drivers  
20          to have a single insurance policy, rather than a  
21          primary and secondary and our response to that is  
22          more nuanced. The current regulations allow for  
23          the \$50,000 and the excess \$150,000 to be from a  
24          secondary carrier. What this allows today is for  
25          the secondary carrier to skirt consumer

1           protections and contributions to the guarantee  
2           fund.

3                     We agree that all carriers should play by  
4           the same rules, concerning consumer protections  
5           and the guarantee fund, but we disagree that the  
6           Commission -- that the Commission, the best way to  
7           do this is to forbid any companies from creating  
8           split coverage. Instead, we --

9                     UNIDENTIFIED SPEAKER: 30 seconds  
10           remaining.

11                    MR. GREENBLATT: -- demand non-admitted  
12           carriers can allow insurance companies and brokers  
13           to continue experimenting with split coverage,  
14           hoping to lower bills and to bring much new needed  
15           -- much needed new companies into the market.

16                    I would be happy to take any questions.  
17           And I would really encourage Commissioner Bader to  
18           re-ask me the same question as to what to do about  
19           American Transit. My time is up.

20                    COMMISSIONER DO: Andrew, on your first  
21           point, I think I've made it clear that we are  
22           going to make those changes to insure that there  
23           is still competition and the appropriate carriers  
24           in the market to fulfill and renew all policies  
25           that are currently out there.

1                   And then onto your second point, if you can  
2                   clarify, both the primary and secondary should be  
3                   an admitted product?

4                   MR. GREENBLATT: Yeah, so to be admitted,  
5                   there is all kinds of consumer protections that  
6                   the state requires and also that they toss in the  
7                   three percent into the guarantee fund. I think  
8                   that's right, like you shouldn't be able to charge  
9                   less because you are doing less. So as long as  
10                  they are meeting the same requirements, and they  
11                  could get admitted, let that go ahead.

12                  There is this loophole right now, I think  
13                  you are trying to close that loophole and say,  
14                  well, since the primary has to be admitted, by  
15                  fusing the two together will make sure this  
16                  un-admitted secondary goes away, the problem isn't  
17                  that there is a secondary, the problem is that  
18                  it's un-admitted. So solve that narrower problem.  
19                  Don't get rid of what could lead to  
20                  experimentation and more insurance companies  
21                  entering the market, which we so desperately need.

22                  COMMISSIONER DO: Okay, we'll take a look  
23                  at both points. But I think on the solvent versus  
24                  insolvent question, we are definitely going to  
25                  make that change.

1 MR. GREENBLATT: Yeah, it just shouldn't be  
2 on the backs of the drivers. They can't figure  
3 this out.

4 COMMISSIONER DO: I agree with you, Andrew.  
5 So, overall, if we make those changes, IDG  
6 will be in support?

7 MR. GREENBLATT: We reserve the right to  
8 see what you come up with, but yeah, those are the  
9 two things that are talking points.

10 COMMISSIONER DO: I appreciate it.

11 Commissioner Bader, do you want to ask your  
12 question again? I don't think this is just  
13 appropriate time to look at the broader. I think  
14 we are very --

15 MR. GREENBLATT: It is one shot.

16 COMMISSIONER DO: I don't want to bring  
17 more into this conversation than just the narrow  
18 aspect of what we are addressing here today. Is  
19 that okay, Commissioner Bader?

20 COMMISSIONER BADER: Yes, that's fine. I  
21 understand that. I mean, right, we have more to  
22 go on this. There will be more discussions on  
23 this going forward and we will hear more from IDG  
24 and the other interested parties going forward,  
25 before we have to make the final decision,

1                   certainly.

2                   COMMISSIONER DO: Thank you, Andrew. I  
3                   appreciate your time today.

4                   MR. GREENBLATT: Thank you for the  
5                   opportunity.

6                   MS. ELUTO: Next speaker is Cira Angeles.

7                   MS. ANGELES: Good morning. My name is  
8                   Cira Angeles on behalf of Livery Base Owners  
9                   Association and CEO of L.A. Riverside Brokerage.  
10                  Our organization works closely with bases drivers,  
11                  helping them navigate complexities of maintaining  
12                  insurance coverage in an increasingly challenging  
13                  environment.

