

Taxi and Limousine Commission Meeting  
February 2, 2017

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TRANSCRIPT OF THE  
NEW YORK CITY  
TAXI & LIMOUSINE COMMISSION

THURSDAY, FEBRUARY 2, 2017  
33 BEAVER STREET  
COMMISSION HEARING ROOM, 19TH FLOOR  
BOROUGH OF MANHATTAN

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Taxi and Limousine Commission Meeting  
February 2, 2017

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HEARING CONVENED AT 10:01 a.m.

COMMISSIONERS PRESENT:

Meera Joshi, Chair

Jacques Jiha

Bill Aguado

Lauvienska Polanco

Nora Constance Marino

Kenneth Mitchell

ALSO PRESENT:

Chris Wilson, General Counsel

Staff

The Public

The Press

Reported by:  
Jennifer Cassella

**Taxi and Limousine Commission Meeting  
February 2, 2017**

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Proceedings

THE CHAIR: The time now is 10:02 and we're going to begin our public session having just gotten a quorum of the Commission, and we are not moving to go into Executive Session as indicated on the agenda. And also, because of some other scheduling conflicts, we are going to do item six on the agenda first, which is the driver fatigue prevention rules for Commission action. So General Counsel Chris Wilson will talk about the formalities of the rule.

MR. WILSON: So these rules were published in the City Record on December 2nd, 2016 with a comment deadline of January 2nd, 2017. A public hearing was held on the rules on January 5th, 2017. Numerous written comments were received following feedback, including feedback subsequent to the hearing. The staff recommended one change to the rules to clarify that bases which dispatch a ride, which when complete, might put a driver over a daily or weekly limit is not a

**Taxi and Limousine Commission Meeting  
February 2, 2017**

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Proceedings

violation, provided that the driver is not over the limit when the ride is dispatched. So it mirrors protection given to the driver already and extends it to the base.

The -- that was the only change and that was reflected in the version that was circulated to the Commissioners on Monday of this week and posted on our website. And I guess we're ready for a vote.

All in favor?

(Chorus of Ayes.)

MR. WILSON: And it's unanimous.

THE CHAIR: Now that the rule has passed, I just want to take a few minutes about what happens next. There is, as we've always indicated and as the Statement of Basis and Purpose indicated, an extended period of outreach education and warnings before implementation. The Statement of Basis and Purpose makes clear that implementation is a long process with a complicated rule. Outreach and education are important for bases and drivers to learn about driving limits as well as the

**Taxi and Limousine Commission Meeting  
February 2, 2017**

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Proceedings

trip data collection, and although it's difficult to estimate exactly how long this will take, I can assure you that it will take at least a minimum of six months. And when implementation does begin, we will send warnings to drivers and bases that exceed the fatigued limits in its start so that they have an opportunity to change their conduct.

A few other items that have been raised, FOIL, yes, does apply to any information that we get and FOIL does include a protection for trade secrets. So those people that believe that information submitted to us is a trade secret are obviously free to make those arguments if should a FOIL request come in.

And on privacy, we appreciate deeply the feedback that we've gotten from privacy groups here in New York and throughout the nation and their participation in this process. We look forward to continuing to working with them during implementation of the rule and on other policy initiatives.

**Taxi and Limousine Commission Meeting  
February 2, 2017**

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Proceedings

I know that some of the -- Commissioner Polanco has a few words on cost concerns which are something that we are extremely sensitive to, and I turn it over to Commissioner Polanco.

COMM. POLANCO: Thank you. I had serious concerns regarding this regulation in terms of the financial impact that it will have on the traditional livery bases. These are the small bases, family-owned bases, the bases that have been in the business for decades who are at the moment facing tremendous financial stress. The market is changing and now you have multibillion dollar corporations competing for those clients. So I understand the fears that many have regarding the regulation.

