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TRANSCRIPT OF THE

NEW YORK CITY

TAXI & LIMOUSINE COMMISSION

Thursday, February 12, 2015

33 Beaver Street

COMMISSION HEARING ROOM, 19TH FLOOR

BOROUGH OF MANHATTAN

Transcript of Proceedings

Reported by:

Jennifer Cassella

HEARING CONVENED AT 10:09 a.m.

Meera Joshi, Chair

Chris Wilson, General Counsel

Jo Rausen

Ryan Wanttaja, Assistant General Counsel

Jeff Roth

Dawn Miller

Staff

The Public

Reported by:
Jennifer Cassella

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2   THE CHAIR: Good morning, everyone.

3   The time is 10:10 and we're going to begin

4   our public hearing.

5   Today's hearing is a little bit of a

6   different format than our usual hearings.

7   It is one where we're going to gather

8   information using the public hearing format

9   in advance of publishing proposed rules.

10   Generally, you're used to us having

11   hearings on rules that are already

12   published and we're expecting comments, but

13   this is sort of a prehearing to our

14   proposed rules.

15   So the general time frame is we'll

16   have this hearing. There's so many

17   viewpoints when it comes to dispatch apps

18   in the FHV world that we thought it only

19   fair to actually have an entire hearing

20   dedicated to just to this subject. We have

21   a number of speakers, I've got at least 18

22   speakers on the list. So we're going to

23   ask everyone to really stick to focused

24   arguments and a five-minute time limit so

25   that everybody gets a fair chance to speak

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2   and that we can absorb everybody's

3   comments.

4   After the hearing, we'll use the

5   feedback that we gain from the hearing as

6   well as the work that we've already done on

7   the e-hail side, where we've laid out a

8   structure for licensing e-hail apps and

9   that will be strong guidance in going

10   forward on how we license FHV apps. But

11   between those two sources, we will propose

12   rules for a licensing structure for FHV

13   apps, and then we will have a second

14   hearing pursuant to CAPA on those proposed

15   rules. And the purpose of that hearing

16   will be to have more exact comments and

17   sort of line-by-line edits or issues that

18   you have on the exact proposals.

19   So I'm hoping today will be a

20   really -- we know it will be robust, that's

21   a given, hearing, and that everybody can

22   really as clearly and in an as focused

23   manner as possible give us their feedback,

24   both practical -- a lot of people are

25   coming into this with long years in this

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2   industry and some are new entrants. We

3   need the viewpoints of both and we -- well,

4   this is live streamed, there's going to be

5   transcripts available, so everything that's

6   said here will become part of the record

7   and part of our process in compiling a

8   licensing structure for FHV apps.

9   So with that, I think we can move

10   straight into taking testimony, and first

11   on our list Avik Kabessa.

12   MR. KABESSA: Good morning,

13   Commissioner --

14   THE CHAIR: I'm sorry. Just one

15   moment before you start, Avik. You'll

16   notice there are no Commissioner's up here

17   this morning, but that doesn't mean they're

18   not following via live stream and they're

19   all extremely interested in what goes on

20   and will review the transcript as well as

21   have a review with us, a synopsis with us,

22   but, none of the Commissioners were able to

23   make it this morning.

24   MR. KABESSA: Good morning,

25   Commission, and TLC staff. My name is

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2   Avik Kabessa. I'm the CEO of Carmel Car

3   Service and Board Member of the Livery

4   Roundtable. Thank you for giving me the

5   opportunity to speak today.

6   I want to start by correcting a

7   misconception regarding the term "licensing

8   an app". An app is only a tool that people

9   use to order and dispatch cars, just like a

10   phone call or a website. For this reason,

11   the TLC focus should be on the entity that

12   owns the app, an important distinction that

13   I will explain.

14   If we agree this reservation can be

15   made and dispatched through a phone, a

16   website or an app and that what needs to be

17   licensed is the entity that owns the app,

18   then we agree that there is no difference

19   between a for-hire base and an entity that

20   owns an app. Regardless if reservations

21   are made and dispatched through an app, a

22   phone call, over the website, or a walk-in,

23   both bases and app companies should be

24   licensed as a base.

25   Next, I would like to point your

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2   attention to a statement written by the TLC

3   in the notice for today's hearing under

4   "Key Item License Structure", and I quote,

5   "Today some FHV dispatch apps work with

6   several bases via agreements." What the

7   notice forgot to mention is that today some

8   FHV apps dispatch to drivers of different

9   classes without an agreement between those

10   bases and the TLC can't do anything about

11   it.

12   I recently complained to the TLC

13   that Uber is dispatching calls to Carmel

14   affiliated drivers without an agreement

15   between Uber and Carmel, in clear violation

16   of many TLC directives as outlined in the

17   TLC industry notice which I've attached to

18   my testimony. However, the TLC did not act

19   against Uber, as you guys know, not because

20   they didn't want to but because they

21   couldn't. An industry notice is not a law

22   and Uber is not an entity that the TLC

23   holds any muscle over. And please, let's

24   not, you or the audience, confuse Uber, the

25   entity that owns the app, with Unter or any

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2   of their other bases. These are two

3   different things. That is why I strongly

4   support licensing the entity that owns the

5   app. This way, if now Uber, the app

6   company was to break the law, the TLC could

7   summons and/or suspend their license.

8   However, if in the name of

9   innovation the TLC wishes to allow an

10   entity to be only an app company, that app

11   company should either obtain its own FHV

12   license or enter into an agreement with

13   licensed FHV base.

14   My recommendation to the TLC is to

15   take this well-crafted industry notice

16   regarding app usage in for-hire vehicles,

17   which I believe addresses all of the nine

18   key items listed; make it a law, require an

19   app company to be licensed, and condition

20   this license in complying with directives

21   listed in the industry notice. Thank you.

22   THE CHAIR: Thank you very much.

23   Next is Michael Allegretti. And if

24   you wouldn't mind just stating if you're

25   speaking on behalf of an entity, the name

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2   of that entity.

3   MR. ALLEGRETTI: Well, good morning,

4   Commissioner Joshi, and distinguished

5   Commissioner's watching via live stream,

6   and of course distinguished staff and all

7   of you. My name is Michael Allegretti.

8   I'm speaking on behalf of Danach-NY, Grun,

9   Hinter, Schmecken, Unter, Weiter, LLC, and

10   most importantly, our over 15,000 driver

11   partners, some of whom are here today for

12   Uber Technologies.

13   Thank you for the opportunity to

14   testify and I'd like to start by

15   reiterating our keen interest in

16   collaborating with the TLC on the staff

17   level and working together. You know, when

18   we entered New York almost four years ago,

19   we worked with you to form a black car base

20   and place it fully into the for-hire

21   vehicle industry, the regulated for-hire

22   vehicle industry. And we believe that

23   today there are effective ways that the TLC

24   can expand upon its efforts to regulate FHV

25   bases affiliated with the apps, and in so

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2   doing, lift up the entire industry,

3   including taxis, liveries and black cars to

4   meet higher standards.

5   We also believe that there's an

6   opportunity to pause and to take a look at

7   how our city's transportation ecosystem has

8   evolved because of this partnership with

9   the TLC working through the base licensed

10   system to regulate app companies just like

11   Uber. The results over the last four years

12   have established a new standard of service

13   for riders and economic opportunity for

14   drivers. Let's take a look at the results

15   of Uber NYC working through the FHV base

16   system with the TLC.

17   First, over the last four years,

18   Uber New York City has provided

19   comprehensive outer borough coverage with

20   average pick up times of less than three

21   minutes. We have doubled the average

22   hourly earnings of drivers to 30 bucks an

23   hour. We have provided riders with an

24   unprecedented level of transparency about

25   their ride, providing drivers names,

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2   license plate numbers and base

3   affiliations, and this is all before the

4   trip happens. Riders can even share their

5   ETA with loved ones to create a safer

6   experience. We respond in real time to

7   rider concerns. We don't care how small or

8   how big the complaint might be. Any

9   complaint that is submitted is replied to

10   within three hours, but often within

11   minutes.

12   And finally, we've created what we

13   believe is a new model for providing

14   disabled New Yorkers with a reliable ride

15   in northern Manhattan and four of the five

16   boroughs. We're talking about slightly

17   over 80 percent of New York's disabled

18   population and we hope to expand and plan

19   to expand that throughout the entire city.

