

Taxi and Limousine Commission Meeting
March 19, 2015

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TRANSCRIPT OF THE
NEW YORK CITY
TAXI & LIMOUSINE COMMISSION

Thursday, March 19, 2015
33 Beaver Street
COMMISSION HEARING ROOM, 19TH FLOOR
BOROUGH OF MANHATTAN
10:23 a.m.

TRANSCRIPT OF PROCEEDINGS

Reported by:

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Taxi and Limousine Commission Meeting
March 19, 2015

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HEARING CONVENED AT 10:23 A.M.

COMMISSIONERS PRESENT:

- Meera Joshi, Chair
- Nora Constance Marino
- Lauvienska Polanco
- Frank Carone
- Edward Gonzalez
- LaShann DeArcy
- Jacques Jiha

ALSO PRESENT:

- Chris Wilson, General Counsel
- Staff
- The Public

Reported by:
Danielle Cavanagh

Taxi and Limousine Commission Meeting
March 19, 2015

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SPEAKERS ON ACCESSIBLE TAXI OF TOMORROW EXEMPTION

Howard Glaser..... 14

Tweeps Phillips..... 21

Taxi and Limousine Commission Meeting
March 19, 2015

4

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Proceedings

CHAIR JOSHI: Good morning. The time now is 10:23 and we're going to start our public meeting. I want to just start with a few comments on recent developments here at the TLC and elsewhere.

And the first one is dispatch at JFK Airport. So for a few -- I think almost two years people have been talking about and we've been working with the Port Authority on an RFID tag system that's a tag that goes on a taxi to make airport dispatch at LaGuardia and JFK more efficient. And this week I had the opportunity to go out to JFK and see that system in action, and it's really only been up and running completely at JFK for about a week. And it is pretty amazing. It really tells you which terminals need cars and which terminals don't. And then as the taxis come out of the central hold, they're told exactly which terminal to go to and the medallion number is tracked. So over time, JFK and LaGuardia, as it comes on line at LaGuardia, we'll truly be able to track efficient use of

Taxi and Limousine Commission Meeting
March 19, 2015

5

1 taxis and the flow at both of those airports

2 Proceedings

3 which will ultimately benefit the passengers
4 that are waiting at the terminals for taxis.
5 So I was very excited to see that.

6 I do want to just say thank you to
7 many of the garages and individual owners who
8 have been using -- on their own time making
9 sure those RFID tags are in all the medallion
10 taxis. Port Authority is now putting the
11 tags on at the holding lot. So if the
12 medallion taxi comes in, they'll put the
13 sticker on there. And we're going to explore
14 working the tagging into our hack-up process
15 so that when a taxi is hacked up it actually
16 leaves our Woodside facility with the RFID
17 tag on it. This is going to be up and
18 running at LaGuardia soon and another benefit
19 will be shorties at JFK can be used at
20 LaGuardia and vice versa. So I think that
21 should help a lot with some of the
22 streamlining of the airport flow.

23 We did bring to the attention of Port
24 Authority something they were already aware
25 of when we were there, and that is the number

Taxi and Limousine Commission Meeting
March 19, 2015

6

1 of FHV's and straight plates that sit on the
2 Proceedings
3 shoulder of the roads as you enter the
4 terminal. It makes it difficult from a
5 safety perspective and obviously difficult
6 from a traffic-flow perspective. And the
7 Port Authority's very aware of this.
8 Together with their partners global they're
9 looking into alternative ways to find safe
10 waiting areas for FHV's so that they're not
11 waiting on the shoulder of the road and also
12 enforcing against the straight plates and the
13 FHV's that are waiting on the shoulder of the
14 road. So we're working together with them
15 and hopefully we'll have some more updates on
16 that as they develop.

17 Another new initiative -- well,
18 expanding an old initiative -- is our Driver
19 Protection Unit. Back in 2012, we started a
20 Lease Cap Enforcement Unit, and David Ross
21 who's here standing in the back has led that
22 unit since inception. And the focus of that
23 was the protection of yellow taxi drivers who
24 were being overcharged on their leases. And
25 since we started that, over \$2.5 million in

Taxi and Limousine Commission Meeting
March 19, 2015

7

1 restitution has come back to drivers and over
2 Proceedings
3 \$1 million in fines, and we're not done yet.
4 There's still active cases and we're actively
5 pursuing those. Those are joint
6 investigations and prosecutions we do with
7 the attorney general's office, and they've
8 been tremendous partners. But the truth is
9 our drivers are not all yellow taxi drivers.
10 Our drivers are drivers of black cars, of
11 FHV's, commuter vans. And so we're expanding
12 the scope of that unit because as new --
13 especially as new forms of transportation
14 become more popular with passengers, they
15 also become more popular with drivers. We
16 want to ensure that drivers get protections
17 regardless of what industry segment they're
18 working in. And so David will be working on
19 outreach so we can have some more
20 connectivity with drivers in the black car
21 and the livery sector to have a better
22 understanding of any compensation issues that
23 may arise, either Workers' Compensation or
24 compensation in terms of tipping or fares or
25 overcharges that we through our rules and

Taxi and Limousine Commission Meeting
March 19, 2015

8

1 through prosecution and through policy can

2 Proceedings

3 address.

4 So I also want to comment, David was
5 given an award at TLC for the 2014 employee
6 of the year. And then he was recognized
7 citywide in the Mayor's Excellence in Service
8 Award and called out by name for his service
9 to the city. So I really want to thank David
10 for all the work he's done and for taking on
11 this new initiative for expanding driver
12 protection so that we can make sure that all
13 of our 130,000 licensed drivers get the same
14 avenues for redress that we've provided for
15 our yellow taxi drivers.