And with respect to the data collection, TLC will work closely with bases, especially small bases to help them through the process. Also, we'll work with the -- you know, we are aware, TLC is quite aware that some software companies

Taxi and Limousine Commission Meeting  
February 2, 2017

7

1 Proceedings

2 may try to capitalize and charge more than  
3 the reasonable rates. And TLC will not  
4 penalize bases showing a good faith effort  
5 to comply but are having trouble finding a  
6 financially efficient solution.

7 So I'm confident today in my vote,  
8 which is yes, because TLC will facilitate  
9 discussions between the software providers  
10 and the bases so they understand the  
11 requirements and not oversold, and TLC will  
12 help -- also help to those bases who are  
13 struggling with compliance, and help them  
14 walk through the process, especially the  
15 technical aspect of it. For example, I'm  
16 quite aware that in the past they have done  
17 classroom lessons to those bases which is  
18 something that is also going to continue  
19 today. Thank you.

20 COMM. MARINO: I also want to echo  
21 my colleague's comments regarding cost for  
22 small businesses. I think I'm probably the  
23 only small business owner on this  
24 Commission so I really relate to the small  
25 businessman or woman and the extreme costs

**Taxi and Limousine Commission Meeting  
February 2, 2017**

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Proceedings

that we have to deal with on a daily basis. In my practice I get solicitations all the time for software that's supposed to make my law practice easier and it is unbelievably expensive and I don't get any of it, frankly. So now we're, we as a Commission are requiring small business owners to get this software or to find a way to collect this data. So I can really appreciate the concern about cost and I'm confident that Madam Chairwoman Joshi and the rest of this Commission is going to work with the small business owner to do everything we can to prevent anything that is cost prohibitive and give people time and really work with people because this is a critical issue and we do need to keep the mom and pop family-owned businesses alive, and well and thriving, and I really echo again, my colleague's comments about that, and that's really important to me as well as my colleagues.

So I also want to say if anyone does experience something that is just

**Taxi and Limousine Commission Meeting  
February 2, 2017**

9

1 Proceedings

2 absolutely cost prohibitive, to reach out  
3 to us, reach out to us, reach out to me,  
4 reach out to Commissioner Polanco, reach  
5 out to the Chair, reach out to any of us  
6 and we'll do everything we can to make it  
7 bearable and make it doable.

8 And I want to make one other comment  
9 about the data collection. Can we talk  
10 about the intersection?

11 THE CHAIR: Yes.

12 COMM. MARINO: Some of us had  
13 concerns about the privacy issues that a  
14 lot of us got e-mails and phone calls about  
15 the privacy issues and especially in light  
16 of recent political events, these are  
17 important concerns. So we have -- we  
18 tweaked the rule I guess is --

19 THE CHAIR: No. Today we accept  
20 pinpoint addresses as well as intersection  
21 and that practice will continue, so for  
22 those people who want to give us  
23 intersection, that will continue to be  
24 acceptable.

25 COMM. MARINO: Right. So if you

**Taxi and Limousine Commission Meeting  
February 2, 2017**

10

Proceedings

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2 give an intersection between Smith and  
3 Jones Street, there's no address, there's  
4 no personal information being given out, so  
5 there's really no threat there regarding  
6 people's privacy. So I'm confident and I'm  
7 content with that requirement as is with  
8 just an intersection being required as to  
9 identify the location as opposed to a  
10 street address.

11 THE CHAIR: With that, we'll move on  
12 to the Chair's report. Recently we had a  
13 ceremony where we honored our graduating  
14 cadets and our promotees, and unfortunately  
15 one of our promotees, Angelique Meola was  
16 supposed to be elevated to the position of  
17 Director of Base and Base Units after  
18 having been the Acting Director for months.  
19 She's wasn't able to join us that day but  
20 she's back at work now and doing what she  
21 does best, helping people. In fact, I'm  
22 certain that many of you here today know  
23 her and have worked closely with her and  
24 her unit for many years, can attest to her  
25 professionalism and her devotion to the

**Taxi and Limousine Commission Meeting  
February 2, 2017**

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Proceedings

agency and to the people in the businesses we serve. I'm pleased to have Angelique here today and I'm going to ask her to come up and walk all the way around, and we would like to make it official by giving her her plaque and her badge.

