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TRANSCRIPT OF THE

NEW YORK CITY

TAXI & LIMOUSINE COMMISSION

10:17 a.m.

Thursday, January 29, 2015

33 Beaver Street

COMMISSION HEARING ROOM, 19TH FLOOR

BOROUGH OF MANHATTAN

Reported by:

Danielle Cavanagh

1

2   HEARING CONVENED AT 10:17 A.M.

3

4   COMMISSIONERS PRESENT:

5   Meera Joshi, Chair

6   Nora Constance Marino

7   Lauvienska Polanco

8   Edward Gonzales

9   Frank Carone

10   LaShann DeArcy

11   Jacques Jiha

12

13   ALSO PRESENT:

14   Chris Wilson, General Counsel

15   Chris Tormey, Director of Applicant Licensing

16   Rodney Stiles, Director of Research and Evaluation

17   Keith Walsh, Assistant General Counsel

18   Ryan Wanttaja, Assistant General Counsel

19   Staff

20   The Public

21

22

23

                              Reported by:
24   Danielle Cavanagh

25

1   Proceedings

2   CHAIR JOSHI: Good morning. The

3   time is now 10:30, I think -- 10:17, sorry.

4   And we're going to start the Public Meeting

5   for the Taxi and Limousine Commission.

6   For the Chair's report, I first

7   want to thank everybody this week for your

8   cooperation during our blizzard, or

9   semi-blizzard, on Tuesday by staying off

10   the streets. It was a tremendous help for

11   the Department of Sanitation who did an

12   excellent job getting them cleared in

13   record time. And for everybody who's out

14   there, the weather's still bad. There's

15   still ice. So please drive safely and

16   drive slowly.

17   Next, I'd like to introduce two

18   people that will be joining the TLC in the

19   next few weeks as assistant commissioners.

20   First is Ruben Santiago, who's in the back

21   already standing right next to Ray Scanlon.

22   He's going to join as Assistant

23   Commissioner of Enforcement. He's a

24   highly-decorated retired detective second

25   grade who's been with the Business

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2   Integrity Commission now as Director of

3   Investigations and Enforcement. And we

4   look forward to him joining later this

5   month, and I'm sure everybody will get to

6   know him very well through good times and

7   bad.

8   So welcome, Ruben.

9   (Applause.)

10   CHAIR JOSHI: And next is Midori

11   Valdivia, will be joining us as an

12   Assistant Commissioner of Finance and

13   Operations. She has masters in public

14   affairs from Princeton. She has extensive

15   experience and background in transportation

16   working with the Port Authority since

17   almost 2008. She is currently Senior

18   Advisor to Pat Foy. And we really look

19   forward to bringing her on as well as

20   leveraging all her transportation

21   expertise.

22   So welcome, Midori.

23   (Applause.)

24   CHAIR JOSHI: We have a pretty long

25   Agenda today so I'm going to just move

1	Proceedings
2	quickly through to the adoption of minutes.
3	All in favor of adopting the minutes from
4	the December 19th Public Hearing.
5	(Chorus of Ayes.)
6	CHAIR JOSHI: With that, the
7	minutes are adopted.
8	Next is base applications. Chris
9	Tormey.
10	MR. TORMEY: Good morning. My name
11	is Chris Tormey, Director of Applicant
12	Licensing with the TLC. We have 17 livery
13	base applications for your determination
14	this month with 4 denials.
15	CHAIR JOSHI: All in favor of
16	accepting licensing's report and
17	recommendation.
18	(Chorus of Ayes.)
19	CHAIR JOSHI: That is accepted.
20	Last month, we had a hearing on
21	driver education rules. The rules
22	basically were sort of two big issues that
23	were changes from the rules as originally
24	published, were, one, expanding the
25	universe of drivers that will have to take

1   Proceedings

2   an education or driving school; and two,

3   eliminating the provision that would turn

4   driving school into a sole source contract

5   arrangement. So Chris will read the intro,

6   but today we'll vote on them after having

7   had the public hearing last month.

8   MR. WILSON: Yes, as the

9   Commissioner indicated, we had a public

10   hearing on these rules in December.

11   Following the public hearing, the staff

12   proposed several changes to the rules, most

13   notably to remove language that permits the

14   TLC to require that drivers take courses

15   with a single provider and to provide for

16   conditional FHV driver's license until the

17   infrastructure is in place to offer FHV

18   drivers driver-education training. Once

19   the course is available, drivers will need

20   to take the course within 90 days in order

21   to maintain their license, or as an

22   alternative, if they prefer not to wait,

23   we'll permit drivers to take taxi school

24   and have that count. The rules were

25   originally published in the City Record on

1   Proceedings

2   November 18th with a comment deadline of

3   December 18th. Over 40 written comments

4   were received, which have been provided to

5   the Commissioners. As local law requires,

6   the final resolution for Commission

7   action today -- the final rule for

8   Commission action today was posted on the

9   TLC's website on January 26, 2015 and sent

10   to the Commissioners on that date. And if

11   people are ready to vote.

12   CHAIR JOSHI: All in favor of the

13   rules.

14   (Chorus of Ayes.)

15   CHAIR JOSHI: With that, they're

16   unanimously passed.

17   Next on the Agenda is a pilot

18   resolution that is up for Commission

19   approval, which would allow a limited

20   variety of used vehicles in for taxi

21   service. Director of Research and

22   Evaluation Rodney Stiles is going to do a

23   brief presentation on the pilot.

24   MR. STILES: Thank you, Chair

25   Joshi, and good morning, Commissioners. I

1	Proceedings
2	will begin by giving you some background on
3	used vehicles in taxi service in New York,
4	and then I'll outline the plan for piloting
5	used vehicles. After, I'll take any
6	questions you might have.
7	Since 1996, the Commission has only
8	allowed new vehicles with fewer than 500
9	miles on the odometer to enter taxi
10	service. Before then, it was common for
11	owners to purchase a used taxi or even a
12	used police vehicle at auction. TLC has
13	been asked to consider allowing used
14	vehicles as taxis again, and the purpose of
15	this pilot is to see if used vehicles can
16	lower owner expenses without adversely
17	affecting public safety. In addition, the
18	pilot is a chance to see if used vehicles
19	can promote the use of the medallion-only
20	DOV lease.
21	Under the pilot, TLC would allow
22	used vehicles that are no more than two
23	years old. These used vehicles must be on
24	the list of currently-approved taxicab
25	vehicles. In addition, vehicles must have

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2   been previously licensed by TLC, either as

3   yellow taxis or FHVs. Opening up the pilot

4   to vehicles from other segments will give

5   vehicle owners the flexibility to migrate

6   between industries, if they have a current

7   vehicle they wish to bring into service

8   under the DOV model.

9   Currently, there are over 20

10   vehicle models approved for taxicab

11   service. After April 20th, 2015, only

12   those vehicles meeting the vehicle

13   specifications under the Taxi of Tomorrow

14   program will be permitted. Those with

15   vehicles on the pre-April 20th list must

16   apply to participate prior to April 20th.

17   For a used vehicle with a model year that

18   is the same or greater than the current

19   year, retirements will remain unchanged.

20   In 2015, any vehicle that is a model year

21   15 or a model year 16 can be placed into

22   service on the normal retirement schedules.

23   For those vehicles with a model year one

24   year less than the current year -- this

25   year, that would be a model-year-14

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2   vehicle -- all retirement schedules will be

3   reduced by one year. Similarly, for used

4   vehicles with a model year that is two

5   years less than the current year -- in

6   2015, this is a model-year-2013 vehicle --

7   all retirement schedules will be reduced by

8   two years.

9   During the pilot, TLC will evaluate

10   results of safety and emissions inspections

11   of the used vehicles, the costs associated

12   with the purchase and maintenance of used

13   vehicles, and passenger and driver

14   satisfaction with used vehicles.

15   Thank you for your time. I can now

16   take any questions you might have.

17   COMM. GONZALEZ: Good morning. I

18   got a quick question. As part of the

19   program, when a vehicle is going to be

20   entered into the pilot program, is there

21   provision to capture the vehicle's mileage

22   as it enters the pilot program?

23   MR. STILES: Yes. We intend to

24   capture the mileage then, and then every

25   subsequent inspection.

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2   COMM. GONZALEZ: Okay. Thank you.

3   MR. WILSON: So as was required by

4   local law, the proposed pilot resolution

5   was posted on the TLC's website on

6   January 26th and sent to the Commissioners

7   on that date. Since that time, as a result

8   of the consultations with certain industry

9   stakeholders, we have determined to limit

10   the number of possible participating

11   vehicles to 400 over the life of the pilot,

12   and it made changes to the pilot resolution

13   to reflect that. So we made three changes.

14   We have changed paragraph 1 to add the

15   sentence, "The chairperson can terminate

16   the pilot program at any time." We have

17   changed paragraph 4, number of

18   participants, to read, "The minimum number

19   of participants will be one. The maximum

20   number of vehicles eligible to participate

21   shall be 400." And then we have added to

22   paragraph 6 -- we've changed paragraph 6(f)

23   consistent with that to say, "The number of

24   participants in the pilot program is not

25   limited but the maximum number of vehicles

1   Proceedings

2   eligible to participate shall be 400. The

3   pilot program will need at least one

4   participant in order to effectively test

5   the use of used vehicles in taxicab

6   service."

7   As local law requires, the

8   Commissioners need to approve those changes

9   unanimously if we're going to keep them in

10   the proposed resolution. So the

11   Commissioners need to approve those

12   changes. All in favor.

13   COMM. MARINO: Can I just ask a

14   quick question before we vote? How are we

15   deciding who gets these first 400 vehicles?

16   I would assume that since this is going to

17   save the owners money that there will be

18   some demand for them. So what is the

19   procedure for that?

20   MR. WILSON: They'll essentially be

21   first come, first served.

22   COMM. MARINO: Easy enough.

23   CHAIR JOSHI: All in favor.

24   MR. WILSON: All in favor of the

25   changes.

14

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2   (Show of hands.)

3   MR. WILSON: So the changes were

4   approved.

5   And so now you're voting on the

6   pilot resolution as amended. All in favor.

7   (Show of hands.)

8   CHAIR JOSHI: Next, we'll have a

9   public hearing on Owner Must Drive Rules

10   package that was published December 30th, I

11   believe.

12   MR. WILSON: We actually --

13   CHAIR JOSHI: I apologize. First,

14   Keith Walsh is doing a presentation, a

15   riveting presentation on Owner Must Drive

16   reforms.

17   MR. WALSH: Were there any public

18   comments? Is that what you're asking for?

19   CHAIR JOSHI: No. First you do

20   your presentation, then they comment on

21   your presentation.

22   COMM. DEARCY: Riveting.

23   MR. WALSH: Yes, riveting is the

24   exact right word.

25   COMM. DEARCY: Riveting. I can't

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2   wait. I'm nervous for you now.

3   MR. WALSH: That's a lot to have to

4   live up to here.

5   I thank you, and good morning,

6   Commissioners. For those of you who I've

7   not met, my name is Keith Walsh. I'm an

8   Assistant General Counsel with the TLC.

9   I'll be speaking this morning on the

10   proposed revisions on the Owner Must Drive

11   rules, or OMD.

12   First, let's take a look at OMD

13   history. The original rules were passed in

14   1990. For those that are math deficient,

15   that would be 25 years ago. If you

16   remember 25 years ago, if you thought of

17   the word apple, you didn't think of

18   anything but green or red. Now when you

19   think of apple, you think of anything but

20   green or red. So a lot has changed in

21   25 years. At the point in time, the OMD

22   rules applied only to owners of independent

23   medallions. Prior to their passage, there

24   were no such driving requirements for these

25   owners.

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2   The primary purpose of the OMD

3   requirement was to promote safety and

4   customer service in the taxicab segment.

5   TLC data showed that independent medallion

6   drivers, when they operated as an

7   owner/driver, provided better customer

8   service as well as safer service.