20   So we believe the TLC should use this

21   experience to pursue progressive measures

22   that make these advances for the riders and

23   the drivers, the new industry-wide

24   standard.

25   What do we mean specifically? The

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2   TLC should hold all companies aggressively

3   accountable for discriminatory practices,

4   practices that have historically meant that

5   some New Yorkers can't get a ride because

6   of where they want to go, what they look

7   like, perhaps the color of their skin.

8   Every driver should have real opportunity

9   to earn a real living. The current

10   industry average earning for per hour is

11   about 15 bucks, and we believe it should be

12   30. It could be achieved by reforming the

13   broken taxi medallion system.

14   The TLC should require that every

15   rider who steps into a car gets a digital

16   communication with their driver's license

17   and vehicle plate numbers, along with a way

18   to contact that driver and that base. The

19   TLC should consider adopting new tougher

20   price transparency requirements to show

21   required trip fare estimates and fare

22   structures. TLC should require all

23   companies to be accountable to riders by

24   requiring them to respond to rider concerns

25   quickly and efficiently.

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2	And finally, the TLC should require
3	that all cars outfitted to provide rides to
4	disabled New Yorkers arrive within ten
5	minutes or less. Let's make that the
6	standard. Uber wants to create -- wants to
7	continue its partnership with the TLC. It
8	wants to provide real customer service,
9	real consumer protection, and real safety
10	across all parts of this industry. But we
11	recognize that fast emerging technologies
12	pose new challenges and new threats.
13	You know, in the last several years
14	the New York City government has
15	prioritized the creation of a new
16	tech-based economy in this city, supporting
17	companies like Google, Etsy, and Quirky,
18	and each one of you could probably name ten
19	others. It's been to establish a real
20	presence in New York. And today, for
21	example, Mayor Bill de Blasio just today is
22	meeting with tech industry leaders at New
23	York City's Inaugural Tech Talent Pipeline
24	Advisory Board. This is good for New York.
25	This is ultimately good for the industry.

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2   The TLC now has this opportunity to

3   strike the right balance between

4   regulation, economic growth, and innovation

5   by building upon the existing FHV license

6   structure and requiring all bases seeking

7   to utilize apps to obtain a separate

8   license from the TLC to use apps. This

9   approach would match how 22 other

10   jurisdictions across the country have

11   handled dispatch app regulation with great

12   success. Alternatively, an approach that

13   puts the TLC in the driver's seat in terms

14   of how apps are run and operated. We go

15   against this precedent. It would, perhaps

16   stifle progress and would ultimately hurt

17   riders. We want to work with you on this

18   issue. We want to help ensure that drivers

19   have real economic opportunity and riders

20   have the best experience possible. Thank

21   you.

22   THE CHAIR: Thank you.

23   Natasha Avanessians.

24   MS. AVANESSIANS: Good morning,

25   Chair Joshi, and Commissioners. My name is

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2   Natasha Avanessians, and I will be

3   submitting testimony on behalf of

4   Tweeps Phillips, the Executive Director for

5   the Committee for Taxi Safety. I work for

6   the Committee as a Public Affairs

7   Consultant.

8   On behalf of the Committee, we want

9   to thank the Commission for holding this

10   oversight hearing today in relation to

11   e-hail licensing. We have also submitted

12   comments that delineate all of our

13   recommendations and concerns.

14   Today should not be taken for

15   granted. Today, the Commission has the

16   opportunity to paint the future of what

17   e-hail means to all New Yorkers who utilize

18   all the vehicles that you license and

19   oversee. You hold the power to ensure the

20   growth and prosperity of all segments of

21   the industry, to not allow for one provider

22   to determine the future of transportation

23   in this City, to not impede on the

24   opportunity for others to provide the

25   service they are so proud to give.

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2   I want to acknowledge Council member

3   Ben Kallos for introducing legislation for

4   a universal e-hail app, which would help

5   level the laying field between yellow taxis

6   and black car e-hails. Over-saturating the

7   market with an app that provides only black

8   car non-accessible service does not provide

9   New Yorkers and visitors with the credible,

10   safe, and wheelchair accessible options.

11   And in that fashion, the TLC in its most

12   recently promulgated rules claimed e-hail

13   as hail.

14   I will follow-up with two main

15   points. One, by a state law, only

16   medallion taxicabs have the exclusive right

17   to pick up passengers by hail in the

18   exclusionary zone. However, because the

19   needs of the public should be a threshold

20   consideration, we do suggest a three-minute

21   exclusive period of time for which

22   medallion licensed vehicles would have the

23   right to accept e-hails in the exclusionary

24   zone before other for-hire vehicles can do

25   so.

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2   Secondly, the yellow taxi apps

3   cannot provide or incentivize drivers as

4   other e-hail app providers can do. The

5   Commission view the industry as a whole to

6   ensure a level playing field so we can all

7   compete equally.

8   To conclude, I ask the Commission

9   not to turn a blind eye. If Uber can

10   invade our privacy as they have done so

11   publicly a month ago, there is no reason

12   that Uber cannot provide the portal of live

13   trip data to the Commission so everyone can

14   have the confidence that only licensed TLC

15   vehicles and drivers are transporting New

16   Yorkers. I ask you to help keep our

17   passengers safe by holding all segments of

18   the industry to the same standards. Thank

19   you.

20   THE CHAIR: Thank you.

21   Next is Dick Thaler.

22   MR. THALER: Good morning,

23   Commissioner Joshi, and panel. I'm an

24   industry consultant, Dick Thaler. First, I

25   would like to say that I was delighted to

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2   just learn that I'm in complete agreement

3   with Mr. Kabessa about the illegal idea of

4   licensing an app entity, and I'll get into

5   that a bit.

6   As the proposed FHV dispatched

7   rule-making stands, it's a major competitive

8   disadvantage for the medallion taxi

9   industry segment and the FHV bases caused

10   by violations of state and federal law and

11   Commission rules. An FHV app company

12   providing passenger mobile dispatch trip

13   request to any and all licensed FHVs does

14   not constitute a licensable entity for that

15   purpose. The statement in the hearing

16   notice that a licensed app company, "allow

17   FHV drivers to accept app-based dispatchers

18   through a TLC licensed FHV app company",

19   and not an FHV base is contrary to

20   historical FHV licensing policy.

21   And how does the license app company

22   provide workers' compensation coverage to

23   FHV responding to dispatchers? Clearly,

24   FHV dispatch app regulatory policy should

25   be implemented through the FHV base

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2   license, not the proposed FHV app license.

3   Under Chapter 59B, it's the base license

4   that requires a base and its affiliated

5   drivers to be in compliance with

6   prearrangement and dispatch operations,

7   including the use of app functions under

8   the 59B rule sections. App functions, like

9   any software applications, may be provided

10   by one or several software providers. So

11   it's the bases' responsibility under its

12   license to obtain and apply app software

13   functions for management and operation of

14   prearrangement and dispatch functions in

15   compliance with the rules of 59B.

16   Accordingly, an FHV license approval

17   should require compliance with the

18   provisions of the following 59B sections

19   which incorporate FHV app rules of

20   operation, rather than requiring licensing

21   for each FHV app; that would be 59B05, 08,

22   17 and 25. In the important related matter

23   of the proposed FHV app license, compliance

24   with the dispatch rule permitting a

25   nonaffiliated base to dispatch a trip to a

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2   driver affiliated with another base as long

3   as the passenger is notified by the

4   nonaffiliated base as to the vehicle, TLC

5   license, and the base names, this is a

6   violation of federal and state franchise

7   law for non co-op-owned bases; certainly

8   for the black car and luxury bases that are

9   franchised, but also for livery bases that

10   may not be franchised because it is not a

11   license requirement yet. In those cases,

12   the TLC by not requiring franchise

13   registration in New York State, are

14   permitting violations of the franchise law

15   since livery bases meet the three

16   requirements for franchising under New York

17   State and Federal Trade Commission Rules.

18   Under the franchise agreements, the

19   driver franchisees must only service work

20   provided by the franchisor, unless it's the

21   franchisor, that is the affiliated base,

22   that approves the dispatch under an

23   agreement with a nonaffiliated base

24   attempting a dispatch. Subway can't sell

25   Burger King.

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2   Essentially as a result, a strong

3   app provider, for example, Uber, can have

4   uncontrolled access to the entire pooled

5   FHV licensed industry, and the affiliated

6   bases would have no knowledge of these

7   dispatch trips. And if a licensed FHV app

8   company dispatches a trip, who would be

9   responsible for sending the weekly trip

10   records to the Commission? Thank you for

11   your time.