(Applause.)

THE CHAIR: This is to in recognition for your dedication, superior achievement and outstanding service to the New York City Taxi & Limousine Commission and to the City of New York as witnessed by your promotion to Director.

MS. MEOLA: Thank you so much.

THE CHAIR: You're welcome.

(Applause.)

MS. MEOLA: Thank you, everyone.

THE CHAIR: And one other item that we as a Commission felt we wanted to make a statement together. In light of last week's event and on behalf of the Commission, I want to publicly applaud the drivers and the other industry members who took a strong and definitive stance against

**Taxi and Limousine Commission Meeting  
February 2, 2017**

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Proceedings

the Muslim and refugee ban. We're an industry of many countries, an agency of many countries and even a Commission of many countries. Let us continue to stand together as one against divisive and hateful acts.

(Applause.)

THE CHAIR: And we'll move to the adoption of the minutes. All in favor of adopting the minutes of the January 5th, 2017 meeting?

(Chorus of Ayes.)

THE CHAIR: And with that, the minutes are unanimously adopted.

And last on our agenda for today will be base applications for determination.

MS. MEOLA: Good morning, everyone. My name is Angelique Meola, Director of the Business Unit. Today for your determination we have 18 total bases for your review; 2 new applications, 7 renewals, 8 various changes, relocations, new name and ownership, and 1 denial for

Taxi and Limousine Commission Meeting  
February 2, 2017

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Proceedings

ownership relocation and name change.

THE CHAIR: All in favor of adopting  
the recommendation?

(Chorus of Ayes.)

THE CHAIR: And with that, the  
recommendation is unanimously adopted.

And that brings us to the conclusion  
of the public meeting, and the time now is  
10:14.

(Time noted: 10:12 a.m.)

Taxi and Limousine Commission Meeting  
February 2, 2017

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C E R T I F I C A T E

STATE OF NEW YORK )  
COUNTY OF RICHMOND ) ss:

I, JENNIFER CASSELLA, a Notary Public  
within and for the State of New York, do hereby  
certify:

I reported the proceedings in the  
within-entitled matter, and that the within  
transcript is a true record of such proceedings  
to the best of my ability.

I further certify that I am not related  
to any of the parties to this action by blood  
or marriage; and that I am in no way interested  
in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set  
my hand this 12th day of February, 2017.