9   The 1990 adopted rules included

10   exemption from the rules for those owners

11   who purchased their medallions prior to

12   1990, requirement that the medallion owner

13   drive the vehicle a minimum of 210 9-hour

14   shifts on a yearly basis, or approximately

15   1,900 hours, allowance for the medallion

16   owners to request a temporary waiver from

17   the driving requirement for things such as

18   medical or other limited reasons, an

19   exclusion for an inheriting spouse from the

20   OMD requirement such that the spouse would

21   be subject only to the same requirements as

22   the deceased owner. And it also included

23   penalties and fines for non-compliance.

24   These rules remained in effect for the

25   20-year period from 1990 until 2011.

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2   In 2010, a petition for rulemaking

3   involving OMD was submitted to the TLC.

4   That, along with input from industry

5   groups, resulted in the 2011 changes to the

6   OMD rules. Those changes included reducing

7   the number of shifts required to be driven

8   by the owner from 210 shifts to 180 shifts,

9   or from approximately 1,900 hours down to

10   1,600 hours; further reductions for those

11   owners age 62 or older and meeting certain

12   other requirements, those shifts were

13   reduced to 150 7-hour shifts, or

14   approximately 1,000 hours yearly. These

15   changes also introduced the allowance under

16   certain conditions for the owner to

17   designate another driver to fulfill their

18   OMD required shifts. We refer to it as the

19   independent or designated driver option.

20   And lastly, additional flexibility was

21   included in granting temporary waivers from

22   the OMD requirement, again due to medical

23   or other limited circumstances.

24   In 2014, the introduction of Mayor

25   de Blasio's Vision Zero initiative included

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2   a number of City Council actions which

3   provided for, one, driver accountability

4   when a vehicle crash results in injury or

5   death, and also changes to the TLC

6   Persistent Violator program to include DMV

7   points. So these actions along with TLC

8   further action continue to, in the process

9   of enhancing and improving the driver

10   training curriculum, which you just asked,

11   to include defensive driving and distracted

12   driving courses, as well as the remedial

13   course for the persistent violators. For

14   these efforts, the Vision Zero efforts and

15   the most-recently-passed efforts, these are

16   there to ensure that all drivers across all

17   driving segments are safer and better

18   drivers.

19   TLC still believes it's important

20   to have a medallion segment owned and

21   operated by an owner/driver. However, as a

22   result of these actions and changes

23   affecting all drivers, it is also

24   appropriate to revise the OMD rules to

25   allow more flexibility to owner/drivers of

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2   independent medallions. We are therefore

3   proposing the following changes: The first

4   proposal is to change the shift requirement

5   to an hour requirement. Drivers will

6   receive credit for each hour they drive

7   rather than credit only when completing an

8   entire shift. This change also applies to

9   inheriting spouse. Second, we propose that

10   the general rule requirement of 180 9-hour

11   shifts, or approximately 1,600 hours, be

12   reduced to only 900 hours yearly, a

13   reduction of over 40 percent.

14   Additionally, for individual owners -- that

15   is someone who is not involved in a

16   partnership or an ownership model -- those

17   that are 62 years of age or older and meet

18   certain other requirements, the proposal is

19   to reduce their driving requirement from

20   the 150 7-hour shifts, or about 1,000 hours

21   yearly, to only 600 hours yearly, again a

22   reduction of about 40 percent. For those

23   owners who do not meet the required hours,

24   depending upon the number of missed hours,

25   the fines will be reduced from the current

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2   amounts, which currently range between

3          $1,000 and $10,000 on a yearly basis, to a

4   number that's between $500 and $4,000, so

5   another great reduction there.

6   Continuing on the proposed

7   revisions, for the independent or

8   designated driver option, currently, the

9   owners are allowed this option only after

10   they have owned their medallion for a

11   minimum of 10 years and have met the

12   requirement during that period. We propose

13   to reduce this requirement to only 5 years

14   of ownership as long as they have met that

15   requirement during that period. Also, the

16   proposed rules offer flexibility in the

17   timing of when a medallion owner may choose

18   to exercise this option, such that they may

19   do so anytime during the calendar year and

20   still receive credit. And the penalty for

21   choosing to opt out of the OMD requirement

22   by selecting the independent driver option,

23   that will be reduced from the current

24         $5,000, or $2,500 if you're age 62 or

25   older, to $1,000, or $500 at age 62 or

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2   older. Lastly, we propose additional

3   flexibility in the length of time that a

4   waiver may be granted. Currently the

5   maximum time is 6 months. We ask to

6   increase this to 12 months.

7   In conclusion, we believe that

8   these proposed rules offer the independent

9   medallion owner extra greater flexibility

10   in how they may operate their business in

11   terms of the number of hours they wish to

12   drive, who and how many other drivers they

13   choose to select, and therefore, these

14   rules as proposed should be adopted.

15   COMM. JIHA: Quick question for

16   you. If safety is the issue here, why not

17   apply the same rules to all medallion

18   owners?

19   MR. WALSH: To all medallion

20   owners?

21   COMM. JIHA: Yes.

22   MR. WALSH: I would say that you're

23   exactly right, and that's what some of the

24   Vision Zero proposals have done, and other

25   TLC proposals have broadened the scope of

1   Proceedings

2   the effort on safety and customer service

3   to all drivers. At the same time, these

4   particular medallion owners, one, many of

5   them came into the system knowing that

6   these were the rules and regulations and

7   this is the requirement. And also, we know

8   that -- we hope to be able to maintain some

9   sense of connection with these drivers

10   because they're an important part of the

11   driving segment. They are people that are

12   heavily involved in driving day to day,

13   they know the business, they're out there

14   on the streets, they can be helpful to us,

15   and they can provide a good conduit of

16   information. So we think it's critical

17   that there's a maintenance of an Owner Must

18   Drive requirement and that this particular

19   population retains that requirement.

20   COMM. JIHA: Well, I applaud the

21   TLC for relaxing these rules. However, I'm

22   hoping that eventually we will eliminate

23   all these rules. From my perspective,

24   there's no reason why a retiree who owns an

25   independent taxi medallion should be

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2   treated differently than a corporate

3   medallion owner. And there's no reason why

4   there should be some kind of economic

5   burden imposed on these folks and while

6   there's none on the corporate medallion

7   owners.

8   CHAIR JOSHI: Thank you,

9   Commissioner Jiha. I just want to point

10   out one other reason. And Keith, if it was

11   in your presentation and I skipped it, I'm

12   sorry. But I think there's also two other

13   reasons that are helpful for the owner to

14   have those shift requirements: One, it

15   provides a steady stream of income that

16   they can represent to the bank when it

17   comes to financing for medallions; and two,

18   it has historically kept the price of the

19   independent medallion a little bit lower.

20   We don't know how that will play out in

21   future years making it something that years

22   back became more affordable for individual

23   owners to enter the medallion market. So

24   we'll continue to balance the restrictions

25   we put on versus the benefits they provide.

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2   And this isn't the first time we've tweaked

3   these rules. I'm sure it won't be the

4   last. But I think this is a good step in

5   the right direction.

6   COMM. JIHA: With all due respect,

7   I don't think we know better what's good

8   for them than they know for themselves.

9   The notion of having them earning income,

10   sure, if they want to earn some income they

11   would just have to drive themselves.

12   MR. WALSH: And I believe we have

13   some speakers from the industry that might

14   be on cue after me.

15   CHAIR JOSHI: Yes, we do. We

16   actually have a long list of speakers so I

17   ask everyone to respect the 3-minute time

18   limit.

19   And we'll start with Ethan Gerber.

20   MR. GERBER: Good morning,

21   Commissioners. I'll start off by saying I

22   do agree with Commissioner Jiha that a

23   total relaxation would be best, although

24   I'm here today to say I agree with the

25   changes and to say that I think the TLC's

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2   done a good job.

3   Although, as far as presentation

4   goes, I remember 2011 slightly different.

5   I'm the Executive Director of the Greater

6   New York Taxi Association. In 2011, I

7   stood with dozens of owner/operators, their

8   widows and their offspring, urging this

9   Commission to vote down changes that would

10   increase penalties for people not meeting

11   minimum hour requirements of the Owner Must

12   Drive rules. Due in large part to the

13   heartfelt pleas of those people, this

14   Commission delayed the vote and then

15   amended the rules to somewhat relax the

16   penalties. It was due to the compassion of

17   some of the commissioners -- I remember

18   Commissioner Marino in particular -- that

19   those draconian penalties were avoided and

20   ultimately relaxed.

21   Today you take a further step in

22   the right direction making the rules more

23   humane and recognizing that people who own

24   their own cabs are human beings who cannot

25   work on a regulatory timetable when they

1   Proceedings

2   encounter the normal events and sometimes

3   tragedies of life. These people, like

4   people everywhere, encounter divorces,

5   family upheaval, disease, infirmity, death.

6   Moreover, they cannot simply sell their

7   most-valuable asset just because rules say

8   they must. All the normal factors --

9   market conditions, interest rates, state

10   planning, needs, special needs, et

11   cetera -- play into these decisions.

12   Today's rules will help loosen this

13   regulatory chokehold, help older drivers

14   fit in their time periods, and ultimately

15   help maintain the value of these assets.

16   So I thank the Commission and urge

17   passage. Thank you.

18   MR. WILSON: Thank you, Mr. Gerber.

19   The next speaker is Peter Mazer.

20   MR. MAZER: Good morning, Chair

21   Joshi and Members of the Commission. I'm

22   Peter Mazer, General Counsel to the

23   Metropolitan Taxicab Board of Trade. We

24   represent the owners of approximately 5,500

25   medallions, the agents who operate many of

1   Proceedings

2   these cabs. Several hundred of the

3   taxicabs owned or operated by MTBOT members

4   are affected by the Owner Must Drive rules,

5   which are under consideration today. I

6   enthusiastically support these rules and

7   urge their immediate passage.

8   Furthermore, I commend Chair Joshi

9   and the TLC staff for thoughtfully

10   addressing an issue that has had a deep and

11   meaningful impact on thousands of

12   hardworking New Yorkers who invested their

13   lives in the yellow-taxi industry. In

14   today's rapidly-changing environment, it is

15   important to ever lay fresh eyes on how

16   various segments of the regulated

17   industries are treated and to ensure that

18   as we grow as innovators in industry we

19   never lose sight of the tens of thousands

20   of real hardworking people who make up this

21   industry, nor do we lose sight of how

22   important it is to provide them with the

23   tools they need to survive amidst

24   competition, often from under-regulated or

25   unregulated elements.

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2   Since 1990, purchasers of

3   independent medallions were required to

4   operate their vehicles personally for a

5   minimal number of period of time each year

6   or face very substantial penalties. The

7   independent medallion taxi owner is an

8   integral component on the medallion taxicab

9   industry, these proposed rules would repeal

10   some portions of existing rules which have

11   worked to the detriment of owner/operators

12   and will in fact strengthen the segment of

13   the industry.

14   In particular, we wish to highlight

15   the following changes which were

16   incorporated: The replacement of the 180

17   9-hour shift requirement with a threshold

18   number of hours which must be fulfilled

19   each year will offer owner/operators

20   greater flexibility to operate the cabs in

21   the best way to serve the public and meet

22   their personal needs. Many owners have

23   been subjected to substantial fines even

24   though they operated their taxicabs on a

25   full-time basis simply because due to

1   Proceedings

2   health or other considerations they could

3   not remain on the road 9 consecutive hours

4   every day. Since owners will now have to

5   fulfill a 900-hour requirement rather than

6   a shift requirement, they have flexibility

7   to work less than 9 consecutive hours

8   without facing thousands of dollars in

9   fines. The penalties under these proposed

10   rules are more proportionate to the

11   offense. Under existing rules, an owner is

12   required to complete 180 9-hour shifts a

13   year. An owner who fails to meet this

14   requirement by missing 10 shifts faces a

15          $1,000 fine. A driver who misses 11 shifts

16   has a $5,000 fine. This is a greater fine

17   than the driver would receive for virtually

18   any other TLC violation, including refusals

19   and overcharges. Under existing rules,

20   drivers are permitted to designated --

21   independent designated driver on a payment

22   of a $5,000 penalty. The current process

23   is confusing and very difficult to comply

24   with. As a result, few owners have taken

25   advantage of this rule. Many of those who

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2   utilized this rule in the past paid

3   substantial fines anyway because they

4   failed to comply with some technical

5   requirement. The new rules make

6   common-sense changes to these requirements.