12   THE CHAIR: Thank you. And I want

13   to make one clarification, and I think it

14   comes from the line under number one in our

15   industry which says, I'll read the last

16   phrase -- actually, I'll read the whole

17   thing: "Proposed FHV app licensing rules

18   will formalize this practice and only allow

19   FHV drivers to accept app-based dispatchers

20   through a licensed FHV app or through a TLC

21   licensed base under the same terms of use

22   as the TLC licensed FHV dispatching app."

23   And I think there, I should clarify one

24   point. The Commission is not contemplating

25   a world where you can dispatch through the

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2   app only. It's that if a base wants to use

3   a dispatching app to dispatch cars, the

4   dispatching app would have to be licensed

5   by the TLC. You need a certain set of

6   requirements, and vice versa, the base can

7   only work with licensed apps.

8   MR. THALER: If I can make a remark,

9   exactly right, but all of that licensing

10   should be through the base license, so when

11   a base applies for --

12   THE CHAIR: And bases that want to

13   use their own app for dispatching would

14   have to meet the --

15   MR. THALER: Or any app software

16   should be licensed through the base

17   license. That was my point.

18   THE CHAIR: Okay. Thank you.

19   Next is KJ Singh.

20   MR. SINGH: Good morning. Thank you

21   for your time. My name is KJ Singh from

22   Maya Insurance Company, currently the

23   President and Chief Operating Officer. I

24   have over 20 years of experience

25   implementing and researching technology

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2   from my previous careers from help desk

3   support to an IT Director.

4   Historically and presently,

5   innovation and technology implementation is

6   beneficial to the people in businesses of

7   the city, the state, as well as the

8   country. Whether innovation leads to

9   productivity, better communication

10   technologies will carry us forward. In

11   this specific case of vehicle dispatch app,

12   at its core, it is a custom communication

13   tool, ironically without speaking.

14   In the past, communicating between a

15   taxi and a livery could be as simple as a

16   street wave, a telegraph, a telephone, an

17   e-mail, or an e-hail. It is a

18   communication tool. Regardless of the

19   method or the language, a New York City

20   taxi must be insured. We are one of the

21   few insurance companies in New York State

22   licensed. Many are rated to write taxi

23   livery business, we are one of the few that

24   actually actively write it. I have over

25   four-and-a-half thousand vehicles, I

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2   actively insure for-hire vehicles, taxi and

3   livery.

4   Regardless of the method or

5   language, the driver must be licensed and

6   go through additional screening for the

7   safety of the public. Insurance is

8   generally characterized as a business

9   vested with public interest. It's a

10   private contract with the driver of insured

11   with the private company. However, public

12   interest is approved by New York State

13   Insurance Department and additional

14   requirements by the TLC Commission. It is

15   primarily regulated at the state level with

16   additional caveats with the Commission to

17   regulate a specific industry.

18   New York State minimum requirements

19   for an accident are $25,000 per person and

20        $50,000 per accident. TLC mandates

21        $100,000 per person and $300,000 per

22   accident. That's four times the minimum

23   requirement per a current -- six times per

24   occurrence, excuse me. Seating capacity is

25   critical for us as an insurance company.

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2   On the TLC's own regulations, vehicles with

3   nine to fifteen passengers require

4          $1.5 million per occurrence, 16 to 20

5   passengers require $5 million per

6   occurrence. This is for the protection,

7   obviously, of the public, the passengers.

8   Workers' comp requirements caveats as well

9   too for yellow medallions, whether it's

10   individual of fleet; same with the black

11   car, whether it's individual or fleet.

12   Black car workers' compensation fund is

13   also for the protection of the drivers.

14   Different insurance companies will

15   participate at different levels of this

16   risk assessment, whether 25,000 or 50

17   outside the New York City area for a $5

18   million occurrence. Base affiliation is

19   critical for us to identify risk, to make

20   sure the passengers, the public, the

21   drivers, and believe it or not, the bases

22   are protected. We do protect the bases

23   when necessary without their knowledge,

24   that's what we signed up for.

25   That is why we at Maya check the

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2   base affiliation everyday. We download

3   them, we cross reference them, I need to

4   know if the vehicle is a yellow, a green, a

5   black with workers' comp, a black without

6   workers' comp. These are critical caveats

7   for rate, potential rate violations,

8   potential rate jumping, a lot of

9   misrepresentations as well too. I'm not

10   trying to protect an entrenched industry,

11   nor am I promoting the greatest latest

12   technology. The critical regulations of

13   all taxi and livery must be considered. If

14   all vehicles are to be considered

15   equivalent, then the insurance requirements

16   must be addressed and be equivalent as well

17   too. However, a 15-passenger bus that's

18   hailed via street, or a phone call, or an

19   e-hail, those insurance requirements are

20   far more serious ramifications than a 100

21   or a 300,000 coverage.

22   A new communication tool is a great

23   benefit to hail a livery vehicle. It's a

24   great convenience for the passengers and

25   drivers. However, if the bases have

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2   regulatory insurance requirements, the

3   vehicles have regulatory insurance

4   requirements, then we request that the base

5   affiliation be considered as well too. I'm

6   not part of any base, I'm not a spokesman

7   for any base, I'm not a member of any base,

8   nor am I promoting an e-hail account. It's

9   strictly insurance coverage.

10   Again, I'm one of five insurance

11   companies. Base affiliation and the

12   requirements for those bases are critical.

13   So I do appreciate your time and I do wish

14   you take that into consideration with a

15   communication tool, not so much a base.

16   Thank you for your time.

17   THE CHAIR: Thank you.

18   Next, Michael Simon.

19   MR. SIMON: Good morning,

20   Commissioners. My name is Michael Simon.

21   I am a medallion owner and thus an

22   interested party.

23   With the introduction of the

24   e-reservation, the passenger is basically

25   receiving the same service as a taxi with

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2   only the color of the car being different.

3   It is of my opinion in years to come, taxis

4   and Uber-like cars will morph into

5   identical forms.

6   The definition of prearrangement, to

7   arrange in advance. The definition of on

8   demand, ready to travel. For

9   prearrangement, how much advance notice is

10   reasonable, and how much time do we give

11   for a vehicle to respond to an on demand

12   call? On demand service is a shorter

13   period of time as the terms imply. In

14   order to codify the difference between the

15   dispatch app and the e-hail app, the

16   dispatch app vehicle must take a longer

17   period of time to get to the passenger.

18   Prearrangement and on demand service cannot

19   be the same in terms of ETA because they

20   are as per definition, different.

21   So we need to make clear -- we need

22   to make a clear distinction. The

23   definition of prearrangement is an

24   arrangement made with the time in the

25   future, not the time it takes for a car to

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2   get there. The on demand period of time

3   could be defined as a measurement of time a

4   passenger would reasonably wait to get a

5   taxi. On demand service could be anywhere

6   from one second, and let's say a taxi is at

7   a red light and the passenger jumps in, to

8   the maximum amount of time the Taxi and

9   Limousine Commission would consider

10   appropriate for a customer to e-hail or

11   street hail a taxi. If there are not

12   enough taxis that are available in the time

13   frame that the TLC considers appropriate

14   for good taxi service, then more medallions

15   are needed.

16   Correspondingly, the time wait for

17   an e-reservation would be the maximum time

18   allowed for a taxi e-hail to make pick up.

19   The amount of time would be the minimum

20   wait period for black car e-reservations,

21   and these two restrictions would be

22   embedded in their respective apps. A

23   prearranged service signifies that

24   something is going to be done before the

25   arrangement, otherwise it would be

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2   considered on demand.

3   Since we are dealing with vague

4   situations that must be made clear, here

5   are some situations that a passenger might

6   be engaged in after a prearrangement

7   request; a cup of coffee, packing of bags,

8   a phone call to a friend, cleaning their

9   kitchen, getting the kids for school. Any

10   chore or activity requires a certain amount

11   of time. We can go into the ridiculous by

12   making a reservation for ten seconds later

13   and call it prearrangement -- I'm going to

14   take my next breath and after that I'll be

15   ready -- but we can't be absurd, we have to

16   be practical.