\_\_\_\_\_  
JENNIFER CASSELLA

**Taxi and Limousine Commission Meeting  
February 2, 2017**

<p style="text-align: center;"><b>A</b></p> <p>a.m (2) 2:2 13:11 ability (1) 14:13 able (1) 10:19 absolutely (1) 9:2 accept (1) 9:19 acceptable (1) 9:24 achievement (1) 11:11 Acting (1) 10:18 action (2) 3:11 14:15 acts (1) 12:7 address (2) 10:3,10 addresses (1) 9:20 adopted (2) 12:15 13:7 adopting (2) 12:11 13:3 adoption (1) 12:10 agency (2) 11:2 12:3 agenda (3) 3:7,9 12:16 Aguado (1) 2:6 alive (1) 8:19 Angelique (3) 10:15 11:3 12:20 applaud (1) 11:23 Applause (3) 11:8,17 12:8 applications (2) 12:17,23 apply (1) 5:12 appreciate (2) 5:19 8:11 arguments (1) 5:17 aspect (1) 7:15 assure (1) 5:4 attest (1) 10:24 AVENUE (1) 1:22 aware (3) 6:24,25 7:16 Ayes (3) 4:12 12:13 13:5</p> <hr/> <p style="text-align: center;"><b>B</b></p> <p>back (1) 10:20 badge (1) 11:7 ban (1) 12:2 base (4) 4:5 10:17,17 12:17 bases (14) 3:23 4:24 5:7 6:10,11 6:12,12,22,22 7:4,10,12,17 12:22 basis (3) 4:18,21 8:2 bearable (1) 9:7 BEAVER (1) 1:10 behalf (1) 11:22 believe (1) 5:15 best (2) 10:21 14:13 Bill (1) 2:6 blood (1) 14:15 BOROUGH (1) 1:12 brings (1) 13:8 business (5) 6:13 7:23 8:8,14 12:21 businesses (3) 7:22 8:19 11:2 businessman (1) 7:25</p> <hr/> <p style="text-align: center;"><b>C</b></p>	<p>C (2) 14:2,2 cadets (1) 10:14 calls (1) 9:14 capitalize (1) 7:2 Cassella (3) 2:23 14:7,22 ceremony (1) 10:13 certain (1) 10:22 certify (2) 14:9,14 Chair (14) 2:4 3:2 4:14 9:5,11,19 10:11 11:9,16,19 12:9,14 13:3,6 Chair's (1) 10:12 Chairwoman (1) 8:12 change (4) 3:22 4:6 5:9 13:2 changes (1) 12:24 changing (1) 6:15 charge (1) 7:2 Chorus (3) 4:12 12:13 13:5 Chris (2) 2:13 3:12 circulated (1) 4:8 City (4) 1:3 3:15 11:12,13 clarify (1) 3:23 classroom (1) 7:17 clear (1) 4:21 clients (1) 6:17 closely (2) 6:21 10:23 colleague's (2) 7:21 8:21 colleagues (1) 8:23 collect (1) 8:10 collection (3) 5:2 6:21 9:9 come (2) 5:18 11:4 COMM (4) 6:7 7:20 9:12,25 comment (2) 3:16 9:8 comments (3) 3:19 7:21 8:21 Commission (11) 1:4,11 3:5,11 7:24 8:8,13 11:12,20,23 12:4 Commissioner (3) 6:3,6 9:4 Commissioners (2) 2:3 4:8 companies (1) 6:25 competing (1) 6:16 complete (1) 3:24 compliance (1) 7:13 complicated (1) 4:23 comply (1) 7:5 concern (1) 8:11 concerns (4) 6:4,8 9:13,17 conclusion (1) 13:8 conduct (1) 5:10 confident (3) 7:7 8:12 10:6 conflicts (1) 3:8 Constance (1) 2:8 content (1) 10:7 continue (4) 7:18 9:21,23 12:5 continuing (1) 5:23 CONVENED (1) 2:2 corporations (1) 6:16 cost (5) 6:4 7:21 8:11,16 9:2 costs (1) 7:25</p>	<p>Counsel (2) 2:13 3:11 countries (3) 12:3,4,5 COUNTY (1) 14:5 critical (1) 8:18</p> <hr/> <p style="text-align: center;"><b>D</b></p> <p>daily (2) 3:25 8:2 data (4) 5:2 6:20 8:10 9:9 day (2) 10:19 14:19 deadline (1) 3:16 deal (1) 8:2 decades (1) 6:13 December (1) 3:16 dedication (1) 11:10 deeply (1) 5:19 definitive (1) 11:25 denial (1) 12:25 determination (2) 12:18,22 devotion (1) 10:25 difficult (1) 5:3 Director (4) 10:17,18 11:14 12:20 discussions (1) 7:9 dispatch (1) 3:23 dispatched (1) 4:3 divisive (1) 12:6 doable (1) 9:7 doing (1) 10:20 dollar (1) 6:16 driver (4) 3:10,24 4:2,5 drivers (3) 4:24 5:7 11:24 driving (1) 4:25</p> <hr/> <p style="text-align: center;"><b>E</b></p> <p>E (2) 14:2,2 E-MAIL (1) 1:24 e-mails (1) 9:14 easier (1) 8:5 echo (2) 7:20 8:20 education (2) 4:19,23 efficient (1) 7:6 effort (1) 7:4 elevated (1) 10:16 especially (3) 6:22 7:14 9:15 estimate (1) 5:3 event (1) 11:22 events (1) 9:16 exactly (1) 5:3 example (1) 7:15 exceed (1) 5:8 Executive (1) 3:6 expensive (1) 8:6 experience (1) 8:25 extended (1) 4:18 extends (1) 4:5 extreme (1) 7:25 extremely (1) 6:5</p>
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**Taxi and Limousine Commission Meeting  
February 2, 2017**