7   And finally, the rules have extended the

8   period for which a driver can apply for a

9   hardship exemption from 2 6-month periods,

10   or 12 months in total, to 2 12-month

11   periods, or 24 months in total. Many

12   drivers have had illnesses or other

13   emergencies preventing them from fulfilling

14   their driving requirements. However, they

15   did not wish to sell their medallions since

16   they expected to recover from their

17   illnesses or have their personal hardship

18   alleviated in the foreseeable future.

19   In summary, these rules will

20   strengthen the independent taxi owner

21   segment and the rules are a good thing, and

22   at the same time recognize the needs of the

23   independent operator segment of the

24   industry.

25   And finally, we urge that these

1   Proceedings

2   rules be passed today. Thank you.

3   MR. WILSON: Thank you, Mr. Mazer.

4   The next speaker is Tweeps

5   Phillips.

6   MS. PHILLIPS: Good morning, Chair

7   Joshi and Commissioners. On behalf of the

8   Committee for Taxi Safety, we thank you for

9   this opportunity to testify on the rules

10   before you today. Just to point out, our

11   testimony actually includes comments on

12   both rule sets. So but I know that we're

13   just doing Owner Must Drive right now. So

14   we'd like to say that we support the

15   changes that have been made to the rule.

16   We think it's important that now in 2015 we

17   recognize that these rules created undue

18   financial burdens on the segment of the

19   industry. So we support what you found and

20   hope that these rules pass today.

21   I don't know if I can comment on

22   the e-hail rules now or should I wait to --

23   MR. WILSON: You're also on the

24   list for those, so we'll call you again, if

25   that's okay.

1   Proceedings

2   MS. PHILLIPS: Okay. I'll be back

3   then. Thank you.

4   MR. WILSON: Thank you.

5   The next speaker is Erhan Tuncel.

6   MR. TUNCEL: Good morning, Chair

7   Joshi, Commissioners. My name is Erhan

8   Tuncel. I'm the Managing Director of the

9   League of Mutual Taxi Owners. Thank you

10   for allowing me to testify today.

11   First of all, I would like to state

12   that we understand the purpose of the Owner

13   Must Drive rules which were put in place to

14   make sure that individual medallion

15   ownership successfully continues for the

16   future generation of taxi drivers. Ever

17   since I got involved in the taxi industry,

18   about 15 years ago, I've been personally

19   trying to make everyone understand the

20   harshness of the Owner Must Drive rules and

21   the severe consequences for the independent

22   owner/drivers who are not able to fulfill

23   the requirements of the Owner Must Drive

24   rules. If an owner/driver went out under

25   the current rules and worked 8 hours and 55

1   Proceedings

2   minutes, that 8 hours and 55 minutes would

3   not be considered a shift. So that 8 hours

4   and 55 minutes will literally be thrown

5   into the garbage as far as satisfying Owner

6   Must Drive rules, which was ridiculous in

7   my opinion. And under the new rules or the

8   proposed rules, those 8 hours and 55

9   minutes would accumulate into 900 hours

10   which makes it much easier for us to

11   fulfill the requirements.

12   On behalf of the members of the

13   League of Mutual Taxi Owners, I would like

14   to commend Commissioner Joshi and her staff

15   for recognizing the severity of the current

16   Owner Must Drive rules and realizing the

17   necessity to modify them. LOMTO fully

18   supports proposed amendments and urges you

19   all to vote in favor. Thank you very much.

20   MR. WILSON: Thank you.

21   The next speaker is David Clarke.

22   MR. CLARKE: Hello. Good morning,

23   Commissioners. My name is David Clarke.

24   I'm a commuter van driver, operator and

25   owner. The reason why I'm here today is

1   Proceedings

2   about the commuter van because the Taxi and

3   Limousine Commissioner not focusing on the

4   commuter vans.

5   MR. WILSON: Mr. Clarke, the rules

6   are actually about Owner Must Drive and

7   taxicabs, not about commuter vans. Do you

8   have comments on the Owner Must Drive rules

9   that we posted?

10   MR. CLARKE: No. I'm just here

11   about the commuter vans only.

12   MR. WILSON: There isn't a

13   commuter-van issue before the Commissioners

14   today. So if I could ask you to --

15   MR. CLARKE: Okay. Thank you.

16   CHAIR JOSHI: If you actually have

17   comments on commuter vans, I can arrange

18   for a staff member to meet you in the back

19   so we can take them.

20   MR. CLARKE: Thank you.

21   CHAIR JOSHI: Cindi Davidson is

22   right behind you.

23   MR. WILSON: Thank you, Mr. Clarke.

24   The next speaker is Nixon Jean

25   Pierre.

1   Proceedings

2   MR. PIERRE: Good morning,

3   everyone. My name is Nixon Jean Pierre. I

4   thank Commissioner Joshi and all the

5   Commissioners for meeting with us,

6   (inaudible). It was a great meeting and we

7   appreciate the outcome. I want to show

8   thanks for Commissioner Jiha. I want to

9   thank you for your statement because it is

10   exactly what we wanted but unfortunately we

11   didn't get it, but we do appreciate what we

12   get. We support the changes, so for no

13   longer have to do 180 shifts in nine hours.

14   We cannot have redesignate driver who has a

15   taxi license from -- that is given by the

16   Commission. And we do support less

17   penalties and fines. We also support the

18   waiver which is no longer at six months but

19   12 months. However, we do have some issues

20   regarding the language. The proposal

21   commission -- the Commission proposes to

22   revoke if the hours is not completed within

23   a year and if the driver missed 10 hours

24   within three years, or 100 hours within three

25   years. So I think there should be more

1   Proceedings

2   leniency when it comes to that because

3   revocation shouldn't be part of the topic

4   because we work so hard to get there. I

5   think one day we hope to have this Owner

6   Must Drive rules to be able to (inaudible)

7   of the past.

8   So we do appreciate the changes and

9   we want to continue to work with you to

10   better the industry. Thank you.

11   MR. WILSON: Thank you. And I'd

12   just like to make one note. I think we

13   almost never impose revocation for Owner

14   Must Drive. So it's actually discretionary

15   on the part of the Chair and for Owner Must

16   Drive violations it's really something we

17   almost never go for.

18   CHAIR JOSHI: If ever.

19   MR. WILSON: Pardon me?

20   CHAIR JOSHI: If ever.

21   MR. WILSON: If ever.

22   And the next speaker is Shovan

23   Barua.

24   MR. BARUA: My name is Shovan

25   Barua, and thank you for giving me the

1   Proceedings

2   opportunity to speak and thank you for the

3   Commissioner and all Members of the Board

4   here. And I'm owner/driver. I'm driving

5   almost 25 years and -- 25 years. I'm

6   driving 7 days a week, and very hard to

7   drive every day, single day, 17, 18,

8   19 hours. So not easy. I'll show you this

9   thing. If you read this paper (handing),

10   17, 18 hours per day, and all kinds of fee,

11   all kinds of taxi expense, 27,000-something

12   dollars left in the year. How I survive,

13   this money. I have two kids, both of them

14   in college, and very hard to live, this

15   money. These were statements, how much

16   money I make, now much I expense, and how

17   much money I have in the year left, and all

18   fines and regulations, it's very hard to

19   survive this business.

20   So think about owner must have to

21   drive rule and what about your proposal

22   here (inaudible) group, and I appreciate

23   you (inaudible). Thank you very much.

24   CHAIR JOSHI: Thank you.

25   MR. WILSON: Thank you. The next

1   Proceedings

2   speaker is Bill Lindauer.

3   MR. LINDAUER: Good morning. If

4   Godzilla can go from being a bad monster to

5   being a good monster defeating (inaudible)

6   Rodan, the TLC can go from being a bad

7   monster to a good monster, and these are

8   very progressive steps, and these steps are

9   ones that were championed by the New York

10   Taxi Workers Alliance and I'm proud to be a

11   member of that wonderful organization and

12   proud to be able to speak with Bhairavi.

13   She missed the bus. But good work. I'm

14   glad to see progressiveness and humaneness

15   at the TLC because a lot of the rules are

16   still onerous and the fines are heinous.

17   This is a great step. Thank you, Meera,

18   and the Commissioners.

19   MR. WILSON: Thank you. And the

20   next speaker is Bhairavi Desai.

21   MS. DESAI: I caught my bus. Good

22   morning. I'm Bhairavi Desai, Executive

23   Director of the New York Taxi Workers

24   Alliance.

25   I just really wanted to echo what

1   Proceedings

2   Bill had said. I remember a couple years

3   ago when the changes were first made to the

4   Owner Must Drive rule and, you know, we've

5   been really supportive, that individual

6   owners who wanted to lease their medallion,

7   particularly to drivers, individual

8   drivers, you know, as DOV operators to take

9   over their shift obligation, that's

10   something we had championed and we were

11   really pleased to see it pass. We

12   continually said that the fine amount of

13   5,000 was too onerous and we'd all seen

14   that for many individuals, you know, who

15   didn't want to take that option still

16   wanted to continue to drive but couldn't

17   make the 180-shift requirement. So we're

18   really pleased to see that the TLC was able

19   to work with several segments in the

20   industry and come up with this rule's

21   proposal, and so just wanted to add our

22   support to. Thank you.

23   MR. WILSON: Thank you.

24   And the last speaker is Hardev

25   Otal.

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2   MR. OTAL: Good morning, everybody.

3   My name is Hardev Otal. I own the

4   individual medallion since 1993 and I'm

5   still driving that medallion. And like you

6   said today, after 62 age, we have to drive

7   certain hours or certain shifts. I'm

8   asking everybody, what is the retirement

9   age in a taxi driver? And other things,

10   like when we're driving, there's so many

11   problems on the street. Like a pedestrian,

12   they keep walking on don't-walk signs. And

13   I think this should be eliminated after 62

14   age or 66, whatever the age is of

15   retirement. Thank you.

16   MR. WILSON: Thank you. Do any of

17   the Commissioners have comments, questions?

18   COMM. CARONE: Just a quick comment

19   before we vote on that. I listened to

20   Commissioner Jiha. I think I agree with

21   your assessment. I do recall the hearing

22   in 2011 the same way that Ethan Gerber

23   does. And it was a contentious, emotional

24   hearing. I think it was in the Bronx, if

25   I'm not mistaken. And it's certainly,

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2   don't want to throw the baby out with the

3   bath water. And we're moving in the right

4   direction but if we're continually watering

5   it down, in the light of Vision Zero where

6   we're kind of taking safety from a more

7   universal perspective, I think it's time to

8   really look at these rules and try to

9   eliminate them.

10   COMM. DEARCY: Thank you. I want

11   to thank Commissioner Jiha for his

12   comments. I too recall the hearing in

13   2011. It happened to be my first hearing

14   so it was memorable for a number of

15   reasons. I am also persuaded by the

16   comments that you made, Commissioner. And

17   I have to say, Commissioner Joshi, I am not

18   persuaded necessarily by the notion that

19   these rules are necessary to assist drivers

20   in demonstrating their credit-worthiness.

21   I would urge that the Commission look into

22   the rationale that you offered with respect

23   to the impact of the shift requirements on

24   the cost of the medallions. But while I am

25   wholeheartedly in favor of these rules

1   Proceedings

2   because I do believe they are a step in the

3   right direction, if given the opportunity

4   and if formulated properly, I suspect that

5   I would vote for rules that were either

6   further watered down or eliminated the

7   requirements altogether. But today

8   obviously I would vote for these rules.

9   But I urge the Commission to take a long

10   hard look at whether or not it's

11   appropriate for these rules to be in place

12   going forward.

13   COMM. MARINO: I'd like to echo

14   Commissioner DeArcy's words. You took the

15   words right out of my mouth, frankly. And

16   I clearly remember the 2011 hearing as

17   well. I don't think -- it's like having

18   our foot around someone's throat and I

19   don't think it's necessary. But these

20   rules are a tremendous improvement today

21   and I do want to commend you and your staff

22   for drafting them. And as Commissioner

23   DeArcy said, we need to take continued

24   steps. This matter's not over today, but

25   these rules are really well-written today

1   Proceedings

2   compared to what exists.