17   My point here is, what is the

18   reasonable amount of time that these

19   situations require for prearrangement to be

20   defined? It is my belief that Paris has a

21   wait time of e-reservations of 15 minutes.

22   Exceptions could be made for this, such as

23   allowing persons to request black car

24   service faster by the old fashion phone

25   call to the base.

1   Proceedings

2   A person who is standing on the

3   street with luggage is ready to travel,

4   otherwise that rider would be engaged in

5   another activity. If you're standing on

6   the street with your smartphone looking for

7   a vehicle, it's apparent that you are ready

8   to travel and taxi service would be the

9   standardized option, not the black car

10   e-reservation.

11   Because black cars have proliferated

12   and bases have joined forces to form large

13   fleets capable of matching taxi pickup

14   times, penalties need to be imposed for an

15   early pick up. There should be limits as

16   to how many cars a base is allowed to have,

17   and restrictions on their ability to join

18   together. When a base's number of vehicles

19   get too big, they become huge fleets and

20   are capable of mimicking taxis.

21   There is a necessity for standard

22   taxi service. Is there any city in the

23   world that doesn't have taxis? The taxi

24   must be the preferred first choice because

25   they are the necessity and not the luxury

1   Proceedings

2   as an e-reservation is. To correct the

3   current situation, we need to back the

4   medallions 100 percent to bring it back to

5   life, and put out more medallions to meet

6   the needs of the public. Uber does not

7   have an exclusive right to the e-hail,

8   therefore it is highly justifiable to do

9   this. Thank you.

10   THE CHAIR: George Laszlo.

11   MR. LASZLO: Good morning. Thank

12   you for doing this hearing. My name is

13   George Laszlo. I'm from the Taxi and

14   Limousine Research Center. However, I do

15   want to make clear that today I'm actually

16   here as a resident of New York City and I'm

17   hopefully in support of the people who live

18   in this town, as well as the visitors who

19   use these services.

20   So based on that, first, let me say

21   that I did submit some comments to Taryn,

22   and I would like to ask you to use those as

23   my official commentary and questions that I

24   would like you to consider looking at these

25   rules.

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2   I would like to concentrate on four

3   things, two of which are related --

4   actually, all four are related. First,

5   having to do with rates. You had asked for

6   commentary on surge pricing and the rate

7   card filings that are currently part of the

8   rules for for-hire vehicles. If I

9   understand it correctly, and please correct

10   me if I am wrong, currently there's no

11   rules at all pertaining to the prices that

12   can be set for every given ride on the FHV

13   side. However, you do require that people

14   submit a rate card to you so that you know

15   what those charges would be potentially. I

16   heard from many people in the industry,

17   however, that this could actually be a

18   farce because there are no limits on what

19   those rates could be.

20   So let's say technically that I am a

21   base or I'm an app, and I'm going to tell

22   you that my top rate is $10,000 per trip.

23   You would accept that, and then basically

24   if anybody charges anything less than

25   10,000 for a trip it would be okay. So, if

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2   I'm correct about these assumptions about

3   the posing of rates, then I would like to

4   ask that you consider placing specific

5   restrictions on rates, and I think that

6   many people in the city, residents, as well

7   as members of the City Council have been

8   concerned about surge pricing, in fact,

9   they had a hearing about it, and many

10   concerns were raised about whether the 2X,

11   or 3X, or 5X, or whatever the X is should

12   be looked at and what is considered unfair.

13   So I would urge you to take a look

14   at this very clearly it and not just simply

15   ask people to give a rate card with

16   whatever numbers are in there, but make

17   specific restrictions. I would also urge

18   you to take a look at specific conditions

19   under which surge pricing is not allowed;

20   emergencies, for example, heavy snowstorms,

21   whatever it may be that may affect the

22   public and reduce the choice for getting a

23   ride, and discouraging, actually, people

24   from being out there to give rides. So

25   that's the -- on the surge side and the

<pre>
 1   Proceedings

 2   rate card filing.

 3   So currently, I would like to ask

 4   you that there's no ceiling, that you

 5   should have rules and regulations, and

 6   guidelines about this pertaining to the

 7   rate card as well as the surge price part

 8   of the rate card, if in fact surge pricing

 9   is considered part of the rate card, which

10   is not clear to me currently. I would like

11   to ask you to make that clear.

12   Third, there has been discussion

13   about dispatching cars from another base.

14   There's one condition that I would like to

15   ask you to look at very clearly, which is

16   that a dispatch of a car from another base

17   by a base should not be allowed if the base

18   that is being dispatched or given the right

19   to is under some kind of regulatory

20   demerit, if you will; if for example, they

21   are not allowed to operate or they are in

22   violation of TLC rules, whatever that may

23   be, that should not be allowed. The cross

24   dispatching should not be allowed if the

25   car being dispatched by whatever that base
</pre>

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2   is is in violation of TLC rules.

3   Fourth, I wanted to ask you to

4   consider something which I consider to be

5   an important subject, which is I have found

6   in the past that you tend to look at each

7   of these segments individually and not to

8   impact analyses across the segments. I

9   would like to encourage you in this

10   particular case to take a look at the FHV

11   to SHL conversions. In other words, going

12   to the green cabs, which has been a huge

13   success. One of the drivers I talked to

14   said that her earnings have shot up and is

15   much, much better to operate as a livery

16   cab. However, I would like to suggest that

17   if you e-hail -- if the e-hail apps are

18   regulated in whatever manner, you must look

19   at the impact of the FHV to SHL conversions

20   because why would someone go through the

21   process of converting from FHV to SHL if

22   the path of least resistance is to simply

23   become an app driver. So you're going to

24   be undermining potentially what you're

25   trying to do with the green program by what

1   Proceedings

2   you're doing on the black car and executive

3   limo side of the business. I think you

4   need to look at that very carefully.

5   So those are my key comments and I

6   think the most important one of those is

7   please, please in anything that you do in

8   the future do the impact analysis because I

9   think there are unattended consequences

10   that you're not considering by putting on

11   the blinders each time you look at a

12   specific segment on its own. Thank you

13   very much.

14   THE CHAIR: Thank you.

15   Diana Dellamere.

16   MS. DELLAMERE: Hi. Good morning.

17   My name is Diana Dellamere. I'm a public

18   Policy Manager for Lyft. We're here today

19   with three purposes. The first is to

20   comment on whether there's any real need

21   for additional new licensing of apps. The

22   second is to propose a solution to address

23   any remaining consumer protection, safety

24   and accountability concerns, and the third

25   is to help further the goals of innovation

1   Proceedings

2   by identifying how apps and other

3   technology solutions can help move the

4   entire industry forward.

5   The premise of this hearing is that

6   the use of dispatch apps has grown

7   significantly, and through these rules, the

8   TLC seeks for an innovation, consumer

9   protection, accountability and safety for

10   the public. This is -- these are all noble

11   goals and their consistent with what we've

12   heard from the Attorney General in terms of

13   how to regulate these new industries and

14   how it's changing the way apps are -- cars

15   are dispatched.

16   So the first point, do we need an

17   additional licensing system? No. In

18   short, no. Those protections already exist

19   and are applied to apps as to other means

20   of dispatch engagements through the base

21   licensing requirements. As you know, we

22   own a black car base that dispatches

23   through the Lyft app. Lyft responds to the

24   demands of New York City consumers for high

25   quality on demand transportation service

1   Proceedings

2   through the means of communication they use

3   most often, an app on their mobile phone.

4   We worked with the TLC when entering the

5   market and established a black car base at

6   your direction. We follow all of the rules

7   required for operating and holding a base

8   license, including extensive consumer

9   protection, public safety and

10   accountability requirements. Therefore, it

11   is into the necessary to create an

12   additional licensing system to achieve the

13   TLC stated goals, unless the TLC

14   anticipates removing bases entirely from

15   the dispatch equation, which as you said

16   earlier that's not under consideration

17   here.

18   An app operated or contracted by a

19   licensed FHV base is no different than a

20   phone, radio or booking website used by an

21   FHV base. The rules of protection and

22   accountability follow the base and the base

23   is responsible for ensuring that those

24   standards are met. The protections are

25   already there.