<p style="text-align: center;"><b>F</b></p> <p><b>F (1)</b> 14:2  <b>facilitate (1)</b> 7:8  <b>facing (1)</b> 6:14  <b>FACSIMILE (1)</b> 1:23  <b>fact (1)</b> 10:21  <b>faith (1)</b> 7:4  <b>family-owned (2)</b> 6:11 8:19  <b>fatigue (1)</b> 3:10  <b>fatigued (1)</b> 5:8  <b>favor (3)</b> 4:11 12:10 13:3  <b>fears (1)</b> 6:18  <b>February (2)</b> 1:9 14:19  <b>feedback (3)</b> 3:20,20 5:20  <b>felt (1)</b> 11:20  <b>financial (2)</b> 6:9,14  <b>financially (1)</b> 7:6  <b>find (1)</b> 8:9  <b>finding (1)</b> 7:5  <b>first (1)</b> 3:9  <b>FLOOR (1)</b> 1:11  <b>FOIL (3)</b> 5:12,13,18  <b>following (1)</b> 3:20  <b>formalities (1)</b> 3:13  <b>forward (1)</b> 5:23  <b>frankly (1)</b> 8:7  <b>free (1)</b> 5:17  <b>further (1)</b> 14:14</p> <hr/> <p style="text-align: center;"><b>G</b></p> <p><b>General (2)</b> 2:13 3:11  <b>give (3)</b> 8:16 9:22 10:2  <b>given (2)</b> 4:4 10:4  <b>giving (1)</b> 11:6  <b>go (1)</b> 3:5  <b>going (5)</b> 3:3,8 7:18 8:13 11:4  <b>good (2)</b> 7:4 12:19  <b>gotten (2)</b> 3:4 5:20  <b>graduating (1)</b> 10:13  <b>groups (1)</b> 5:21  <b>guess (2)</b> 4:10 9:18</p> <hr/> <p style="text-align: center;"><b>H</b></p> <p><b>hand (1)</b> 14:19  <b>happens (1)</b> 4:16  <b>hateful (1)</b> 12:7  <b>hearing (4)</b> 1:11 2:2 3:17,21  <b>held (1)</b> 3:18  <b>help (4)</b> 6:22 7:12,12,13  <b>helping (1)</b> 10:21  <b>hereunto (1)</b> 14:18  <b>honored (1)</b> 10:13</p> <hr/> <p style="text-align: center;"><b>I</b></p> <p><b>identify (1)</b> 10:9  <b>impact (1)</b> 6:9  <b>implementation (4)</b> 4:20,22 5:6,24</p>	<p><b>important (3)</b> 4:24 8:22 9:17  <b>include (1)</b> 5:14  <b>including (1)</b> 3:20  <b>indicated (3)</b> 3:6 4:17,18  <b>industry (2)</b> 11:24 12:3  <b>information (3)</b> 5:13,15 10:4  <b>initiatives (1)</b> 5:25  <b>interested (1)</b> 14:16  <b>intersection (5)</b> 9:10,20,23 10:2,8  <b>issue (1)</b> 8:18  <b>issues (2)</b> 9:13,15  <b>item (2)</b> 3:9 11:19  <b>items (1)</b> 5:11</p> <hr/> <p style="text-align: center;"><b>J</b></p> <p><b>Jacques (1)</b> 2:5  <b>January (3)</b> 3:17,18 12:12  <b>Jennifer (3)</b> 2:23 14:7,22  <b>Jiha (1)</b> 2:5  <b>join (1)</b> 10:19  <b>Jones (1)</b> 10:3  <b>Joshi (2)</b> 2:4 8:12</p> <hr/> <p style="text-align: center;"><b>K</b></p> <p><b>keep (1)</b> 8:18  <b>Kenneth (1)</b> 2:9  <b>know (3)</b> 6:2,24 10:22</p> <hr/> <p style="text-align: center;"><b>L</b></p> <p><b>Lauvienska (1)</b> 2:7  <b>law (1)</b> 8:5  <b>learn (1)</b> 4:25  <b>lessons (1)</b> 7:17  <b>light (2)</b> 9:15 11:21  <b>limit (2)</b> 3:25 4:3  <b>limits (2)</b> 4:25 5:8  <b>Limousine (2)</b> 1:4 11:12  <b>livery (1)</b> 6:10  <b>location (1)</b> 10:9  <b>long (2)</b> 4:22 5:3  <b>look (1)</b> 5:23  <b>lot (1)</b> 9:14</p> <hr/> <p style="text-align: center;"><b>M</b></p> <p><b>Madam (1)</b> 8:12  <b>MAMARONECK (2)</b> 1:22,22  <b>MANHATTAN (1)</b> 1:12  <b>Marino (4)</b> 2:8 7:20 9:12,25  <b>market (1)</b> 6:15  <b>marriage (1)</b> 14:16  <b>matter (2)</b> 14:11,17  <b>Meera (1)</b> 2:4  <b>meeting (2)</b> 12:12 13:9  <b>members (1)</b> 11:24  <b>Meola (5)</b> 10:15 11:15,18 12:19,20  <b>minimum (1)</b> 5:5  <b>minutes (4)</b> 4:15 12:10,11,15</p>	<p><b>mirrors (1)</b> 4:4  <b>Mitchell (1)</b> 2:9  <b>mom (1)</b> 8:19  <b>moment (1)</b> 6:13  <b>Monday (1)</b> 4:8  <b>months (2)</b> 5:5 10:18  <b>morning (1)</b> 12:19  <b>move (2)</b> 10:11 12:9  <b>moving (1)</b> 3:5  <b>multibillion (1)</b> 6:16  <b>Muslim (1)</b> 12:2</p> <hr/> <p style="text-align: center;"><b>N</b></p> <p><b>name (3)</b> 12:20,25 13:2  <b>nation (1)</b> 5:22  <b>need (1)</b> 8:18  <b>new (9)</b> 1:3,22 5:21 11:12,13 12:23      12:25 14:4,8  <b>Nora (1)</b> 2:8  <b>Notary (1)</b> 14:7  <b>noted (1)</b> 13:11  <b>Numerous (1)</b> 3:19</p> <hr/> <p style="text-align: center;"><b>O</b></p> <p><b>obviously (1)</b> 5:17  <b>official (1)</b> 11:6  <b>opportunity (1)</b> 5:9  <b>opposed (1)</b> 10:9  <b>outcome (1)</b> 14:17  <b>outreach (2)</b> 4:19,23  <b>outstanding (1)</b> 11:11  <b>oversold (1)</b> 7:11  <b>owner (2)</b> 7:23 8:14  <b>owners (1)</b> 8:9  <b>ownership (2)</b> 12:25 13:2</p> <hr/> <p style="text-align: center;"><b>P</b></p> <p><b>participation (1)</b> 5:22  <b>parties (1)</b> 14:15  <b>passed (1)</b> 4:15  <b>penalize (1)</b> 7:4  <b>people (6)</b> 5:15 8:16,17 9:22 10:21      11:2  <b>people's (1)</b> 10:6  <b>period (1)</b> 4:19  <b>personal (1)</b> 10:4  <b>phone (1)</b> 9:14  <b>pinpoint (1)</b> 9:20  <b>plaque (1)</b> 11:7  <b>pleased (1)</b> 11:3  <b>Polanco (5)</b> 2:7 6:3,6,7 9:4  <b>policy (1)</b> 5:25  <b>political (1)</b> 9:16  <b>pop (1)</b> 8:19  <b>position (1)</b> 10:16  <b>posted (1)</b> 4:9  <b>practice (3)</b> 8:3,5 9:21</p>
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**Taxi and Limousine Commission Meeting  
February 2, 2017**