3   CHAIR JOSHI: So what I'd like -- I

4   think I wasn't at the 2011 hearing. Maybe

5   that's a good thing. But what I can say is

6   a lot has changed since 2011, and some of

7   the rationales that had been put forward

8   with relation to depressing the medallion

9   price of the independent medallion may not

10   be so forceful today. And I think your

11   point on is credit worthiness -- I mean,

12   that's another rationale that it's shown a

13   constant stream of income that makes it

14   easier or credit unions to give loans,

15   there are other ways to prove that. We

16   have records that show how often a cab is

17   driven. That's a good example. But I

18   think that what we've see with these rules

19   is every so often we're revisiting the

20   rules, but I do believe the next best

21   course of action would be to go ahead on

22   the improvements that we've formulated so

23   far and make sure that we pay close

24   attention because we're willing and open

25   obviously to further amend the rules. It

1   Proceedings

2   seems like the right thing to do and it

3   sounds like a lot of Commissioners feel

4   like that is where we need to eventually

5   end up. So what I'd suggest is that we

6   vote on the rules as drafted today and keep

7   it on as an agenda item to keep reviewing

8   in the future.

9   MR. WILSON: So let me do the

10   couple of administerial things. These

11   rules were published in the City Record on

12   December 30th with a comment deadline of

13   January 29th. Four written comments were

14   received, all of which have been provided

15   to the Commissioners. Based on staff

16   feedback, following publication, we made

17   several mostly technical changes to the

18   rule. These included cleaning up

19   references to the holding period to 5

20   years, and we found several references to

21   shifts, which we changed to hours to be

22   consistent throughout. As local law

23   requires, the final rule for Commission

24   action was posted on the TLC's website on

25   January 26th and sent to the Commissioners

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2   on that date. All in favor.

3   (Chorus of Ayes.)

4   (Applause.)

5   CHAIR JOSHI: Next on the Agenda is

6   our presentation and public hearing on our

7   proposed e-hail rules that would make

8   e-hail providers licensees of the TLC. And

9   Ryan Wanttaja will do our e-hail

10   presentation.

11   MR. WANTTAJA: All right. Good

12   morning, Commissioners. My name is Ryan

13   Wanttaja, Assistant General Counsel for the

14   TLC. I'm here today to talk about the

15   proposed e-hail rules which seek to make

16   permanent the e-hail pilot.

17   COMM. MARINO: Madam Chair, is this

18   a vote today or just a hearing?

19   CHAIR JOSHI: I think we might be

20   in a position to have a hearing and a vote

21   but we'll take testimony and see where the

22   Commissioners are afterwards.

23   COMM. MARINO: I just want to make

24   a comment. I did have a previous

25   appointment today. I informed Madam Chair.

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2   So if I do leave during anyone's comment, I

3   apologize in advance. I'm not being rude.

4   I had a commitment conflict today.

5   MR. WANTTAJA: I'll try to get

6   through the presentation as quickly as

7   possible.

8   By means of background, e-hails

9   have been a taxi service for almost two

10   years as part of our e-hail pilot program.

11   Since April 26th, 2013 to present, TLC has

12   been testing e-hails in taxi service. For

13   those of you who might be unfamiliar,

14   e-hailing allows a passenger to make a

15   taxi-pickup request through his or her

16   smart phone. Basically it extends a hand

17   hail allowing taxi drivers to see around

18   corners and increases fare opportunities.

19   As the pilot progressed, we found

20   both passengers and drivers have become

21   more adept at using e-hail. Fulfillment

22   rates have increased from 25 percent at the

23   beginning of the pilot to 63 percent more

24   recently. Additionally, 479,424 unique

25   passengers requested e-hails during this

1   Proceedings

2   pilot and 8,407 taxi drivers serviced

3   e-hail trips. So e-hail is becoming quite

4   popular with both passengers and drivers.

5   But while e-hail adoption has increased

6   over time, e-hail remains a relatively

7   small share of all the taxi trips. Less

8   than half of 1 percent of all taxi trips

9   originate as an e-hail. We're finding

10   e-hails are servicing areas with

11   historically low taxi traffic, 65.3 percent

12   of all e-hail trips were picked up north of

13   110th Street in Manhattan or in the outer

14   boroughs whereas only 6 percent of all taxi

15   trips were picked up in those locations.

16   Additionally, TLC passenger surveys

17   have found that e-hail service has been

18   utilized by people of all ages, including

19   senior citizens who make up over a quarter

20   of reported app users. Safety and

21   service-refusal complaints are at similar

22   or lower levels as compared to before the

23   pilot. And DMV data indicates e-hail

24   drivers get into collisions at a lower rate

25   than non e-hail drivers. About 6 percent

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2   of all e-hail-using drivers have been in a

3   collision during a time period whereas 8.4

4   percent of all non e-hail-using drivers

5   were in a collision.

6   FHV licensees in all categories,

7   including drivers, vehicles and bases,

8   continue to rise. And given the low volume

9   of trips that are e-hailed, the overall

10   financial impact of both FHV and medallion

11   industries has been small.

12   In conclusion, the data evaluated

13   by TLC suggests that e-hail apps increases

14   the efficiency by which passengers and

15   drivers are connected in certain

16   lower-traffic areas, and they do so without

17   negatively impacting the FHV industry or

18   the general taxi-hailing public.

19   As I mentioned, the rules seek to

20   make permanent the e-hail pilot program

21   with a few new requirements. Passengers

22   may e-hail any taxis or SHL anywhere in the

23   city with the exception of the airports and

24   areas where SHLs are restricted from

25   picking up. The pilot program applied to

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2   only to taxis. We've expanded that to

3   include SHLs as well. Another new and

4   important feature is that passengers may

5   now e-hail a wheelchair-accessible vehicle

6   using an e-hail app. So e-hail apps must

7   offer a mechanism by means to e-hail a

8   wheelchair-accessible vehicle as part of

9   their app.

10   A continuation with pilot, all

11   fares must be calculated using the taxi

12   meter. There will be no manual entry of

13   the fare allowed. Everybody that e-hails a

14   taxi trip will get the metered fare.

15   E-payments or paying for the fare using the

16   app is optional, but if the app does offer

17   e-payments, it must me integrated into the

18   existing backseat equipment. Use of an

19   e-hail app is restricted when the vehicle

20   is in motion to prevent distracted driving,

21   only permitting acceptance of an e-hail

22   with a single touch. And a continuation of

23   the pilot, drivers are limited to using one

24   e-hail device at a time.

25   App providers must adhere to data

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2   security standards including PCI

3   certification for credit card payment if

4   the app offers credit card payment. And

5   another new requirement is e-hail providers

6   must meet data privacy requirements.

7   We believe these requirements will

8   bolster an already-successful pilot

9   program. Thank you for your time, and I'm

10   happy to answer any questions.

11   CHAIR JOSHI: If nobody has

12   questions, we'll move straight to the

13   public hearing. And our first speaker will

14   be Council Member Ben Kallos.

15   MR. KALLOS: Good morning, Chair

16   Joshi and Commissioners of the Taxi and

17   Limousine Commission, as well as

18   Commissioner Jiha. How are you doing?

19   Good to see all of you. I'm Council Member

20   Ben Kallos. For those of you watching

21   online, those of you in the audience, you

22   can tweet me @benkallos. I represent the

23   Upper East Side, Midtown East, Roosevelt

24   Island and El Barrio. Thank you for this

25   important hearing and opportunity to

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2   testify to the TLC's proposed rules to

3   establish a permanent e-hail rules for New

4   York City.

5   For my constituents, taxicabs and

6   livery cars are not a luxury but an

7   essential part of public transportation

8   network. According to the 2014 Taxicab

9   Fact Book, yellow cabs provide an average

10   of 485,000 trips per day to 600,000

11   passengers, moving 236 million passengers

12   per year with 90.3 percent of those pickups

13   happening in Manhattan. With a single

14   subway line that is overcapacity and bus

15   service rated worst in the city by the

16   Straphangers, the Upper East Side relies on

17   yellow cabs for public transportation. My

18   constituents use cabs to go to work,

19   meetings, doctor's appointments, TLC

20   hearings, and everything else where

21   transportation's essential. If you don't

22   believe me, just try to hail a cab in the

23   morning. Technology has recently disrupted

24   the transportation industry bringing many

25   advances and efficiencies. The current

1   Proceedings

2   rules as proposed by the TLC recognize the

3   need for these efficiencies and innovation.

4   To that end, I support these rules as a

5   good start for government that must adapt

6   to disruption improving services for every

7   New Yorker.

8   Nearly two years ago, TLC

9   authorized a pilot program to offer e-hails

10   to New York City's passengers. According

11   to report by the TLC which evaluated this

12   program, even under the limited scope of

13   the pilot, an average of 7,000 e-hails were

14   received by participating drivers each day.

15   Not surprisingly, 66 percent of these came

16   from Northern Manhattan and the outer

17   boroughs. This data proves that most areas

18   of our city could benefit substantially

19   from an expanded e-hail marketplace to

20   supplement our transit options,

21   particularly areas where cabs are not

22   ubiquitous and street hailing is difficult.

23   As we now seek to finalize rules

24   for permanent e-hail marketplace, we must

25   ensure fair access, fair competition and

1   Proceedings

2   fair pricing. While the rules as a whole

3   take us in a very positive direction, two

4   key components are missing, an open API and

5   a New York City TLC e-hail app. I propose

6   legislation which does exactly that, and I

7   urge this body to seize the moment and

8   incorporate these changes into the rules

9   while supporting legislation to codify your

10   regulations into law. The universal app is

11   only possible through a New York City TLC

12   e-hail app with an open application program

13   interface or API that will allow both the

14   City, the app and any third-party app to

15   access and to e-hail all 13,637 yellow cabs

16   and 6,000 green cabs through a single

17   button on their T and LPEP system

18   regardless of the app used by the

19   passenger. The TLC Commission must have

20   its own app so that the riding public has

21   the option of going through the TLC base

22   system. Only by creating a universal app

23   with an open API can we ensure that there

24   will be critical mass of vehicles ready,

25   willing and able to answer a call. This

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2   will not prevent the Ubers or Hailos or

3   Lyfts of the world. It would create an

4   alternative through the already-great

5   yellow and green infrastructure.

6   Under existing and proposed

7   regulations, passengers and drivers are

8   app-dependent providing a marketing advance

9   to an app with the biggest fleet. An open

10   API connects all passengers to 19,637 cabs

11   that they choose to access e-hails leveling

12   competitions so the best app can win, and

13   creating a win, win, win for app

14   developers, drivers, and most importantly,

15   passengers. Currently, five apps are

16   permitted to participate: Uber, Curb,

17   formerly know as Taxi Magic, VeriFone,

18   Creative Mobile Technologies consolidated

19   with Mobile Knowledge Systems, and Hailo,

20   that withdrew from the New York City

21   marketplace. In all honesty, I've only

22   heard of one of these apps. For

23   comparison's sake, on Google Play, Uber has

24   between 10 and 50 million passenger app

25   installs with 100 to 500,000 driver app

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2   installs; while Curb has between 500,000

3   and a million passenger app installs and 5

4   to 10 thousand driver app installs. A

5   passenger could install Curb, but good luck

6   finding a driver using their app. That

7   passenger is most likely going to try Curb

8   app once, see that it provides no drivers,

9   then move on to Uber, and so much for

10   competition. Don't get me wrong. I hope

11   all five are successful, but only an API

12   that makes all 19,637 medallions available

13   to all passengers through all apps provide

14   a truly level playing field where new apps

15   can compete.

16   While on the Taxi Dave Show on WOR

17   at 7:10 a.m., a yellow cab driver called in

18   to share that he had picked up a passenger

19   via street hail although he and his

20   passenger were attempting to find an e-hail

21   using Uber. Regulations fail to require

22   that apps display all available yellow and

23   green cabs while protections provide to

24   undermine legislation with required an app

25   to display all vehicles. This prevents an

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2   app from hiding eligible yellow and green

3   cabs in order to steer passengers to their

4   own vehicle where the app company can earn

5   greater profit.