1   Proceedings

2   Further, it would be illogical and

3   anti-competitive to require an additional

4   license requirement along with additional

5   standards on bases using apps and not

6   require those additional standards on bases

7   using other means of dispatch. We could

8   try to imagine what this kind of system

9   would look like, a base that receives phone

10   calls from customers might have to license

11   their phone system and/or their practices

12   for using the phone. How would that work?

13   Would a standard script be provided for all

14   calls and must be followed by any employee

15   receiving calls at the base? How would

16   callers know the basis of the fare quote

17   they get over the phone, or have a record

18   of it? How would the base prove their

19   telephone practices have adequately

20   communicated critical information to the

21   consumer? And will the TLC have to

22   examine, evaluate and license each phone

23   system, radio or website and all the

24   individual technologies and practices

25   involved with that?

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2   Asking these questions for phones

3   and radios may sound ridiculous, but

4   essentially they're the same questions

5   being asked for mobile apps. However,

6   website bookings are not being considered,

7   which we find a little bit strange. Any

8   attempt to apply the idea of the additional

9   licensing requirements and regulations to

10   all forms of communications quickly makes

11   it clear that doing so would be

12   impractical, if not impossible. This

13   exercise also makes clear that rides

14   dispatched via apps or other new

15   technologies may already be safer and more

16   accountable than dispatch communication

17   options.

18   Apps provide consumers with

19   information in real time, detailed

20   receipts, and options for communicating

21   with the driver and the base. On the Lyft

22   app, consumers can track the car coming to

23   pick them up, see a photo of the driver

24   they expect to arrive, check the license

25   plate number, share their ETA, and identify

1   Proceedings

2   all relevant base IDs as recently required

3   by the TLC to ensure accountability.

4   So with that said, we would like to

5   propose a solution to strengthen the

6   existing protections through the link to

7   the base license if there remains concern

8   about this. There's a simple solution to

9   add a provision to the existing base

10   license rules that explicitly makes each

11   base responsible for ensuring that any

12   means of dispatch communication it uses

13   whether in their direct control or procured

14   through contract, is compatible with the

15   rules required under its base license.

16   Liability should be limited only to trips

17   dispatched by that base.

18   This is an effective, uniform and

19   simple solution to achieve the TLC's

20   consumer protection and safety goals while

21   not impeding innovation. This solution is

22   also compatible with the rules recently

23   enacted by the TLC to address dispatch

24   issues without additional competition or

25   driver freedom.

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2   So, another stated goal of this is

3   to promote innovation and if innovation is

4   really the goal here, then we think it's

5   important to consider that there's a

6   broader opportunity to reenvision how

7   technology can transform on demand

8   transportation in New York City. The

9   introduction of technology and app-based

10   dispatch options have begun to expose what

11   consumers and drivers really want; they

12   want choice and flexibility.

13   So here are some of the principles

14   that we think can help guide reform to

15   address the impact of apps on the industry

16   and increase the value of our consumers and

17   drivers. This would not be limited to a

18   licensing system. This is sort of

19   industry-wide new ideas and new standards

20   that we could start to apply. Drivers

21   should no longer be required to affiliate

22   with any centralized entity. The reality

23   of on demand services is beyond this

24   requirement and more opportunities exist

25   without it. Screening and licensing of

1   Proceedings

2   drivers could be directly performed through

3   technology, saving hundreds of dollars in

4   fees, enabling new drivers to be licensed

5   more efficiently, and diversifying the

6   driver pool to include, for example,

7   part-time drivers. Direct real time

8   communication between consumers and drivers

9   enabled by apps provide more in tune

10   protections and ensures public safety

11   better than any set of one size fits all

12   rules.

13   Some current options let consumers

14   protect themselves through constant

15   communication and information provided in

16   real time. This is something that can

17   evolve, if not constrained, and get even

18   better, and that's something that the rest

19   of the industry can also sort of benefit

20   from.

21   Consumers must also be allowed to

22   make decisions based on their individual

23   needs, including on what price they're

24   willing to pay. In many cases, technology

25   has already increased transparency and

1   Proceedings

2   lowered costs. This will continue to get

3   even better with competition if not

4   restricted unnecessarily. The New York

5   City consumers clearly value choice and

6   have chosen flexibility price service in

7   large numbers. Insurance requirements

8   should also be --

9   THE CHAIR: I'm just going

10   to -- just because we're on a tight time

11   frame, so you're going to have to wrap up

12   now.

13   MS. DELLAMERE: Insurance

14   requirements should also be sort of

15   considered in light of new options, for

16   example, for part-time drivers. There are

17   many options for how to do all of this.

18   It's important --

19   THE CHAIR: We're going to have to

20   end now. Thank you.

21   MS. DELLAMERE: Okay. Thank you.

22   THE CHAIR: Next is Ira Goldstein.

23   MR. ARVANITES: Obviously I'm not

24   Ira Goldstein. I'm sorry. My office, we

25   tried to make you aware that he was not

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2   going to be available today and would be

3   sending in written comments. My name is

4   Michael Arvanites from Black Car Fund.

5   THE CHAIR: That's fine. Thank you.

6   Robert Angelillo.

7   MR. ANGELILLO: I have a written

8   submission that had to be submitted last

9   night, but I'm going to hand it off as

10   well.

11   Good morning. My name is

12   Robert Angelillo. I'm with the law firm of

13   Arkin Solbakken and we represent XYZ Two

14   Way Radio. As you know, XYZ is a proud,

15   long-standing brick-and-mortar base in the

16   city.

17   We're here today because we believe,

18   and XYZ believes, this is a critical

19   juncture for this industry and this

20   Commission. Forty years TLC, give or take,

21   has overseen the black car industry

22   predominantly through the base system and

23   we believe this has been the best system.

24   The base system protects the drivers, they

25   have a vested interest in their bases, it

1   Proceedings

2   protects the consumers; your regulations,

3   VTL requirements, all become part of the

4   rules and regulations of the individual

5   bases and they hold themselves accountable

6   to those rules and regulations, in essence

7   becoming self-regulatory entities within

8   the industry.

9   We don't think it's an overstatement

10   to say that if the trend that we're seeing

11   now continues, the base system is facing an

12   existential threat here and we think it's

13   important that these new rules that are

14   under consideration address that concern.

15   And I was actually pleased to hear earlier

16   today that it does appear that the

17   licensing regiment being considered is

18   through the base. We certainly would

19   support that and we think there are other

20   bases that would agree with us.

21   Now, we agree that new technology

22   should not be shunned. It should be part

23   of the development of the industry.

24   However, we don't believe that as it's

25   currently being implemented it protects the

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2   base system that has successfully governed

3   the industry for these decades. What do I

4   mean by that? You can look at the recent

5   events in January when five of six bases

6   were suspended for violation of various TLC

7   rules, yet that suspension of five bases

8   had no effect on the operations of the Uber

9   entity. They all funneled it through

10   another car company and they went forward

11   as if nothing had happened. That cannot

12   happen with brick-and-mortar bases and it

13   is eroding the existence of those bases.

14   And in that event, we saw a

15   violation of at least two rules that we're

16   aware if, operating as an unlicensed

17   entity, and we believe one of those bases

18   is actually a luxury base, started

19   operating through a black car base, nothing

20   happened. And those are TLC rules that

21   were flaunted and no penalty was assessed.

22   So like I said, we're not saying

23   that technology does not have a place in

24   the black car business, we think that it

25   does. But first and foremost, we think

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2   that the black car -- excuse me, the base

3   system provides the best mechanism for the

4   safety of the drivers, the safety and

5   stability of the drivers and also the

6   safety of the passengers. And we would

7   urge the Commission to seek the input from

8   the brick-and-mortar bases in the city into

9   ways to incorporate app technology into

10   their operations. They're ready, willing

11   and able to do it, and we think that is the

12   safest and most effective way for this

13   Commission to proceed with respect to app

14   dispatching. Thank you very much for your

15   time.

16   MR. WILSON: Thank you.

17   And the next speaker is

18   Jose Altamirano.

19   MR. ALTAMIRANO: Good morning,

20   Madame Chair, Commissioners, industry

21   colleagues. Thank you for allowing me to

22   speak regarding today's topic. My name is

23   Jose Altamirano, President for the Livery

24   Base Owners Association.

25   The Livery Base industry has

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2   embraced the use of technology through our

3   bases and vehicles for years and we

4   strongly support innovation that protects

5   and helps drivers and passengers alike.