**PRESENT (2)** 2:3,12  
**Press (1)** 2:18  
**prevent (1)** 8:15  
**prevention (1)** 3:10  
**privacy (5)** 5:19,20 9:13,15 10:6  
**probably (1)** 7:22  
**proceedings (13)** 3:1 4:1 5:1 6:1  
 7:1 8:1 9:1 10:1 11:1 12:1 13:1  
 14:10,12  
**process (4)** 4:22 5:23 6:23 7:14  
**professionalism (1)** 10:25  
**prohibitive (2)** 8:16 9:2  
**promotees (2)** 10:14,15  
**promotion (1)** 11:14  
**protection (2)** 4:4 5:14  
**provided (1)** 4:2  
**providers (1)** 7:9  
**public (5)** 2:17 3:3,17 13:9 14:7  
**publicly (1)** 11:23  
**published (1)** 3:15  
**Purpose (2)** 4:18,21  
**put (1)** 3:24

**Q**

**quite (2)** 6:25 7:16  
**quorum (1)** 3:4

**R**

**R (1)** 14:2  
**raised (1)** 5:12  
**rates (1)** 7:3  
**reach (6)** 9:2,3,3,4,4,5  
**ready (1)** 4:10  
**really (6)** 7:24 8:10,17,20,22 10:5  
**reasonable (1)** 7:3  
**received (1)** 3:19  
**recognition (1)** 11:10  
**recommendation (2)** 13:4,7  
**recommended (1)** 3:22  
**record (2)** 3:15 14:12  
**reflected (1)** 4:7  
**refugee (1)** 12:2  
**regarding (4)** 6:8,18 7:21 10:5  
**regulation (2)** 6:8,19  
**relate (1)** 7:24  
**related (1)** 14:14  
**relocation (1)** 13:2  
**relocations (1)** 12:24  
**renewals (1)** 12:24  
**report (1)** 10:12  
**reported (2)** 2:23 14:10  
**REPORTING (1)** 1:21  
**request (1)** 5:18  
**required (1)** 10:8  
**requirement (1)** 10:7  
**requirements (1)** 7:11  
**requiring (1)** 8:8

**respect (1)** 6:20  
**rest (1)** 8:13  
**review (1)** 12:23  
**RICHMOND (1)** 14:5  
**ride (2)** 3:23 4:3  
**Right (1)** 9:25  
**ROOM (1)** 1:11  
**rule (5)** 3:13 4:14,23 5:25 9:18  
**rules (4)** 3:10,14,18,22

**S**

**scheduling (1)** 3:8  
**secret (1)** 5:16  
**secrets (1)** 5:14  
**send (1)** 5:7  
**sensitive (1)** 6:5  
**serious (1)** 6:8  
**serve (1)** 11:3  
**service (1)** 11:11  
**SERVICES (1)** 1:21  
**session (2)** 3:3,6  
**set (1)** 14:18  
**showing (1)** 7:4  
**six (2)** 3:9 5:5  
**small (7)** 6:11,22 7:22,23,24 8:8,14  
**Smith (1)** 10:2  
**software (4)** 6:25 7:9 8:4,9  
**solicitations (1)** 8:3  
**solution (1)** 7:6  
**ss (1)** 14:5  
**staff (2)** 2:16 3:21  
**stance (1)** 11:25  
**stand (1)** 12:5  
**start (1)** 5:8  
**State (2)** 14:4,8  
**statement (3)** 4:17,20 11:21  
**STENO-KATH (1)** 1:21  
**Stenokath@verizon.net (1)** 1:24  
**street (3)** 1:10 10:3,10  
**stress (1)** 6:14  
**strong (1)** 11:25  
**struggling (1)** 7:13  
**submitted (1)** 5:16  
**subsequent (1)** 3:21  
**superior (1)** 11:10  
**supposed (2)** 8:4 10:16