6   In a Christmas Eve e-mail to

7   customers, Uber announced it was charging

8   customers a $2 booking fee to use this

9   e-hailing app for yellow and green taxis.

10   Regulations proposed by the TLC fail to

11   regulate anticompetitive practices that

12   disincentivize the use in yellow and green

13   cabs in favor of using an app's own fleet.

14   Regulations must adopt the same protections

15   as proposed under my legislation which cap

16   fees on apps using an open API and provide

17   a free option to every passenger through a

18   New York City TLC e-hail app.

19   Uber continues to defend its

20   practice of surge pricing including

21   charging 2.8 times the normal fare to New

22   York City passengers during the recent

23   winter storm when the MTA was shut down

24   leaving many stranded. Meanwhile,

25   according to the 2014 Taxicab Fact Book,

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2   the average fare for a yellow cab was only

3          $13.40 compared to $37.52, or 2.8 times

4   that fare. The regulations fail to

5   (inaudible) surge pricing while protections

6   proposed under my legislation would

7   guarantee passengers a metered fare no

8   matter whether conditions or demands had

9   increased. Lift has accused Uber of

10   bait-and-switch tactics. The regulations

11   failed to address bait-and-switch tactics

12   while protections proposed under my

13   legislation would forbid apps using

14   e-hailing from discriminating against

15   yellow or green cabs as well as from

16   influencing passengers to use a vehicle

17   that is not yellow or green. This would

18   stop apps from hiding yellow or green cabs,

19   from displaying flash screens, soliciting

20   passengers to use other vehicles with or

21   without incentives or other anticompetitive

22   tactics.

23   I have enclosed a copy of the

24   legislation in addition to passing new

25   regulations as amended with (inaudible) as

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2   well as others. I hope to have a

3   resolution from the TLC in support of my

4   legislation, would not only codify your

5   regulations but provide additional

6   protections.

7   I'd like to close by commending the

8   TLC on the work you've done thus far to

9   foster an e-hail marketplace in New York

10   City. I also will continue (inaudible)

11   approach by adopting these changes and New

12   Yorkers are able to access competitive and

13   fair marketplace, and TLC has the ability

14   to make sure every single New Yorker can

15   hail a cab anytime they want to get where

16   they're going as fast as possible.

17   Thank you so very much.

18   COMM. MARINO: May I make a

19   comment, Madam Chair?

20   Thank you, Councilman, for that

21   very-detailed proposal. I must admit, I

22   didn't understand all that technical

23   stuff -- I'm still on API -- but I actually

24   just got a new smart phone and Uber was

25   pre-installed and I could not believe it.

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2   It was pre-installed on the Samsung phone.

3   So I'm all for encouraging competition and

4   it sounds like your legislation is very

5   well-thought-out. I don't quite understand

6   how it ties all of the apps in together and

7   what the logistics in technology is to make

8   that work. I'm assuming you figured all of

9   that out or someone has.

10   MR. WANTTAJA: I'm a software

11   developer and lawyer.

12   COMM. MARINO: Oh, okay. Well, I

13   think the proposal sounds excellent and I

14   think it will be great for the city and the

15   industry.

16   MR. WANTTAJA: Thank you. Any

17   other questions or comments?

18   COMM. JIHA: Are you asking for the

19   city to develop an app itself or are you

20   asking the city to integrate all apps into

21   some kind of platform?

22   MR. WANTTAJA: Two separate apps.

23   The first app is for the TLC to either

24   build or license an app that would be the

25   New York City-branded app so you know that

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2   it's trustworthy, you know it's safe, it's
3   got the checkers on it, and anyone can use
4   it. And that being said, the technology
5   marketplace moves so very quickly so I know
6   that the very best we can hope to do as a
7   city is to build a baseline, a product that
8   we know works that anyone can use that
9   doesn't have any additional fees and will
10   just work. But in terms of for the bells
11   and whistles, I also understand we need to
12   have a place where there is room for
13   third-party actors like Uber, Lyft, or
14   whoever chooses to enter the marketplace to
15   compete. So the idea is every time a
16   yellow or green cab presses the "I'm
17   available for e-hails" through their
18   TPEP/LPEP system, that would go to a
19   computer and it would be listed on that
20   computer and that computer would have what
21   is called an API, and any app would be able
22   to go to that computer and say, Hey, do
23   have any cabs near 81st and York where Ben
24   Kallos is trying to hail a cab? And it
25   would spit it back the same way to the city

1   Proceedings

2   app as it would to Uber or Curb or

3   whomever, and in so doing, it means that

4   all 19,637 vehicles could be made

5   available. So the first piece is an app.

6   The second piece is this API that would be

7   open to all. And it would be something

8   that the City had ownership over so that we

9   wouldn't be dependent on a TPEP or LPEP

10   vendor to open up their own system.

11   Thank you so very much. And while

12   I'm here, I just want to thank all the

13   drivers for getting me and so many hundreds

14   of thousands of other New Yorkers where

15   they need to go every morning.

16   CHAIR JOSHI: Thank you very much.

17   MR. WILSON: Thank you.

18   And the next speaker is Ethan

19   Gerber.

20   MR. GERBER: I'm Ethan Gerber, the

21   Executive Director of the Greater New York

22   Taxi Association, the progressive leader of

23   the taxi industry. We promoted many of the

24   changes that transformed our industry, the

25   first fleets to be hybrid, to be wheelchair

1   Proceedings

2   accessible, to use credit cards before

3   these were mandated.

4   Today, we are in a time of rapid

5   transition. App companies like Uber and

6   Lyft who spend hundreds of millions of

7   dollars promoting their technology as

8   disrupters of the industries you regulate,

9   that you promote, in the case of

10   medallions, that you have sold to the

11   public. At the same time, they are taking

12   the public position that they are not

13   transportation companies at all, and

14   therefore, beyond the regulation of this

15   body and bodies like this throughout the

16   world. Recently, they have made fools of

17   the Commission objectively refusing to

18   follow your disclosure rules, your

19   disclosure directives, and then playing a

20   shell game so as soon as you shut down one

21   base they move all their vehicles to

22   another base.

23   Today you make several positive

24   advancements and we support those changes

25   and the effort that the TLC and staff has

1   Proceedings

2   recently made to come to grips with these

3   rapid changes. We agree with the app

4   companies about one thing, and that is that

5   they say when they're confronted by

6   regulators they are not transportation

7   companies, they're technology companies.

8   We, the for-hire transportation industries

9   cannot and do not compete with technology.

10   We are a highly-regulated infrastructure

11   that has been gradually modified and

12   improved since the creation of the

13   medallion system back in 1937. We need to

14   integrate technology into our structure to

15   improve our service and offer an

16   alternative to the app companies which

17   flaunt their lack of respect to the rules

18   and regulators throughout the nation and

19   the world. While the rules today are an

20   improvement over the premature and

21   hastily-design pilot program which

22   devastated all your regulated industries,

23   the better solution, one we have urged for

24   every year is what you just heard, Council

25   Member Kallos, a uniformed taxi and

1   Proceedings

2   street-hail livery app, one that is in all

3   yellow and green cabs and interacts with

4   TPEP and LPEP, and where multiple companies

5   can enter the market through an open API

6   platform. (Inaudible) multiple vendors to

7   the riding public, will be one interface on

8   your smart phone, one monitored like TPEP,

9   by the TLC, only by having one such

10   interface of all 14,000 yellows and

11   eventually perhaps 18,000 street-hail

12   liveries where there'll be critical mass so

13   that there will be enough vehicles to make

14   the program (inaudible) work. This will be

15   supported by both the yellow and green

16   industries. I've met with the leaders of

17   both. And also by the disabled, would be

18   able to designate an accessible vehicle by

19   simply pushing a button.

20   I salute Councilman Ben Kallos for

21   his foresight in proposing a plan like

22   this. I note that America's second and

23   third largest cities, Los Angeles and

24   Chicago, are now beginning to implement

25   these changes, changes that would provide

1   Proceedings

2   great alternative through their regulated

3   predictable industries so that passengers

4   do not have to wrestle with price gouging,

5   privacy violations, lack of oversight and

6   accountability that is played (inaudible)

7   world. There is a place for these

8   companies, but the regulated brick and

9   water of New York for-hire companies should

10   be allowed to compete on an equal footing.

11   Thank you, Madam Chair, for the

12   improvements your team has made. I ask you

13   to join Councilman Kallos in the next big

14   step which will proudly put our taxi

15   industry back in its rightful place as the

16   best and most advanced taxi industry in the

17   nation. Thank you.

18   MR. WILSON: Thank you, Mr. Gerber.

19   The next speaker is Michael Simon.

20   MR. SIMON: Good morning,

21   Commissioners. My name is Michael Simon.

22   I'm a medallion owner. I bought my

23   medallions rightfully. I didn't steal

24   them. And I believe that there should be

25   some obligations for that purchase.

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2   The last rate increase went

3   100 percent to the drivers. It's all been

4   lost to the ride shares. At that time, the

5   TLC had concern for yellow cab drivers and

6   taxi drivers were really doing well, but no

7   more. When it is slow, it is slower. And

8   when it is busy, it is less busy. I figure

9   taxis are grossing about 25 percent less so

10   drivers are also earning about 25 percent

11   less due to ride shares. The TLC would

12   find it impossible under current conditions

13   to correct this. If it were to improve an

14   eventual meter rate increase, ride shares

15   would just keep its prices steady --

16   MR. WILSON: Mr. Simon, do you have

17   comments on the e-hail rules before the

18   Commissioners?

19   MR. SIMON: Yes, it is, because it

20   all relates. These e-hail rules are

21   playing very important roles in almost the

22   entire industry. So everything I'm saying

23   I believe is relevant.

24   COMM. MARINO: Does he support the

25   rules?

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2   MR. SIMON: I support the rules,

3   yes.

4   The ride shares would just keep its

5   prices steady and the rate increase would

6   produce nothing because taxis would lose

7   passengers to the ride shares. The

8   functioning of a regulated and nonregulated

9   player in the same class of service is

10   impossible. The regulated service would

11   have to stand down. And this is not right.

12   Why would a player who hasn't bought these

13   rights have the upper hand to those who

14   haven't? How can an individual medallion

15   owner or a mini-fleet operator who needs

16   drivers compete against the likes of Uber

17   which offer substantial sums of money to

18   drivers and then supports their income? We

19   are not talking about large fleets here.

20   We are talking about minis and individuals.

21   The situation as it stands now is demeaning

22   to the taxi owner who sees that what he has

23   paid for others have gotten free. The

24   people of New York deserve the income

25   produced from the sale of taxi medallions

1   Proceedings

2   for items like pre-K and affordable

3   housing. The TLC should seek the highest

4   price for medallions at auction. And the

5   City has every right to pass rules that

6   enable it to sell medallions at the highest

7   possible price when its proceeds go for the

8   public good. A private company that has

9   only the interest of making money for its

10   shareholders should not be part of this

11   discussion.

12   In years to come, taxis and

13   Uber-like cars will morph into identical

14   forms. Why would you choose the one who

15   hasn't paid for those rights to be a taxi

16   over the one who has paid? That makes

17   absolutely no sense. Ride shares are a fad

18   and should not play an oversized role in

19   changing your policy on the long-standing

20   progress the TLC has made in improving the

21   lives of taxi drivers. The TLC should keep

22   the integrity of the medallions strong as a

23   preeminent investment to the for-hire

24   industry.

25   MR. WILSON: I'll ask you to sum

1   Proceedings

2   up.

3   MR. SIMON: Okay. I don't have too

4   much more. Taxis and for-hire bases have

5   different ways of billing. Taxis use a

6   metered rate and the cost is calculated at

7   the end of the ride. For-hire services use

8   the quote system so that before the ride

9   begins, the rider knows how much it costs.

10   But ride shares are using a smart phone and

11   GPS as a taxi meter. The telephone has

12   taken on many purposes and one of them is

13   the ability to meter a ride. Just like

14   there are different forms of telling time,

15   watches, clocks, et cetera, there are

16   different forms of metering. The telephone

17   GPS is a meter and it is being used for the

18   same purpose as a taxi meter.