6   However, we believe that thoughtfully

7   constructed oversight that protects the

8   industry is critical to the safety of

9   passengers and drivers across New York

10   City.

11   We have some concerns whether or not

12   this license structure will be covered

13   under, you know -- let's say a base uses

14   their own app, will they now be required to

15   provide another license on top of the one

16   existing? We already -- FHV bases are

17   already licensed by TLC for the right to

18   dispatch drivers, and we are concerned that

19   if -- we understand if the Commission needs

20   to license apps, however, bases already

21   have that. So if they're using their own

22   app for their business, we would like it to

23   be incorporated within that already

24   pre-existing license and not have to get

25   another license.

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2   In terms of access to drivers, our

3   industry believes that an FHV app or base

4   must have a contract with the base in

5   question in order to use the drivers of

6   another base. We oppose allowing one base

7   or an app to dispatch drivers of another

8   base without an agreement between the two

9   bases. Doing so raises significant

10   accountability concerns and needlessly

11   alters the current practice. We agree that

12   bases should be able to dispatch drivers

13   from other bases and apps as well, as long

14   as it includes an agreement. This practice

15   has worked well for 30 years and has helped

16   drivers maximize revenues and ensure

17   customer service and reliability of

18   service.

19   We do have some concerns over

20   refusals. The safety of our drivers is

21   extremely important. Given that the recent

22   increase of attacks against our drivers,

23   they should be allowed to refuse a trip

24   when the driver reasonably believes that

25   their safety is endangered or insurance

1   Proceedings

2   policy liabilities. And by insurance

3   policy liabilities, I'm not sure about the

4   exclusionary zone, but in the outer

5   boroughs we all have six passengers wanting

6   to get into a Toyota Camry or Lincoln and

7   it could be four adults, two children and

8   they want to enter into a vehicle that's

9   only insured for five people; with the

10   driver, that's four people left. I'm not

11   an insurance expert, but I believe a child

12   counts as a person, I'm not sure when. So

13   typically, that would be a refusal from the

14   driver and that's currently not covered

15   anywhere inside of the regulations.

16   Another example would be when someone is

17   intoxicated.

18   In terms of price transparency, we

19   believe that the passengers can be notified

20   of increased prices, even through a binding

21   fare quote at the beginning of a ride, but

22   do not agree with the limiting of the

23   amount for the livery industry. We believe

24   that we should be able to increase prices

25   when it is accommodating for weather or

1   Proceedings

2   traffic patterns or limited supply. The

3   industry should be able to compete on the

4   same level as other FHV bases and vehicles.

5   For app and base accountability, we

6   agree passengers should be given a certain

7   amount of time and information regarding

8   the apps and the vehicles coming in too.

9   We always believe that the customer should

10   have safety whenever entering into our

11   vehicles. We promote that and we always

12   like to be within the correct statures.

13   It is our hope that the Commission

14   will continue to listen to stakeholders

15   from the livery industry in order to

16   preserve the business and its drivers and

17   allow us to continue providing much-needed

18   transportation to the residents of New York

19   City as it has for long decades. Thank

20   you.

21   MR. WILSON: Thank you.

22   The next speaker is Peter Mazer.

23   MR. MAZER: Good morning,

24   Chair Joshi, and Commissioners, and

25   panelists. My name is Peter Mazer and I am

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2   General Counsel to the Metropolitan Taxicab

3   Board of Trade, an association representing

4   the owners of approximately 5,500 medallion

5   taxicabs, the agents that operate these

6   taxicabs, and many of the taxi meter

7   businesses and programs that provide

8   service to the medallion taxi industry.

9   MTBOT members lease their taxicabs to more

10   than 20,000 drivers each year and employ

11   hundreds of mechanics, dispatchers and

12   other personnel. In sum, MTBOT members are

13   involved in every aspect of the medallion

14   taxicab industry.

15   Today, we urge the TLC to draft and

16   adopt regulations that would license and

17   regulate any application or technology used

18   to connect passengers to vehicles for-hire.

19   Recently, the TLC enacted rules that would

20   require an application used to connect the

21   passenger to a medallion taxicab be

22   licensed. MTBOT supported these rules as

23   we believe that licensing hailing

24   applications that can be used in the yellow

25   taxicab industry would provide a level of

1   Proceedings

2   accountability by these e-hail providers

3   and would give the public a needed measure

4   of protection since the TLC can enact

5   regulations governing the conduct of the

6   entities that it licenses. We believe that

7   the same protections and goals provided by

8   the -- requiring the licensing of hailing

9   apps, the medallion taxicab propels the

10   TLC's adoption of rules and regulations for

11   the licensures of apps in the for-hire

12   market.

13   First Of all, such licensure and

14   regulation is mandated by the

15   administrative code. Section 19-511

16   provides that, "The communication shall

17   require licenses for the operation of

18   two-way radio or other communication

19   systems used for dispatching or conveying

20   information to drivers of licensed

21   vehicles." Therefore, under the

22   administrative code, any system that's used

23   to convey passenger information, such as

24   pick-up locations and fares to drivers,

25   must be licensed. This would include apps

1   Proceedings

2   that convey trip information directly to

3   drivers or through a base.

4   Licensing these communication

5   systems is also a sound regulatory policy.

6   Drivers are licensed and their conduct is

7   regulated in great detail by the TLC. For

8   example, drivers cannot refuse to take

9   passengers to their destination, drivers

10   must not overcharge passengers. Likewise,

11   the TLC license, it regulates vehicle

12   owners, ensuring that vehicles are safe and

13   insured. Every business that provides

14   for-hire transportation services to the

15   public, whether it be a base, a taxicab

16   agent, or other transportation-related

17   business must be licensed and subject

18   itself to TLC regulation. However, as of

19   now, those businesses that link passengers

20   of drivers to for-hire vehicles, that

21   determine vehicle availability, that set

22   prices, and that collect fares and added

23   charges for passengers, are not licensed or

24   regulated.

25   If a passenger uses a telephone to

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2   call a base, a passenger must be given a

3   fare quote, must be ensured that the

4   vehicle is licensed and inspected, and that

5   the driver holds current TLC and DMV

6   licenses. The quoted fare is the fair that

7   must be charged. The driver cannot refuse

8   the passenger and the base must have

9   provision for transporting passengers with

10   disabilities, but the same passenger can

11   use an app and none of those protections

12   apply. If the vehicle or the driver is not

13   licensed or insured, the app company is

14   somehow not responsible to the passengers

15   and has no regulatory responsibility to the

16   TLC. Fares can often vary at the whim of

17   the provider. There is no consumer

18   protection whatsoever. The fare now is not

19   the fare 10 minutes from now.

20   Most significantly, if the passenger

21   has a fare dispute and has not provided

22   service as expected, there is no recourse

23   for the passengers since there is no

24   licensed entity that the TLC can hold

25   accountable. The passenger may complain to

1   Proceedings

2   the service provider, but there is no

3   requirement that anything be done. The

4   failure to regulate transportation service

5   provider undermines the purpose of the TLC

6   and all the regulations that the TLC has

7   enacted, since they are rendered virtually

8   meaningless with respect to an important

9   aspect of service to the public.

10   It is illogical that all of the

11   protections provided by passengers and

12   responsibilities of entities providing and

13   arranging for transportation services

14   should evaporate simply because an

15   electronic app was used to arrange a pick

16   up instead of a telephone or some other

17   means of communication.

18   Also, a license and regulated app

19   can assist the TLC in ensuring that all

20   businesses, yellow cabs, street hail

21   liveries, community car services, black

22   cars, and luxury limos meet the needs of

23   the disability community and comply with

24   TLC regulations and all laws governing the

25   provision of accessible service. We urge

1   Proceedings

2   the TLC to require any app or

3   transportation service provider, which

4   links passengers to licensees, be licensed

5   by the TLC and subject to the same level of

6   regulation as the rest of the industry.

7   Such regulation would be consistent with

8   the law, provide needed consumer

9   protection, and fulfill the mandate of the

10   TLC to develop and implement a

11   comprehensive transportation plan as

12   mandated by the City Charter to ensure that

13   all passengers and licensed TLC vehicles

14   receive safe, reliable service, are charged

15   fare prices that are known known in advance

16   of the trip, and have protections in the

17   event that there's a dispute.

18   Thank you for your time and if you

19   have any questions I'll be happy to answer

20   them.   Thank you.