14                 We fully support and commend the TLC for  
15                 its ongoing efforts to protect drivers,  
16                 passengers, and businesses in the industry to the  
17                 proposed rules. The DFS, or Department of  
18                 Financial Services, through admitted carriers, has  
19                 helped sort of stabilize the TLC marketplace.  
20                 Admitted carriers become insolvent, if states  
21                 guarantee -- the states guarantee fund can step in  
22                 to pay claims, providing an essential safety net  
23                 for policy holders and claimants. On the other  
24                 hand, if a non-admitted carrier goes bankrupt,  
25                 policy holders have no such protection from the

1 state guarantee fund. Currently, there  
2 are several insolvent companies operating as  
3 admitted carriers. If these companies were not  
4 admitted carriers, the crisis in the TLC insurance  
5 market will be far worse. It will be  
6 catastrophic, to say the least.

7 Non-admitted companies could simply exit  
8 the marketplace, leaving hard-working drivers  
9 without coverage and facing the financial burden  
10 of unclaimed accident claims. Take, for example,  
11 American Transit, recently in the news with  
12 decades of insolvency. But despite the situation,  
13 they have been supported by the State Insurance  
14 Fund, showcasing the value of the regulatory  
15 protection team. This highlights why the TLC  
16 proposed rules is a practical and necessary  
17 measure.

18 Non-admitted companies lack the security  
19 and oversight needed to protect drivers, bases,  
20 and passengers. It is critical not to be misled  
21 by claims. The hybrid insurance structures offer  
22 equal protection because they do not. If a  
23 company with such structure leaves the market,  
24 drivers are left without the support of the state  
25 guarantee fund.

1 Drivers often face challenges understanding  
2 the complexities of these insurance policies and  
3 this makes them vulnerable to predatory  
4 non-admitted companies that prioritize market  
5 share and profit over claims and supporting policy  
6 holders.

7 In today's challenged insurance market,  
8 such a mandate can leave nearly all drivers out of  
9 compliance. Attractive systematic issues within  
10 the oversight of the insurance industry in  
11 fostering the collaborative environment is the way  
12 forward. That is why the --

13 UNIDENTIFIED SPEAKER: 30 seconds  
14 remaining.

15 MS. ANGELES: -- is working closely with the  
16 DFS, Commissioner Do, and the industry to bring  
17 solutions and ensure no compromises are made and  
18 prevent companies from entering a highly regulated  
19 industry without proper oversight.

20 Once again, we commend and congratulate the  
21 TLC for introducing this common sense rule. We  
22 remain committed to measures that are pro driver  
23 and prioritize consumer protections. Thank you.

24 MS. ELUTO: Thank you.

25 Our next speaker is Scott Wollney. Mr.

1 Wollney, un-mute your mic.

2 MR. WOLLNEY: I'm sorry. Can you hear me  
3 now?

4 MS. ELUTO: Yes.

5 MR. WOLLNEY: Thank you very much for the  
6 opportunity to testify. My name is Scott Wollney.  
7 I was the president and CEO of a group of  
8 insurance carriers who, for many years, provided  
9 commercial auto insurance for, approximately, 15  
10 percent of TLC plated vehicles in New York City.  
11 We are currently not operating in the New York  
12 market.

13 I express my appreciation for the actions  
14 taken by the TLC to prevent a potential crisis  
15 that threatens to displace tens of thousands of  
16 drivers from their jobs and creating increased  
17 wait times for passengers who rely on their  
18 services.

19 We believe there is an opportunity to  
20 reenter the New York City market with a meaningful  
21 amount of new capacity to support future business,  
22 provided that the changes under consideration  
23 result in an environment that enables healthy and  
24 fair competition among responsible insurance  
25 carriers and providers with collaboration between



1 the various public and private constituents in  
2 this important industry.

3 Consistent application of reasonable and  
4 appropriate rules is essential. This will provide  
5 drivers and operators with access to coverage that  
6 legitimately protects them, along with passengers  
7 and the public. Providing clarity regarding  
8 insurance requirements in the near term will  
9 enable interested parties to organize the capacity  
10 necessary.