19   MR. WILSON: Mr. Simon, I'm going

20   to have to ask you to stop.

21   MR. SIMON: Okay.

22   MR. WILSON: Thank you.

23   Let the record reflect that

24   Commissioner Marino departed at 11:25.

25   The next speaker is George Laszlo.

1   Proceedings

2   MR. LASZLO: Commissioners, good

3   morning. Is it still morning? I'm not

4   sure.

5   First, I want to thank Councilman

6   Kallos for showing up today. There's only

7   one thing that he forgot to do, which is to

8   ask you not to vote on this today. Is he

9   still here? And if so, could you make that

10   request?

11   My main objective for being in

12   front of you today -- by the way, I'm the

13   Executive Director of the Taxi and

14   Limousine Research Center, a relatively new

15   organization, so many of you may not be

16   familiar with that. One of the things that

17   sets us apart is that we are actually not

18   involved in the industry directly; in other

19   words, we have no financial interest, we

20   don't drive cabs, we're not an insurance

21   company, we're not selling taxis. So we

22   are actually looking out for the best

23   interest of the riders and the drivers

24   essentially. My main objective for coming

25   to you today is to make sure that you do

1   Proceedings

2   not vote on this rule today. Ms. Marino

3   rightfully and clearly stated that she does

4   not truly understand the software

5   implications, the IT implications. Well, I

6   will tell you that what you have here today

7   is actually going to be disastrous to what

8   you're trying to accomplish.

9   But my main point that I wanted to

10   make to you is one that wasn't on the slide

11   that was presented earlier. That has to do

12   with a surge pricing I think the council

13   member also alluded to. I think that

14   you're going to undermine the entire yellow

15   and green cab industry by accepting this as

16   part of the provisions. I have started to

17   call this particular rule that you're

18   trying put through today as the hail and

19   farewell act because you do not understand

20   the consequences, the unintended

21   consequences, of the terms that are in this

22   rule -- are in these rules. I've read it

23   from top to bottom. I gave and submitted

24   to you all the reasons why this is a bad,

25   badly, badly-written rule. Many provisions

1   Proceedings

2   of it are bad.

3   My key objection for the surge

4   pricing, there's no provision at all for a

5   reduction of fares, which, by the way, you

6   have a ceiling on overcharging, which, of

7   course, will be now eliminated by surge

8   pricing because it's accepted somewhere

9   else in the rules. But you do not stop

10   companies from actually lowering fares,

11   which is exactly what's going to happen to

12   eliminate competition. You do not

13   understand that. You have not looked at

14   the ramifications of that. The third one

15   is that this bidirectional integration

16   between existing TPEP and LPEP systems --

17   and by the way, I'm also an IT guy, so I

18   understand what's required here, and I

19   discussed this with you before, two years

20   ago, when you were trying to get more TPEP

21   and LPEP vendors, which, by the way, never

22   happened. So you do not understand really

23   truly the implications of having to

24   integrate this thing. My major concern is

25   that communication is required for

1   Proceedings

2   bidirectional data transfer. And drivers

3   today, if you ask, they'll tell you that

4   they have trouble completing transactions.

5   And if an app does not allow you to do cash

6   payments, then you can't finish the fares.

7   It's as simple as that.

8   Fourth, you have -- there are

9   dozens and dozens of pages about getting an

10   exempt -- sorry, only a single sentence

11   that allows the Commissioner at her sole

12   discretion, his sole discretion, to

13   basically allow someone to not do the

14   integration with TPEP or LPEP. May I ask

15   why the Commissioner should be put in this

16   position to making that sole decision?

17   Shouldn't the entire committee here or all

18   the members make that decision instead?

19   It's just bad. You have dozens and dozens

20   of pages requiring how TPEP and LPEP and

21   apps are going to be integrated. But you

22   actually have only one sentence which

23   completely eliminates all of it, all of it.

24   So you need to stop that.

25   Next, the wheelchair-access issue.

1   Proceedings

2   There are -- it's subtle but I have to tell

3   you that the way --

4   MR. WILSON: I must ask you to

5   finish up since you're at three minutes.

6   MR. LASZLO: Okay. I will go back

7   just for a moment if I may to just give you

8   a scenario. A few days ago we had a

9   blizzard. Ms. Joshi, you alluded to it

10   earlier. Imagine if the governor, like he

11   did, stopped the MTA from operating, but

12   imagine also that Mayor de Blasio did not

13   put an 11:00 curfew on. So what would

14   happen to a poor woman who's working at

15   Penn Station at McDonald's who tries to get

16   home to Carroll Gardens, tries to get a cab

17   outside, not a single yellow light, white

18   light, on the yellow cab or green cab on

19   there, because all the drivers are now

20   using the apps and they're looking for

21   higher fares. You're allowing surge

22   pricing. So she goes to her phone and

23   looks it up and says, Well, oh, my God,

24   it's going to cost me $80 to get to Carroll

25   Gardens. I can't afford that. That's

1   Proceedings

2   higher than my wages today. So she's going

3   to go trudge home through the snow, try to

4   get across the Brooklyn Bridge, and maybe

5   she'll get run over by someone who's going

6   too fast, perhaps by a black-car driver --

7   CHAIR JOSHI: I think it's time to

8   sum up. We have several people after you.

9   But we get your point. I think Chris is

10   going to clarify, there might be some

11   confusion on the difference between a

12   service fee and surge pricing. There's

13   nothing in our rules that permits surge

14   pricing. There is the metered fare --

15   MR. LASZLO: There's language in

16   there that uses the word surge. Thank you

17   very much. But again, I would urge all of

18   you not to vote today.

19   CHAIR JOSHI: Chris will respond

20   with a few clarifications to your

21   testimony.

22   MR. WILSON: Yes. The proposed

23   rule does not permit surge pricing in

24   taxicabs. The fare in taxicabs, whether

25   it's from an e-hail or a street hail, it's

1   Proceedings

2   supposed to be the metered fare. The meter

3   is supposed to go on as (inaudible) the

4   vehicle. The proposed e-hail rules do

5   permit an e-hail app provider charge a

6   service fee for the use of the app. In

7   most cases, we found those to be

8   (inaudible).

9   Finally, in terms of the

10   hypothetical with vehicle availability from

11   the storm, we note that although there are

12   in total number a fair number of e-hail

13   rides, when (inaudible) the number of total

14   taxi trips that began with an e-hail is

15   relatively small, 5 percent.

16   FEMALE SPEAKER: Less than half a

17   percent.

18   MR. WILSON: So I'm not sure that

19   e-hail or no e-hail would've affected the

20   outcome in the scenario at Penn Station or

21   in the blizzard at all.

22   And then the next speaker is Jeremy

23   Phillips.

24   MR. PHILLIPS: Hello. My name is

25   Jeremy Phillips. I'm the Vice President of

1   Proceedings

2   Business Development for Curb. We were

3   formerly called Taxi Magic. Our corporate

4   name is RideCharge, Inc. and we are an

5   approved e-hail vendor to the TLC e-hail

6   pilot program. Curb is an app that

7   connects people to safe, reliable rides

8   from professional drivers. We only work

9   with fully licensed and insured taxicab

10   drivers. We currently partner with over 90

11   taxi companies in 60 U.S. cities and our

12   technology powers millions of rides per

13   month across the country.

14   I'm speaking on behalf of Curb in

15   support of the continuation of the TLC's

16   e-hail program as a set of rules. We

17   believe that e-hail provides for choice and

18   convenience for all New Yorkers and helps

19   New York City taxi drivers better serve all

20   the boroughs. However, in order for e-hail

21   to reach its fullest potential and prove

22   successful for drivers and riders, TPEP

23   integrations for booking is essential.

24   Currently, there is no rule that requires

25   TPEP vendors to allow the transmission of

1   Proceedings

2   e-hail bookings to the TPEP's front seat

3   driver information monitors or to TPEP's

4   mobile data terminal. That's the front

5   seat computer that the driver gets messages

6   on, which drivers are already trained to

7   use. In our 60 markets, we've leveraged

8   that existing driver information monitor,

9   or sometimes it's called an MDT. We

10   leveraged that existing in-cab

11   infrastructure to send millions of our

12   trips to the tens of thousands of drivers

13   on our platform including in New York City

14   as part of the accessible dispatch program.

15   We power the Wheels On Wheels app. The

16   trips go to the driver's DIM already. By

17   integrating with the available in-cab

18   dispatching technology that's already

19   available in the taxis in New York City, we

20   are able to ensure that drivers see our

21   trips on the hardware that they are already

22   trained to use rather than requiring them

23   to divert their attention to additional

24   devices in the cab. Preserving safety and

25   efficiency of the e-hail program hinges on

1   Proceedings

2   the ability for all participants to be able

3   to send trips to drivers via this DIM or

4   MDT. As a result, TPEP vendors, CMT and

5   VeriFone, must be compelled under

6   commercially-reasonable terms to do so.

7   Additionally, through integration to the

8   TPEP and/or the meter in the 60 markets

9   that we currently operate in, we only send

10   trips to the drivers that are available in

11   seeking those new riders. Not all drivers

12   are created equal. Some are on trips and

13   not looking for additional trips at that

14   very moment, some don't want to be on the

15   e-hail program at all. Such meter

16   integrations already exist in New York City

17   and the TPEP vendors have access to the

18   information required for this integration.

19   We argue that cab availability

20   through the TPEP and/or meter integration

21   should be made available to all e-hail

22   vendors for free or at very least under

23   commercially-reasonable terms at most. It

24   is essential to know whether a cab is

25   available in seeking a trip before offering

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2   them another ride. Having access to cab

3   availability data would, again, increase

4   efficiency and preserve the integrity of

5   the e-hail program by ensuring that

6   available drivers receive trips from as

7   many sources as possible and have the

8   opportunity to serve as many New Yorkers

9   and others as they can.

10   Curb have tested and deployed our

11   integration throughout the country with

12   mobile knowledge in CMT and we have a clear

13   track record of success. We ourselves are

14   the TPEP-equivalent vendor in over 45

15   markets including Chicago, L.A. and D.C.

16   Therefore, we know that being a TPEP vendor

17   in New York City is lucrative enough

18   without assessing fees to e-hail providers

19   for the DIM and meter integrations that

20   would make the e-hail program a real

21   success. We currently have open

22   applications with TLC to be a TPEP and LPEP

23   vendor for this very reason.

24   We cannot stress enough our support

25   of the continuation of e-hail program

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2   contingent upon the (inaudible) certain

3   rules that will encourage all e-hail

4   vendors to work together and pursue a

5   safer, more reliable program and effective

6   program overall.

7   Any questions?

8   MR. WILSON: Thank you.

9   CHAIR JOSHI: I just want to

10   respond to your point about integration for

11   driver availability. That's not currently

12   part of the package. It's definitely

13   something that's -- it's an interesting

14   point and we want to have a better

15   understanding of whether it's necessary to

16   regulate in that arena or not, and it's

17   something we'll be keeping our eyes on as

18   we go forward with licensed e-hail and look

19   forward to your continued input as we move

20   into the e-hail world here in New York.

21   MR. PHILLIPS: Thank you.

22   MR. WILSON: The next speaker is

23   Richard Thaler.

24   MR. THALER: Chair Joshi and

25   Commissioners, my name is Richard Thaler.

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2   I'm speaking as a resident of New York City

3   and an industry consultant.