**T**

**T (2)** 14:2,2  
**take (3)** 4:15 5:4,5  
**talk (2)** 3:12 9:9  
**Taxi (2)** 1:4 11:12  
**technical (1)** 7:15  
**terms (1)** 6:9  
**Thank (4)** 6:7 7:19 11:15,18  
**think (1)** 7:22  
**threat (1)** 10:5

**thriving (1)** 8:20  
**THURSDAY (1)** 1:9  
**time (5)** 3:2 8:4,16 13:9,11  
**TLC (5)** 6:21,24 7:3,8,11  
**today (7)** 7:7,19 9:19 10:22 11:4  
 12:16,21  
**total (1)** 12:22  
**trade (2)** 5:14,16  
**traditional (1)** 6:10  
**transcript (2)** 1:2 14:12  
**tremendous (1)** 6:14  
**trip (1)** 5:2  
**trouble (1)** 7:5  
**true (1)** 14:12  
**try (1)** 7:2  
**turn (1)** 6:5  
**tweaked (1)** 9:18

**U**

**unanimous (1)** 4:13  
**unanimously (2)** 12:15 13:7  
**unbelievably (1)** 8:6  
**understand (2)** 6:17 7:10  
**unfortunately (1)** 10:14  
**unit (2)** 10:24 12:21  
**Units (1)** 10:17

**V**

**various (1)** 12:24  
**version (1)** 4:7  
**violation (1)** 4:2  
**vote (2)** 4:10 7:7

**W**

**walk (2)** 7:14 11:5  
**want (6)** 4:15 7:20 8:24 9:8,22  
 11:23  
**wanted (1)** 11:20  
**warnings (2)** 4:19 5:7  
**wasn't (1)** 10:19  
**way (3)** 8:10 11:5 14:16  
**we'll (4)** 6:23 9:6 10:11 12:9  
**we're (4)** 3:3 4:10 8:7 12:2  
**we've (2)** 4:17 5:20  
**website (1)** 4:9  
**week (1)** 4:9  
**week's (1)** 11:22  
**weekly (1)** 3:25  
**welcome (1)** 11:16  
**WHEREOF (1)** 14:18  
**Wilson (4)** 2:13 3:12,14 4:13  
**within-entitled (1)** 14:11  
**WITNESS (1)** 14:18  
**witnessed (1)** 11:13  
**woman (1)** 7:25  
**words (1)** 6:3  
**work (5)** 6:21,23 8:14,17 10:20

**Taxi and Limousine Commission Meeting  
February 2, 2017**

**worked (1)** 10:23  
**working (1)** 5:24  
**written (1)** 3:19

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**X**

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**Y**

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**years (1)** 10:24  
**York (7)** 1:3,22 5:21 11:12,13 14:4  
14:8

---

**Z**

---

---

**0**

---

---

**1**

---

**1 (1)** 12:25  
**10:01 (1)** 2:2  
**10:02 (1)** 3:2  
**10:12 (1)** 13:11  
**10:14 (1)** 13:10  
**10543 (1)** 1:22  
**12th (1)** 14:19  
**139 (1)** 1:22  
**18 (1)** 12:22  
**19TH (1)** 1:11

---

**2**

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**2 (2)** 1:9 12:23  
**2016 (1)** 3:16  
**2017 (5)** 1:9 3:17,18 12:12 14:19  
**212.95.DEPOS (1)** 1:23  
**2nd (2)** 3:16,17

---

**3**

---

**33 (1)** 1:10

---

**4**

---

---

**5**

---

**5th (2)** 3:18 12:12

---

**6**

---

---

**7**

---

**7 (1)** 12:23

---

**8**

---

**8 (1)** 12:24

---

**9**

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**914.381.2061 (1)** 1:23  
**914.722.0816 (1)** 1:23  
**953.3767 (1)** 1:23