11 It will take time and I encourage the  
12 Commission to include a reasonable phase-in period  
13 before any changes take effect. Comprehensive  
14 solutions are needed, including these key points  
15 which are further detailed in my written comments.  
16 Implementing telematics and the onboard video  
17 surveillance will foster safety and reduce claim  
18 expenses. Delivering comprehensive data and  
19 safety profiles to the industry in a timely manner  
20 will improve driver training and link insurance  
21 costs to actual risks. Reforming No-Fault  
22 thresholds will align insurance requirements with  
23 actual risk levels and ensure a fairer insurance  
24 system for all parties involved. And undertaking  
25 a comprehensive study to examine the root causes

1 contributing to the current industry challenges  
2 will identify the best long-term solutions.

3 The current proposed rule-making references  
4 solvency and responsibility. In order to attract  
5 the passing from solvent and responsible carriers,  
6 helping to control underlying expenses relating to  
7 factors such as potential fraud and inflated claim  
8 costs is important.

9 Carriers will need to be able to provide  
10 coverage at an appropriate price to support the  
11 risks they are covering, which will also require  
12 support from the New York Department of Financial  
13 Services. Any near term approach that limits  
14 competition results in a coverage vacuum will  
15 immediately impact tens of thousands of individual  
16 drivers in the five boroughs. Insurance prices  
17 will necessarily go up, but the impact can be  
18 mitigated.

19 Any proposed regulations must be  
20 implemented in a manner that allows for a  
21 sufficient period for DFS to take appropriate  
22 action --

23 UNIDENTIFIED SPEAKER: 30 seconds  
24 remaining.

25 MR. WOLLNEY: -- and for the industry to

1 work together to solve the problem.

2 I am currently operating and managing a  
3 general agency that is actively writing public  
4 automobile insurance in approximately 20 states,  
5 but not New York, based on historic challenges.  
6 We are extremely interested in deploying our  
7 experience in infrastructure to assist, however,  
8 time will be necessary to fully resolve this  
9 crisis.

10 An aligned and collaborative approach among  
11 the industry and regulators will help shorten this  
12 timeline and protect drivers and operators in this  
13 important industry.

14 Thank you for your time today. I'd be  
15 happy to participate in future discussions  
16 regarding potential solutions.

17 MS. ELUTO: Thank you.

18 Our next speaker is Kamal Ahmed.

19 MR. AHMED: Good morning, everyone. This  
20 is Kamal Ahmed. I represent my Bangladeshi  
21 drivers community that accounts for almost 20  
22 percent of entire 200,000 TLC drivers. Today I  
23 will speak on the amendment requirements. It  
24 presents FHV drivers of supporting limited  
25 problems. More expenses, less opportunity. I

1 never hear any initiative that really benefits the  
2 drivers. The drivers who does extra amount of  
3 work for the sake of their family and end up, as  
4 we call, bad drivers. We can not call them bad  
5 drivers because of their circumstances.

6 Drivers are the worst victim of rampant  
7 insurance fraud. For example, American Transit  
8 Insurance Company, that has 60 percent market  
9 sharing in the industry. This company plans to  
10 fire around three hundred million fewer dollar as  
11 a fraud claim this year. So this company produces  
12 25,000 American bills every month. We are aware a  
13 lot of medical billing fraud.

14 So my question is, who is paying the bills,  
15 the fraud, the claim, is it the driver or the  
16 insurance company?

17 Ultimately the drivers are the ones  
18 suffering as a result of the laws. And amid the  
19 situation, DFS, they suggest to increase the rest  
20 of insurance, but that doesn't help. It is going  
21 to be heating up again. So insurance risk will  
22 trigger more fraud billing or medical billing.

23 My question is, is there any amendment are  
24 going to be enacted to curtail the fraud in this  
25 FHV industry? And also, in my community, the

1           Bangladeshi drivers community will see any  
2           regulatory measures that will help increase the  
3           livelihood of the drivers.

4                     And thank you so much for giving me this  
5           opportunity.

6                     MS. ELUTO: Thank you.

7                     Our next speaker up is Avik Kabessa.

8                     MR. KABESSA: Good morning, Commissioners.  
9           My name is Avik Kabessa. I'm the CEO of Carmel,  
10          board member of the Livery Roundtable, and the  
11          Chairman of the New York State Livery Workers'  
12          Compensation Fund.