4   First, I would like to say that I

5   couldn't disagree more with the unfavorable

6   comments made about these e-hail rules. I

7   just got the impression that the previous

8   commentators have not read or understood

9   the e-hail rules. I think the e-hail

10   rules, reading them carefully, will promote

11   the most open-market innovation possible,

12   in fact that every licensed e-hail vendor

13   would be compliant with the objectives

14   previously stated, especially by Council

15   Member Kallos.

16   My technical comments are the

17   following: Regarding the rule requiring a

18   TPEP/LPEP provider to provide an API for an

19   e-hail provider to receive the fare

20   elements from the taximeter when the

21   taximeter is timed off, the API requirement

22   should be modified in order to avoid an

23   additional point of failure to the e-hail

24   fare payment process. If the API enables

25   the transfer of taximeter fare elements by

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2   means of a web host API, although the delay

3   for the e-hail app to receive the fare data

4   may be only a few seconds, poor cellular

5   coverage may increase the delay or cause a

6   failure of the e-hail app to receive the

7   fare data. Therefore, as a minimum, the

8   API should be required to enable the NFC,

9   the near field communication, card reader

10   to support transponder communication to the

11   e-hail smart phone app where the NFC reader

12   will transmit the fare data to the smart

13   phone NFC interrogator API, and that would

14   be the java JSR-257 totally inside the

15   vehicle. As long as the communication of

16   the fare data is confined to the taxi, poor

17   cellular coverage cannot cause a failure.

18   However, if the TPEP/LPEP system fails, the

19   passenger should be allowed to key enter

20   the fare elements so at least they can pay

21   the fare using the e-hail app.

22   Alternatively, an API requiring the use of

23   Bluetooth low energy communications between

24   the TPEP/LPEP system and the passenger

25   smart phone e-hail payment smart phone app

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2   could be considered.

3   Next, drivers should be required to

4   log in at the start of each shift with an

5   e-hail registration code so that the system

6   would then begin to track the availability

7   of these vehicles and the location.

8   The PIM should add the e-hail fare

9   payment option to the cash and card payment

10   types, so the passenger can select that

11   e-hail registration code of the driver.

12   If a lease driver is allowed to use

13   only -- and this is -- I didn't understand

14   this part of the rule -- if a lease driver

15   is allowed to use only one device for

16   e-hail, the smart phone, and e-hail fare

17   payment, is a driver allowed to use their

18   own mobile if the taxi owner installs what

19   you call a permanent device? If a

20   permanent device is installed, would every

21   approved e-hail provider be required to

22   install their e-hail app in the permanent

23   device even though the device may not be

24   able to support the specific e-hail

25   application requirements?

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2   Just a few more things. Regarding

3   the API documentation that the TPEP/LPEP

4   vendors must provide to the TLC for

5   distribution, hopefully the API that would

6   be would provided by TPEP and LPEP would be

7   given to the TLC for distribution to all

8   applicants through the TLC, so they

9   wouldn't be dealing directly with the

10   TPEP/LPEP providers.

11   Now, these requirements should

12   include the following: Standard format --

13   just give me about a minute -- standard

14   format for API library and language, if

15   it's getting the information over the

16   Internet, it should be an REST API, if NFC,

17   java for Android or Objective-C for Apple;

18   reference guide for documentation in API

19   libraries be provided, certainly should

20   provide the documentation necessary to

21   develop the system; a software application

22   supporting a taximeter interface to enable

23   e-hail applicants to develop and test

24   e-hail apps, because if the developer --

25   MR. WILSON: Can I ask you to wrap

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2   it up, please.

3   MR. THALER: I am. If the

4   developer doesn't have the documentation,

5   how can they complete the application? And

6   finally, the TLC should provide all API

7   documentation to each e-hail applicant when

8   the applicant notifies their intention to

9   file an application. Thank you.

10   MR. WILSON: Thank you.

11   The next speaker is Anthony

12   Parrizzi.

13   MR. PARRIZZI: Good morning,

14   Commissioners, and good morning, Chair

15   Joshi. My name is Anthony Parrizzi. I'm a

16   CEO Board Member of NuRide Transportation

17   Group. We're a transportation solutions

18   company. Basically, we provide technology

19   in grand transportation. And right now

20   we're preparing to launch our base under

21   the brand LaPuma. We do support the e-hail

22   app, the technology. We're a big fan of

23   it. We're in the process of also providing

24   wheelchair-accessible vehicles into the

25   industry. We have allocated funds to

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2   purchase over 150 vehicles. We find that

3   after speaking to the disabled community,

4   the e-hail app is one of a great benefit to

5   that community. Our Senior Advisor and

6   Board Member, former Governor David

7   Patterson, feels very strongly about this,

8   that we should definitely continue to push

9   for the e-hail application. We're very

10   excited about it. I'm excited about being

11   here and also being part of the TLC and

12   look forward to successfully launching the

13   e-hail apps.

14   Thank you. Any questions?

15   CHAIR JOSHI: Nice and brief.

16   Thank you.

17   MR. WILSON: Thank you.

18   The next speaker is Peter Mazer.

19   MR. MAZER: Good morning. I am

20   Peter Mazer, General Counsel to the

21   Metropolitan Taxicab Board of Trade. I

22   speak in support of the proposed e-hail

23   rules and urge their passage.

24   Almost two years ago, the Taxi and

25   Limousine Commission approved the 12-month

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2   pilot program to test e-hail in New York

3   City taxicabs. It's now time to make this

4   program permanent and to provide the yellow

5   taxicab passengers with long-term

6   assurances that they will be able to e-hail

7   a yellow taxi, that a taxi will charge a

8   reliable and regulated rated fare

9   calculated on the meter approved by New

10   York State Bureau of Weights and Measures,

11   that the taxi passengers' consumer rights

12   and credit card security is protected

13   through the highly-regulated taxi medallion

14   system and the TLC. E-hailing is here to

15   stay and can be a helpful tool to taxi

16   passengers and taxi drivers alike.

17   As the Commission has reported in

18   its findings concerning the pilot program,

19   many of the concerns raised by some who are

20   opposed to e-hailing in taxicabs simply

21   have not come to pass. Drivers using

22   e-hailing apps are no more likely to be

23   involved in accidents than other drivers.

24   Refusals and overcharges have not increased

25   through use of e-hailing. Incidents of

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2   dangerous driving, cell phone use, have in

3   fact decreased, according to TLC data. And

4   significantly, e-hailing has most often

5   occurred outside the central business

6   district so yellow cabs have become more

7   common players in Northern Manhattan and

8   the boroughs.

9   The proposals require certain

10   elements in the program that will protect

11   the public. First and foremost, all e-hail

12   app providers must be licensed by the TLC.

13   Since the owners of the apps must obtain

14   and maintain a license to continue in

15   business, the city and the TLC has some

16   assurances that rules will be followed

17   because there's too much at stake for an

18   operator who chooses not to comply with the

19   TLC Rules, whether it be to provide reports

20   and data or just ensure that the apps work

21   correctly and that the right fares are

22   charged and that the payments are

23   processed.

24   Second, any app must work

25   exclusively with the taximeter. The

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2   integrity of the meter and the assurance

3   that a true and correct fare will be

4   charged to all passengers is the hallmark

5   of the yellow taxicab industry. Drivers

6   who overcharge passengers face license

7   revocation, and rightfully so. With the

8   e-hail program, there will be no virtual

9   meters allowed in yellow cabs, no

10   unapproved devices for calculating fares.

11   Every passenger using an app will know the

12   basis for calculating a fare on a trip.

13   Third, only metered rates or fares

14   can be charged. There'll be no unapproved

15   surge pricing or other forms of price

16   gouging that routinely occur at the whims

17   of certain individual app companies that

18   operate in the black car and livery

19   industries.

20   Fourth, these rules are inclusive

21   and welcoming to any and all e-hailing apps

22   that comply with the rules. The rules do

23   not pick favorites, do not exclude anybody,

24   and they do what good regulation should do,

25   which is to linnovate while protecting the

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2   public and not at the expense of the

3   public, and to regulate by respecting

4   industry participants like drivers and

5   owners and not working against them.

6   Finally, all fares will work

7   through the existing TPEP and LPEP, so

8   there will be a record of all trips and

9   integrity and security in the processing of

10   all payments. These are also important

11   passenger safety features. E-hailing is

12   not intended to replace the customary

13   methods of obtaining a taxicab, as set

14   forth in the definition of hail. In the

15   central business district, at most hours

16   passengers will still be able to raise

17   their hand and get a cab. However,

18   e-hailing will assist the provision of

19   taxicab services at off-hours when cabs are

20   scarcer and in areas where there may not be

21   as many taxicabs available for hire.

22   E-hailing will be a means to improve

23   taxicabs' efficiency and utilization.

24   So in conclusion, I'll just say

25   that e-hailing will revolutionize the

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2   iconic New York City taxicab market in much

3   the way the TPEP revolutionized the taxicab

4   industry, and LPEP the SHL industry.

5   E-hailing is a win-win model for New York

6   City taxicabs, expanding service, safety

7   and reliability, and we urge the immediate

8   passage of these rules.

9   MR. WILSON: Thank you.

10   The next speaker is Tweeps

11   Phillips.

12   MS. PHILLIPS: Hello again. My

13   name is Tweeps Phillips and I'm the

14   Executive Director of the Committee for

15   Taxi Safety. I gave you my testimony

16   earlier which has a more-detailed outline

17   of our issues with the rule set in front of

18   you, but I'll just quickly go through some

19   issues.

20   We'd like to point out that an

21   e-hail is a hail, whether it is to hail a

22   taxi or used in Uber. This fact cannot be

23   divorced from one another because street

24   hail is as instantaneous as an act of the

25   smart phone e-hail app can provide. We

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2   urge you to look at and address how

3   black-car apps like Uber have operated

4   without a regulatory framework in New York

5   City.

6   Secondly, the Commission has

7   mandated that any yellow-taxi app that

8   wishes to offer a seamless pay through the

9   app service integrate with the current two

10   TPEP providers. Since both of these e-hail

11   providers wish to compete with app makers

12   for e-hail business, they have successfully

13   become gatekeepers shutting out other

14   innovative app makers. Competitors should

15   not be allowed to dictate terms of how they

16   will accept competition. Perhaps

17   Councilman Ben Kallos's universal e-hail

18   bill would help to level the playing field

19   between the yellow-taxi and the black-car

20   e-hail world.

21   Thank you again for the opportunity

22   to speak to you today, and if you have any

23   questions, I'm happy to answer them.

24   MR. WILSON: Thank you.

25   The next speaker is Bijou Mathew.

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2   MR. MATHEW: Good morning,

3   Commissioner Joshi and the rest of the

4   Commissioners. My name is Bijou Mathew and

5   I am in the leadership of the New York Taxi

6   Workers Alliance and the National Taxi

7   Workers Alliance, and I also have a second

8   hat that I wear as a tenured professor of

9   information systems at a university in New

10   Jersey.

11   There are many, many things that I

12   could comment on in relation to the apps,

13   to the rules, but I will limit my comments

14   to two specific ones because I think in the

15   general forward-moving direction that we

16   are all committed to, these are the two

17   things that I think we really need to pay

18   attention to: The first is there's been a

19   lot of talk in this hall today about the

20   concept of open API. Councilman Kallos

21   pointed to it as well as several other

22   speakers and I think we need to start

23   implementing some of those standards right

24   now in these set of rules that are going to

25   be passed. For instance, I mean, simply

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2   put, if I am trying to enter the market and

3   if I have to go to the TPEP vendors and try

4   and get the interface details, it is going

5   to be a problem within a structure of a

6   market that is controlled by two TPEP

7   vendors. I think it's really crucial.

8   We've established this as a standard across

9   the world. More than 15 years ago the

10   federal government, the court system,

11   everybody put it into place that even large

12   operators like Microsoft just put their API

13   details out, they should be published, and

14   that any market entrance should be able to

15   see those standards and operate by them

16   instead of having to go and request for it.

17   So I would actually say that either they

18   should be, by these rules, forced to

19   publish the APIs openly rather than having

20   to be sought from them and/or they should

21   have to be handed over to the TLC and the

22   TLC can publish them. I think this whole

23   idea of having to go to the TPEP vendors on

24   your knees and ask for this stuff is just

25   ridiculous. I think it's just

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2   counterproductive, it is against

3   established standards, and we are moving

4   backwards if we do that.

5   Second is the whole question of how

6   much the TPEP vendors are allowed to

7   charge, how much the per-transaction rate

8   that's allowed to be charged in this whole

9   thing, $0.05. The cost of data storage in

10   the United States and the rest of the world

11   has collapsed dramatically over the last

12   decade, over the last five years, over the

13   last three years. Today, it's less than I

14   would say $0.02 to store a gigabyte of data

15   and better than security and better than

16   handling costs, and you'll have a maximum

17   of $0.05 to $0.10 per gigabyte of data.