21   MR. WILSON: Thank you.

22   The next speaker is Tarek Mallah.

23   MR. MALLAH: Good morning.   Tarek

24   Mallah, the General Manager of Dial 7 and a

25   member of the Livery Roundtable.   It seems

1   Proceedings

2   that if I run a tally of everybody's

3   opinions today, it seem that there's an

4   overwhelming consent that if you're a

5   dispatcher, you need a dispatch license,

6   regardless of what method you use to

7   dispatch. Very much similar to if you are

8   an architect needing a license, whether you

9   use a pencil and a ruler or you use

10   AutoCAD. Same thing as a CPA, if you today

11   are going to be a certified public

12   accountant, whether you're going to use a

13   calculator, or Ten Key, or QuickBooks, you

14   would still need to be licensed to

15   operate -- to provide service. Same thing

16   if you are a doctor, whether today you use

17   a scalp, or you use a laser, or you see the

18   patient in person, or you see the patient

19   through a mobile app three miles or

20   thousands of miles away, you still need a

21   license to operate -- to conduct your

22   business as a doctor.

23   If we keep with the same concept, I

24   believe we have existing licensing today

25   that allows us to do everything we want;

1   Proceedings

2   provide the production of the industries,

3   the business and the consumers, and have a

4   clear, very simple understanding that has

5   been proven safe and consistent and

6   surprisingly still open for all today and

7   future technologies if we can funnel the

8   same concept and principles that were

9   intended in our rules making, our laws,

10   federal, state and city. Thank you.

11   MR. WILSON: Thank you.

12   The next speaker, and pardon me if I

13   mispronounce this name, Raon Anarujobo.

14   (No response.)

15   MR. WILSON: Okay. I'll call the

16   next speaker, Jack Lamothe.

17   (No response.)

18   MR. WILSON: Sonam Palijor.

19   (No response.)

20   MR. WILSON: Okay. Muhammad Ali

21   Fahad.

22   MR. FAHAD: Good morning. My name

23   is Muhammad Ali Fahad. I'm taxi driver,

24   limo driver, bus driver, and also now I'm

25   an Uber proud driver. My driving history

1   Proceedings

2   in its ten years started with a stretch

3   limousine. When I drive a taxicab, 96

4   percent of my passengers don't know what is

5   New York City Taxi and Limousine

6   Commission. I'm the end product in this

7   business. They're going to look at me,

8   they're not going to look at what Uber is,

9   what Dial 7 is, what Carmel is.

10   I'm going to go through the steps.

11   Number one, licensing structure. Its app,

12   Uber app is the same like you have Expedia,

13   Jet Blue or Chase Bank app. They are

14   regulated by Federal Board of Trade,

15   they're already incorporated, they're in

16   business. People book the black car

17   limousines through Expedia, hotels.com, and

18   they get the limousine. If you have to

19   regulate Uber, you have to regulate them.

20   Access to drivers: Rules on what

21   Uber drivers TLC can dispatch. Everybody

22   who is licensed by New York City Taxi and

23   Limousine Commission to drive the vehicle,

24   is a driver, so they can drive a taxi, a

25   black car, a luxury limousine or the Uber

1   Proceedings

2   cab.

3   Refusals: Trustingly, in Uber, the

4   refusal rate is a lot more less than the

5   yellow cabs, and if TLC go through its data

6   since Uber is in business, the refusal

7   complaints should be down in a yellow cab.

8   So, refusal is so transparent. They know

9   what is going on.

10   Accessibility: Wheelchair

11   accessible, I think Uber still, they are

12   working on it to doing the accessible cabs

13   on the road so they can dispatch through

14   the app. Minimizing driver distraction,

15   that's the most important. It's a public

16   safety issue, it's a driver safety issue,

17   an issue of the people walking on the

18   street. Hailing a cab is more dangerous

19   than requesting on the app. People come in

20   the middle of the street, I'm telling you

21   the real time, I drive, I know, and it's a

22   hazard, it's a living hazard. They come in

23   the middle of the street to hail the cab.

24   In the nighttime, they're partying, they're

25   drunk, and then we have accidents and New

1   Proceedings

2   York City Taxi and Limousine Commission see

3   it's on the news everywhere every year

4   people got killed. So it is on the safe

5   side, and I give Uber credit for that.

6   They are reducing the fatalities.

7   Privacy and security: Yeah, they

8   have the data. What I see everyday is how

9   many trips I do, how much money I make, so

10   it's transparent, I know the trip data, but

11   I don't know if they're doing business or

12   not. The trip drivers, they do have the

13   records.

14   Price transparency, the surge

15   pricing, that's everybody's talk nowadays.

16   The surge pricing in this Taxi and

17   Limousine Commission has been for years.

18   I've worked for a former company, Dial 7,

19   Carmel, NYC Two Way Radio, all these luxury

20   limousine businesses, I used to drive a

21   stretch limousine. They do have surge

22   pricing in the specific time it's been in

23   for years, like from 4:00 p.m. to 7:00 p.m.

24   you go and Dial 7's website, going to the

25   JFK airport the rate is different, after

1   Proceedings

2   7:00 or 8:00 p.m. the rate is different, so

3   it is there. But now with Uber everybody

4   knows that the surge pricing is there.

5   App and base accountability: That's

6   the part of the New York City Taxi and

7   Limousine Commission I don't know about how

8   the bases works, I just drive. I'm a

9   licensed driver. I do all -- satisfy all

10   the requirements for the TLC to drive for a

11   a luxury limousine base or black car base.

12   Thank you very much. These are my

13   experiences.

14   THE CHAIR: Thank you.

15   MR. WILSON: Thank you.

16   That was our last scheduled speaker.

17   Since we're here, does anybody else wish to

18   be heard for the record? Somebody is

19   approaching. I ask you to state your name

20   for the record, with whom you're affiliated

21   and please limit your remarks to five

22   minutes.

23   MR. SANCHEZ: Hi. Good morning,

24   Commissioner. My name is Carlos Sanchez.

25   I'm the owner of NYC Green Car Service. I

1   Proceedings

2   haven't catched the whole meeting today, I

3   had a personal thing, but I haven't heard

4   nobody talk about the actual implementation

5   of these applications. The applications

6   that are right now in the market, they all

7   take away the vision of the driver away

8   from driving. When a call comes in when

9   he's driving, he gets a beep, not like a

10   two-way radio that's it's an audio call

11   that he receives. He gets his and he gets

12   a beep and the driver actually has to look

13   away while he's driving with a passenger in

14   the back to see if he can take that call.

15   Some apps actually do it that they won't

16   receive the next call until the vehicle is

17   to a full stop, but almost all of them

18   while the vehicle is still in motion, they

19   can receive another call that he has to

20   look away, to tap his tablet or his screen

21   on his phone to receive the next call. I

22   think that that's dangerous, not only for

23   the driver, but for the passenger too.

24   And I haven't heard nobody up until

25   now talk about that practical

1   Proceedings

2   implementation of most of these apps. If

3   it's an audio -- if it's an audio that they

4   receive that they could hear and they don't

5   have to look away from the road while

6   they're driving, I think it's okay, but

7   right now that's not how it's working.

8   They all have to tap a screen and I think

9   that's incorrect for security purposes, for

10   insurance purposes, for everything.

11   So it was just pretty short, so it's

12   just that. Thank you and have a nice day,

13   and have a great weekend, everybody.

14   MR. WILSON: It looks like I've got

15   several others. Did you wish to speak,

16   sir? And then we'll take the other two.

17   MR. SIMMONS: Good morning,

18   Chairperson, and Commissioners. My name is

19   Barry Schwartz Simmons. I'm with the Taxi

20   Workers Alliance, but I also have a very

21   unique position as a dialysis patient, and

22   I have to do dialysis three times a week so

23   I;m here representing those people who take

24   the accessible vans and the dialysis center

25   itself.

1   Proceedings

2   I think that there should be an

3   expansion of licenses to medical centers

4   because of my experiences, and I hear the

5   complaints from some of the people who are

6   on dialysis who have gotten -- as a matter

7   of fact, I have a letter that I was

8   supposed to present to you but I didn't

9   bring it -- was actually a guy in a

10   wheelchair who was basically thrown out of

11   a wheelchair-accessible van and basically

12   was late for his dialysis. And when

13   there's someone who is late for dialysis,

14   it backs up the system at the dialysis

15   center.