13                    The Livery Roundtable represents 200 livery  
14          bases and we strongly support the proposed rule on  
15          insurance. Admitted carriers are pro -- claims  
16          are protected by the state through the guarantee  
17          fund, in case they go out of business.  
18          Non-admitted carriers claims are not. So in this  
19          case, consumers are left with no safety net and  
20          will go after the driver for payment.

21                    To add an insult to an injury, only the  
22          admitted carriers are paying into the guarantee  
23          fund. Non-admitted do not. Admitted carriers are  
24          regulated to act in the best interest of the  
25          public, non-admitted are not.

1           Let's face it. We all like to pay less for  
2 insurance. Non-admitted carriers oppose the  
3 proposed rule, looking to bypass regulation,  
4 contribution to the guarantee fund, and offer  
5 cheap rates. To the non-admitted carriers who  
6 spoke today, first, I want to correct you and tell  
7 you that I was personally present in many events  
8 where Commissioner Do has done intensive due  
9 diligence on the issue.

10           And with it, I have only one question to  
11 them. If you are such an A-rated carrier and so  
12 superior to the current admitted carriers, why not  
13 become an admitted carrier and show them how it's  
14 done?

15           Some drivers may also oppose the proposed  
16 rules so they can buy cheap insurance. Who  
17 wouldn't? But with no regulation, no  
18 accountability, and no one to secure claims when,  
19 God forbid, an accident happens, cheap becomes  
20 very, very expensive.

21           The one thing we will ask the Commissioner  
22 to remove is the solvency condition. Solvency is  
23 the fluid situation. DFS has the power to force  
24 an admitted carrier to take action to prevent  
25 and/or reverse insolvency. So admitted carrier

1 may move in and out of solvency.

2 If we adopt the solvency condition, it will  
3 run chaos on drivers stepping in and out of  
4 compliance with this TLC requirement. The DFS  
5 ability to deal with insolvency or risk of  
6 insolvency of an admitted carrier but not with a  
7 non-admitted carrier further strengthens the fact  
8 that non-admitted carrier should not be allowed.

9 From what I understand, Commissioner Do,  
10 you are amenable to remove it, that requirement,  
11 so thank you for that. Therefore, we strongly urge  
12 the Commissioner to vote in favor --

13 UNIDENTIFIED SPEAKER: 30 seconds  
14 remaining.

15 MR. KABESSA: -- of the proposal, as I  
16 said, omitting the solvency requirement.

17 Thank you very much and I am here to answer  
18 any question.

19 MS. ELUTO: Thank you.

20 Our next and final speaker is Mike Rose.

21 MR. ROSE: Good morning, Commissioners. My  
22 name is Michael Rose. I am the President of  
23 Chauffeur Transportation Association of New  
24 Jersey, formerly the Limousine Association of New  
25 Jersey. Thank you for the opportunity to testify

1           today.

2                     The members of the Chauffeur Transportation  
3 Association of New Jersey provide prearranged  
4 chauffeured driven transportation to corporations  
5 and private clients throughout the region,  
6 especially New York City. Members must be fully  
7 licensed and insured and adhere to all applicable  
8 safety laws for our services.

9                     We play by the rules, but the proposed  
10 rules at issue will create unnecessary financial  
11 burden to our members licensed by the New York  
12 City Taxi and Limousine Commission. The TLC has  
13 proposed amendments to its vehicle insurance  
14 requirements that could significantly impact the  
15 for-hire licensees, particularly those drivers who  
16 reside in New Jersey and are members with TLC  
17 bases.

18                     The proposed rules stipulate critical  
19 conditions regarding the names on the insurance  
20 policies and the vehicle registrations,  
21 potentially creating complications for many  
22 operators. One of the core proposed changes,  
23 35RCNNY59A/12C7 mandates that the name of the  
24 policyholder on the insurance must match exactly  
25 with the name of the vehicle registered. This



1 presents a considerable challenge for FHV  
2 licensees in New Jersey, and other states, since  
3 the regulations in these states differ from those  
4 in New York, concerning leased vehicles.

5 The effect of this rule is to prevent New  
6 Jersey-based TLC drivers from leasing their  
7 vehicles. This creates an incredible financial  
8 burden on these drivers who currently lease their  
9 New Jersey-registered vehicles. For a driver, the  
10 cost to buyout a lease can exceed \$30,000 for a  
11 sedan or SUV. For a TLC base, that could cost  
12 easily more than a million dollars to buy up those  
13 leases. But that is what this rule would require.