18   And here we are giving away $0.05 for a

19   transaction. That's ridiculous. I mean,

20   if you really evaluate the cost of data

21   storage per transaction, it would be so

22   negligible that you'll have to approximate

23   it to zero. So you'll have to take a

24   conglomerate of transactions, a thousand

25   transactions, and say a thousand

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2   transactions may be worth $0.05 for $0.10

3   or $0.15. That's the level at which -- I

4   mean, the cost of data storage has

5   collapsed in the United States between 2007

6   and today. That is in the last seven years

7   by over 700 percent.

8   MR. WILSON: Can I ask you to sum

9   up, please.

10   MR. MATHEW: Sure. So I would just

11   urge that you completely -- I would say

12   that the cost of data storage that is being

13   afforded per transaction cost should be

14   less than $0.01. Thank you so much.

15   MR. WILSON: Thank you. The next

16   speaker is Bhairavi Desai.

17   MS. DESAI: Good morning again.

18   I'm Bhairavi Desai, Executive Director of

19   the New York Taxi Workers Alliance.

20   So Bijou was really speak about the

21   technical aspects of the proposed rules. I

22   wanted to focus generally on other aspects

23   of it. Of course we're in favor of the

24   e-hail program and we're pleased to see the

25   TLC on looking to make these rules

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2   permanent. We want to first and foremost

3   say that this must remain a driver's choice

4   and a driver's market. Otherwise, what we

5   will see, just like on the credit card

6   processing under TPEP, where drivers lose 5

7   percent per transaction, or which has now

8   been changed to the $11 per shift, we will

9   have just another corporation that's going

10   to take a dig to gut driver incomes. And

11   so it's important that this remains a

12   driver's market and we're pleased to see

13   that that is what you're proposing in these

14   rules.

15   So the rules should make it clear

16   that if a fleet or an agent imposes an app

17   on the driver that there would be a

18   penalty. The medallion owner's rule book

19   should be changed to add this new rule and

20   to have a monetary penalty. There should

21   also be requirements for the app provider

22   to turn over e-hail payment to the driver

23   and allow the driver to pursue prosecution

24   at the TLC OATH tribunal if the app

25   provider has not -- continues to owe money

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2   to the driver. Just like under TPEP with

3   the credit card processing, if the fleet or

4   agent does not turn money over to the

5   driver, it's clearly in the rule book that

6   that's a violation and the driver would be

7   able to file a complaint. Well, similarly,

8   if an app provider holds drivers' money, we

9   should be able to file a complaint at the

10   TLC. There should be a cap on the

11   percentage for the processing for the

12   e-hail payment. We don't see that anywhere

13   in the rules. And if TPEP actually should

14   be responsible for logging out drivers from

15   accessible dispatches if the course has not

16   been completed. There's a lot of confusion

17   as to the course requirements we've seen in

18   the past and it's the TPEP vendor that's

19   currently responsible for locking out

20   drivers, for example, if the Hack or FHV --

21   if the Hack is suspended. And so

22   similarly, it should be the TPEP vendor's

23   responsibility to monitor this, not the

24   e-hail app's responsibility.

25   As far as the app companies are

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2   concerned -- this is really important to

3   us -- you take a company like Uber, which

4   has, you know, UberX, UberBlack, UberSUV

5   and supposedly UberT, well, in UberT, they

6   use the app basically to gray out the

7   taxis. They sign up taxi drivers under the

8   UberT so they can present to the consumers

9   that they've got the most number of

10   vehicles under their app. But in reality,

11   they gray out the taxis and so we're not

12   really able to have those fares -- we're

13   at a competitive loss. You'll recall

14   around the Christmas season when Uber

15   raised the price on passengers from $1 to

16         $2, you know, if they're going to use the

17   dispatch from the UberT. In that same

18   message, they said, Oh, but don't worry

19   because UberX is even cheaper. A company

20   that does that, it must clearly be stated

21   in these e-hail rules, that a company that

22   basically gives us a disadvantage in this

23   market would have that license revoked.

24   It's absolutely fraudulent behavior and

25   that no company should be able to get away

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2   with it. Similarly, if you find that an

3   app -- I'll just wrap up with just one last

4   point -- if you find that an app company

5   has dispatched to a private vehicle, which

6   of course it's much difficult to pursue

7   enforcement against illegal kick-ups if

8   they're being dispatched through an app,

9   and as you know, the UberX model across the

10   country, so-called ride share, is actually

11   dispatching to private vehicles, private

12   motorists, with private insurance, like

13   they do in New Jersey. Well, if they're

14   going to do that to vehicles here, not only

15   should that license obviously be revoked

16   but we would say that the TLC should

17   strongly work with the attorney general's

18   office and pursue racketeering charges

19   because the letter of the law, that is

20   organized crime. In fact, we believe that

21   New York State should move to ban drop-offs

22   by unlicensed motorists --

23   MR. WILSON: Can I ask you to sum

24   up, please.

25   MS. DESAI: Yes -- where the pickup

1   Proceedings

2   may have originated outside of New York

3   such as New Jersey but the drop-off may be

4   here where the state and the city has

5   clearly said that dispatching for-hire jobs

6   to private vehicles is absolutely illegal.

7   And so we think that these rules just need

8   to be made more stronger in order to truly

9   provide us a leveled playing field. Thank

10   you.

11   MR. WILSON: Thank you.

12   The last speaker is David Clarke,

13   who I think wanted to talk about commuter

14   van issues and not e-hail. Is he still

15   here?

16   (No response.)

17   MR. WILSON: I think then that's

18   our last speaker.

19   So that's concludes the public

20   hearing.

21   CHAIR JOSHI: We've had a lot of

22   good points raised. I think -- I'm sorry,

23   Commissioner Jiha, did you have --

24   COMM. JIHA: No. I was going to

25   ask you is there urgency to take any

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2   action? Because I would rather take my

3   time to review and to understand a lot more

4   about what's taking place in terms of this

5   technology.

6   CHAIR JOSHI: We have, actually, an

7   ongoing pilot, so people that are now

8   providing e-hail services can continue to

9   provide e-hail services. And it's

10   important to move forward but I respect the

11   fact that there's been lots of points that

12   have been brought up today that we need to

13   consider. I strongly feel though that we

14   should take a definitive step towards

15   codifying and turn the app providers into

16   licensees. This is a new chapter, and like

17   with all of our chapters, we tweak them

18   relentlessly as we go along. And it's also

19   good to see how the initial roll-out works

20   so that when we make decisions about how to

21   further finesse them, we're doing that

22   based on actual feedback.

23   So I think it's important to go

24   forward with what we have today but two of

25   the points that struck me that definitely

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2   need further examination is one on

3   integration with driver availability. If

4   that's something that the market cannot

5   sort out by itself, then we will need to

6   step in and set regulations and require

7   that. My preference is to see if we can

8   try to see if the market can work that out.

9   But let's see if that can be resolved

10   through competition. But if not, we're

11   willing to make changes. I think I speak

12   for the Commission in saying that.

13   The other issue that I think that

14   was suggested in Kallos's bill is forcing

15   everybody to work through the DIM. I'm not

16   so sure -- that may be a choice but I'm not

17   comfortable with that being a requirement.

18   I think that people that run apps like the

19   branding that comes with having their app,

20   the public facing and driver facing,

21   something that they designed, so not

22   necessarily through the DIM. But nothing

23   in our rules actually prohibits using the

24   DIM. It's just a matter of can the parties

25   work together to come with a

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2   commercially-reasonable solution. And

3   again, I'd like to let the parties have

4   that opportunity to do that, but if there

5   are going to be impediments because the

6   players cannot get to commercial and

7   reasonable terms, then we should stand

8   ready to step in and finesse the e-hail

9   package to set those terms for them.

10   One important distinction with our

11   package and what I think compels me to say

12   let's move forward with it is that this is

13   still driver's choice. We're not mandating

14   it for drivers but we're allowing them to

15   immediately have a choice and we'll create

16   a license structure so that we have some

17   regulatory authority over the people that

18   are providing the dispatches to the taxi

19   drivers.

20   So I would recommend moving forward

21   today on the vote but really keeping these

22   two things in the forefront on integration,

23   use of the DIM and the driver availability

24   integration.

25   COMM. JIHA: This is new to me. My

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2   concern is I've not really studied all this

3   and really have a good understanding of the

4   ramifications and I would appreciate it if

5   I could have the opportunity to basically

6   have a chance to review and hear different

7   players and understand full ramifications

8   of the vote that I'm taking.

9   CHAIR JOSHI: So I guess we can

10   make a motion to see if anyone's in favor

11   of moving ahead with a vote today. Is

12   anyone in favor of moving ahead with a vote

13   today?

14   COMM. CARONE: With all due respect

15   to Commissioner Jiha, (inaudible), we

16   should give it courtesy but my preference

17   would be to move ahead.

18   COMM. GONZALEZ: I second the

19   motion to move ahead, if possible.

20   COMM. DEARCY: It seems to me that

21   moving ahead certainly doesn't preclude us

22   from considering and deliberately moving

23   forward as it is deemed necessary on any of

24   the comments that were made today. But

25   what we do get if we move forward today and

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2   if the rule passes is a codification and

3   the ability to regulate (inaudible). Have

4   I summed that up properly?

5   CHAIR JOSHI: Yeah. Nothing in the

6   proposed e-hail rules prohibits some of the

7   changes that were suggested today.

8   COMM. DEARCY: Okay. Do we need to

9   vote on a motion?

10   CHAIR JOSHI: Want to call the vote

11   on the motion?

12   MR. WILSON: (Inaudible) motion to

13   move ahead. All in favor.

14   (Chorus of Ayes.)

15   COMM. GONZALEZ: I'd also like to

16   make just a general comment to echo Madam

17   Chair's remarks on driver availability.

18   The one thing, while it's new and exciting

19   and innovative, I'm still a little on the

20   fence on driver availability in that I'm

21   still not sure what the objective benefits

22   are for driver availability, particularly

23   the benefits to the drivers and the

24   passengers, and whether the use of

25   availability and things like open API and

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2   what have you, doesn't inadvertently harm

3   those same drivers and passengers and

4   possibly even the TPEP and LPEP vendors.

5   So while I am open to hearing more about

6   the details around driver availability and

7   use of API, I am prepared to vote today.

8   MR. WILSON: Thank you. These

9   rules were published in the City Record on

10   December 30th with a comment deadline of

11   January 29th. Nine written comments were

12   received, all of which have been provided

13   to the Commissioners. It is required by

14   local law the final rule that's up for

15   Commission action was posted on the TLC's

16   website on January 26th and sent to the

17   Commissioners on that date.

18   All in favor.

19   (Show of hands.)

20   MR. WILSON: They passed

21   unanimously.

22   COMM. JIHA: I just want to make a

23   point that I think it's a good step

24   forward. That's the reason why I vote for

25   it but at the same time I would have

1   Proceedings

2   appreciated the opportunity to have the

3   time to review.

4   CHAIR JOSHI: We can make sure that

5   we have more -- we can meet with our staff

6   and have more discussion about some of the

7   feedback we get too on the one-on-one

8   meetings.

9   MR. WILSON: And I think that

10   concludes the meeting. Thank you. It's

11   12:05.

12   (Time noted: 12:05 p.m.)

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1

2   C E R T I F I C A T E

3

4   STATE OF NEW YORK)
) ss.:
5   COUNTY OF RICHMOND)

6

7   I, DANIELLE CAVANAGH, a Notary

8   Public within and for the State of New

9   York, do hereby certify:

10   I reported the proceedings in the

11   within-entitled matter, and that the within

12   transcript is a true record of such

13   proceedings.

14   I further certify that I am not

15   related to any of the parties to this

16   action by blood or marriage and that I am

17   in no way interested in the outcome of this

18   matter.

19   IN WITNESS WHEREOF, I have hereunto

20   set my hand this 1st day of February 2015.

21

22   _____

23   DANIELLE CAVANAGH

24

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