16   So, I would ask the Commissioners to

17   pay attention to the wheelchair accessible

18   cabs that are coming out and with the

19   dispatch system. Short and sweet to the

20   point. Thank you very much.

21   MR. WILSON: Thank you.

22   And then the first person there,

23   you're next.

24   MR. USHEFRA: Good morning,

25   everybody. My name is Reva Ushefra

1   Proceedings

2   (phonetic). I'm a driver with Hinter Base,

3   which is one of the bases of Uber

4   Technology.

5   I heard, you know, a couple of

6   people here today and I want just to focus

7   on the fact that -- why I drive for Uber.

8   Why Uber, why not another black car base,

9   and why not -- I'm not driving for a yellow

10   cab car? Uber for me is a zero percent

11   stress. I used to work for another base

12   back in 2010 and it was really a full-time

13   stress work. You needed to meet the

14   dispatcher, you need to be a friend with

15   him to give you a good job, it's a lot of

16   stress and it was not really healthy for

17   me. When I switched to Uber, and I took a

18   chance because back in 2011 it was a new

19   base, I really didn't know what is Uber. I

20   just heard that it's just an app and there

21   is no human favoritism. So I switched to

22   Uber and I had really a great experience,

23   zero stress, there's no favoritism, nothing

24   really. So it's really a healthy way to

25   drive in New York City.

1   Proceedings

2   Of course, we still have problems

3   like traffic, a lot of private cars in the

4   city, you can't park anywhere, sometimes

5   it's hard to pick up from Times Square

6   area, et cetera, but the Uber system is

7   really good. That's the main reason I'm

8   driving for Uber until now. Why not the

9   yellow cab? Well, I'm paying for the TLC

10   medallion or diamond 550 every two years.

11   If the medallion, yellow cab medallions are

12   going to reduce the price to 550, I'm ready

13   to switch right now. I mean, why is this

14   crazy amount, $800? I mean, they complain

15   of the fact that their drivers, they are

16   coming to Uber and they still, you know,

17   their prices are crazy, they have a lot of

18   stress. Friends of mine who used to work

19   for a yellow cab, when it's not busy they

20   make, for example, like 500, 600 a week,

21   and when it's a busy time like the end of

22   the year, they higher the prices. Now they

23   have to pay their consequences. Thank you

24   so much.

25   MR. WILSON: Thank you. And the

1   Proceedings

2   gentleman who is standing back there.

3   MR. TORRENEGRA: Good morning,

4   Commissioners, and good morning, friends.

5   My name is Anibal Torrenegra (phonetic),

6   and presently I'm working with Uber; not

7   for Uber, with Uber.

8   So I have very good experience, you

9   know, in working with Uber. I lost my job

10   of 25 years. So I went to drive the yellow

11   cab, and like the gentleman before me was

12   telling, zero stress. I feel like, you

13   know, people feel mostly change. We have

14   to embrace change. You know, and the other

15   thing embracing the business, we are in the

16   business to take nobody out of it. You

17   know, everybody, you know, deserves a piece

18   of the pie. It doesn't mean because I have

19   this restaurant here I cannot open a

20   restaurant. If I follow the rules, if I

21   follow all the requirements, why shouldn't

22   I have it?

23   The only thing is you want to

24   compete with me, you have to come up with

25   some better service or better -- stronger

1   Proceedings

2   than mine. You know, because everybody can

3   complain about this, and this, and that,

4   and everybody's filling the cup for their

5   own side, yes, I understand that. You

6   know, but I honestly -- transparency, you

7   know, safety. You know, the way we do the

8   business, it's not us that we're making the

9   choice of choosing Uber or yellow cab; it's

10   the people out there. If you go -- and

11   that's one of the best things that has

12   happened to New York right now, that we

13   have Uber. And we see a lot of feedback

14   from the customers, that's what counts,

15   that's the people's feelings, that's the

16   people's feeling of everybody who's there.

17   Uber says surcharge pricing, yeah, this is

18   what it is, take it or leave it. Like the

19   gentleman said before already, in every

20   business, supply and demand. Not happen

21   only with Uber, everywhere.

22   The industry, whatever you mention,

23   the alliance -- hey, this -- so, you

24   driving now, or you don't drive now. So,

25   but this is very good for me. I couldn't

1   Proceedings

2   afford to get a yellow cab. I went to

3   apply to drive a limo but they were

4   charging me too much. When I put the

5   numbers together I said do you know what,

6   let me get a car and go to Uber and I'm

7   always following and complying with the

8   rules. If not, I don't like to do nothing

9   illegal.

10   So I think you are here to make the

11   choice, riding this or riding this, is the

12   customers. We got to think about the

13   customers. Thank you.

14   MR. WILSON: Thank you. And I think

15   there's one more gentleman there. Yes.

16   MR. CHAUDHARY: Good morning,

17   Chairperson, and the members of the panel.

18   My name is Shafquat Chaudhary. I'm

19   President of Elite Limousine. I have been

20   in the taxi industry, taxi and limousine

21   industry since 1973. I started as a driver,

22   became a taxi broker -- started as a taxi

23   driver, became a taxi broker, became a taxi

24   medallion owner, I drove a black car, now

25   own a black car company.

1   Proceedings

2   In 1994, we were the first company

3   in the industry to have our own dispatch

4   system. In 2000, we started a dispatch

5   terminal in the car which we designed

6   ourselves and we installed in the cars.

7   Our main objective was that it should be an

8   instrument, it should visualize which is

9   safe to use for the driver, does not cause

10   distraction. It should be large in size,

11   not a small telephone, it's about 8.4 inch

12   LED which stays in the car with the driver

13   and stays on all the time. The driver can

14   see. He doesn't have to bend to see while

15   he's driving.

16   So, now we have our own app which

17   works with the same dispatch system, we

18   don't dispatch with any other cars except

19   our own cars. My purpose of coming here

20   and trying to give the information is that

21   one of the main concerns should be the

22   safety of the driver and the safety of the

23   public, what these small apps do not

24   provide. The unit should be affixed in the

25   car and all of the bases, whether Uber or

1   Proceedings

2   Lyft, they should be required with the same

3   rules which we have lived with. For

4   example, franchise rules, we are required

5   to file every year franchise prospect with

6   the New York State Attorney General. They

7   should do that. They should have parking

8   for the cars the same as we have. We have

9   two hundred car parking with our base since

10   day one.

11   Similarly, all of the requirements

12   which we are forced to do -- not forced to

13   do, we are willing to do, they are good for

14   the safety of the public and the safety of

15   the driver, they should all be implemented.

16   Thank you.

17   MR. WILSON: Thank you. And I think

18   that was it.

19   THE CHAIR: This concludes our

20   public meeting --

21   MR. LINDAUER: I'd like to --

22   THE CHAIR: Okay. Come on down.

23   You'll close it out.

24   MR. LINDAUER: In good fashion, as

25   only I can.

1   Proceedings

2   Uber is public enemy number one all

3   and across the globe for good reasons.

4   THE CHAIR: Can you speak to the

5   topic at hand, FHV licensing app structure?

6   Thank you.

7   MR. LINDAUER: But the people from

8   Uber made some statements, they're

9   invasive, they lie, they're arrogant, they

10   profess an interest in public safety and

11   driver income, it's all BS. They don't

12   have -- they don't check the insurance,

13   they don't have their cars inspected, you

14   don't know whether you're riding in a

15   clunker or not.

16   MR. WILSON: Mr. Lindauer, I'm going

17   to ask you to stick to the topic, please.

18   MR. LINDAUER: This is more

19   entertaining this way. Thank you.

20   THE CHAIR: With that, we will end

21   our public meeting at 11:30. Thank you

22   very much.

23   (Time noted: 11:28 a.m.)

24

25

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, JENNIFER CASSELLA, a Notary Public

8   within and for the State of New York, do hereby

9   certify:

10   I reported the proceedings in the

11   within-entitled matter, and that the within

12   transcript is a true record of such proceedings

13   to the best of my ability.

14   I further certify that I am not related

15   to any of the parties to this action by blood

16   or marriage; and that I am in no way interested

17   in the outcome of this matter.

18   IN WITNESS WHEREOF, I have hereunto set

19   my hand this 15th day of February, 2015.

20

21   _____

22   JENNIFER CASSELLA

23

24

25

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