14 If American Transit Insurance closes its  
15 doors, the expected higher insurance cost will be  
16 a double hit to these drivers and our member bases  
17 by the New York City TLC. New York allows a  
18 leased vehicle to be registered in the lessee's  
19 name. However, New Jersey Law 3934 necessitates  
20 that the lessor of a leased vehicle be the  
21 individual or company listed on the vehicle  
22 registration. As a result, FHV licensees who  
23 reside in New Jersey, and other states with  
24 similar leased vehicle registration requirements,  
25 would be precluded from leasing vehicles. Only

1 FHV licensees residing in New York could lease  
2 vehicles.

3 UNIDENTIFIED SPEAKER: 30 seconds  
4 remaining.

5 MR. ROSE: This proposed rule change  
6 contradicts the definition of owner in a New York  
7 City administrative code. According to New York  
8 City administrative code 19-502, an owner includes  
9 a lessee of any such vehicle or vehicles under a  
10 written lease. Currently, many FHV companies and  
11 individual drivers who reside in New Jersey lease  
12 vehicles and the registration for those vehicles  
13 does not reflect their name or the name of the  
14 company that holds the FHV license.

15 Until now, the FHV has allowed the city's  
16 regulations and recognize a lessee as the owner of  
17 the vehicle for FHV licensing purposes. If this  
18 rule change is implemented, residents of New  
19 Jersey and Connecticut with FHV licenses, who  
20 lease vehicles, will have to make the difficult  
21 choice either to purchase or finance vehicle  
22 outright to comply with the new regulations or  
23 surrender their licenses. This could lead to  
24 significant financial strain for many  
25 driver/owners and fleets, possibly pushing current

1 operators out of the market, without any clear  
2 regulatory benefit to the TLC.

3 The backdrop of these changes, with the  
4 ongoing insurance crisis --

5 COMMISSIONER DO: That's --

6 MR. ROSE: -- for our for-hire industry,  
7 prevents our operators from continuing to serve  
8 the riding public.

9 Thank you for your time.

10 COMMISSIONER DO: Thank you, Mike. And  
11 we'll look into your written comments as well.

12 MR. ROSE: Thank you.

13 COMMISSIONER DO: We don't want unintended  
14 consequences to a rule proposal, so we will take a  
15 look at it with our team, to make sure that some  
16 of the points that you've raised are looked at.

17 MR. ROSE: Thank you, Commissioner. Those  
18 written comments were submitted, so thank you very  
19 much for your consideration.

20 MS. ELUTO: Since this was our last  
21 speaker, Commissioner Do, do you wish to close out  
22 the hearing?

23 COMMISSIONER DO: Well, thank you everyone  
24 for your comments. We are going to take a look at  
25 all of them and propose the final version of these

1 rules that make some of the changes that we heard  
2 today and we will move forward. But thank you so  
3 much for all of the Commissioners, for also being  
4 here today, and for their input as well.

5 Before I close, I think Commissioner Bader  
6 has a comment.

7 COMMISSIONER BADER: I do. It's really a  
8 question. It's really a question, because a  
9 couple of people testified without identifying  
10 themselves, so maybe we could -- Scott Wollney  
11 said he used to handle insurance and provide  
12 insurance policies. What company is he with; do  
13 we know?

14 COMMISSIONER DO: Sherryl, do you still  
15 have the list up?

16 MS. ELUTO: She disappeared, I'm sorry, but  
17 we can find that out for you.

18 COMMISSIONER BADER: Okay. And the same  
19 thing for Jeremy Moskowitz. They did not identify  
20 themselves as to what organization or entity they  
21 represented, so --

22 MS. ELUTO: That one is for --

23 COMMISSIONER BADER: They should also be  
24 known to identify themselves before they start  
25 speaking, so that we know who they represent.

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That would be certainly helpful.

COMMISSIONER DO: We can do that.

And so Jeremy Moskowitz, I have been speaking with on this issue at length and they own Voyager Rentals and Leasing.

COMMISSIONER BADER: Okay, thank you.

COMMISSIONER DO: Thank you, Commissioner.

If there is nothing else, thank you all for participating. The time is now 11:22 and I will close this public hearing. Thank you, everybody.

(TIME NOTED: 11:22 a.m.)



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