16 And then finally, we have started
17 another initiative which is in-street vehicle
18 inspection. So it's just started. It's
19 about seven operations so far. But we bring
20 with our street enforcement teams a member of
21 our Safety and Emissions Inspections Unit so
22 when a car is stopped they can do an on-site
23 inspection to make sure there's no vehicle
24 violations. And that helps us with
25 especially some vehicles that don't come in

Taxi and Limousine Commission Meeting
March 19, 2015

9

1 to our inspection facility as frequently. So

2 Proceedings

3 black cars and liveries are inspected with
4 the same frequency but not always at TLC
5 inspection facilities. This gives us another
6 way to check on those and it also ensures
7 that taxicabs that are in service, even if
8 they've passed inspection, are compliant in
9 between those inspections, which I think is
10 important for the public as well as for the
11 driver who may not often have a choice of
12 which vehicle they're driving on that shift.
13 They take the one that they get. So we've
14 done about 114 car stops where we've actually
15 done an inspection as well and that's
16 generated about 121 summonses. And that's
17 something that we're going to continue as we
18 go forward.

19 And that concludes my updates.

20 We'd like to move to adoption of the
21 minutes. So all in favor of adopting the
22 minutes from the January 2015 Commission
23 Meeting. What about the February?

24 MR. WILSON: There was no Commission
25 meeting.

**Taxi and Limousine Commission Meeting
March 19, 2015**

10

1 CHAIR JOSHI: There you go.

2 Proceedings

3 January '15 Commission Meeting.

4 (Whereupon, Board Members make a
5 motion with a show of hands.)

6 CHAIR JOSHI: With that, they're
7 unanimously adopted.

8 And next we'll turn to base
9 applications.

10 MR. TORMEY: Good morning. My name
11 is Chris Tormey, Director of Applicant
12 Licensing with the Taxi and Limousine
13 Commission. This month we have 9 bases for
14 your approval with 2 denials.

15 CHAIR JOSHI: All in favor of
16 accepting the report.

17 (Whereupon, Board Members make a
18 motion with a show of hands.)

19 (Chorus of Ayes.)

20 MR. TORMEY: Thank you.

21 MR. WILSON: Next on the Commission
22 agenda is our proposed rules to implement
23 Local Law 55 of 2014, which requires every
24 taxi and TLC-licensed vehicle to have a
25 sticker warning of penalties for assaulting a

**Taxi and Limousine Commission Meeting
March 19, 2015**

11

1 driver and also requires taxis and other

2 Proceedings

3 TLC-licensed vehicles which are equipped with
4 hearing loop technology to have a decal
5 identifying that the vehicle is so equipped.

6 These rules were published in the
7 City Record on January 6, 2015 with a comment
8 deadline of February 6th and a public hearing
9 was held on these rules on February 26, 2015.
10 22 written comments were received, all of
11 which were provided to the Commissioners. No
12 changes were made to the rule following
13 publication. And as local law requires, the
14 final rule for commission action was posted
15 on the TLC's website on March 16th and sent
16 to the Commissioners on that date.

17 All in favor.

18 (Whereupon, Board Members make a
19 motion with a show of hands.)

20 MR. WILSON: Okay. Following, our
21 proposed rules clarifying several points
22 regarding bases dispatching non-affiliated
23 vehicles which were the subject of rulemaking
24 in November. Specifically, these rules
25 clarify that black car bases can dispatch

Taxi and Limousine Commission Meeting
March 19, 2015

12

1 both black cars and luxury limo cars and
2 Proceedings
3 luxury limo bases can dispatch both black
4 cars and luxury limos. The provision that
5 only livery bases can dispatch livery
6 vehicles remain unchanged. In addition, the
7 rules provide that passengers in liveries who
8 book their trips other than by telephone must
9 be given the opportunity to receive a binding
10 fare quote.

11 These rules were published in the
12 City Record on January 20, 2015 with a
13 comment deadline of February 23rd. A public
14 hearing was held on these rules on
15 February 26, 2015. 2 written comments were
16 received, both of which were provided to the
17 Commissioners.

18 Following the hearing, and based on
19 the comments from the staff and the public,
20 the staff recommended that the fare quote
21 provisions be modified to make more clear the
22 affirmative obligation of a livery base to
23 provide a price quote.

24 As local law requires, the final rule
25 for commission action, including that

Taxi and Limousine Commission Meeting
March 19, 2015

13

1 language, was posted on the TLC's website on
2 Proceedings
3 March 16th and sent to the Commissioners on
4 that date.

5 All in favor.

6 (Whereupon, Board Members make a
7 motion with a show of hands.)

8 COMM. MARINO: Which one? I'm sorry.

9 MR. WILSON: The dispatch rules.

10 Unanimous.

11 And next on the Commission agenda are
12 rules requiring that roof lights in green
13 street-hail livery vehicles be unlit whenever
14 the taximeter is detached. These rules are
15 intended to help passengers more clearly
16 identify vehicles available for service.

17 These rules were published in the
18 City Record on January 20, 2015 with a
19 comment deadline of February 23rd. A public
20 hearing was held on these proposed rules on
21 February 26, 2015. 2 written comments were
22 received, both of which were provided to the
23 Commissioners. No changes were made to the
24 rule following publication.

25 As local law requires, the final rule

**Taxi and Limousine Commission Meeting
March 19, 2015**

14

1 for commission action was posted on the TLC's
2 Proceedings
3 website on March 16, 2015 and sent to the
4 Commissioners on that date.

5 All in favor.

6 (Whereupon, Board Members make a
7 motion with a show of hands.)

8 MR. WILSON: Next on the Commission
9 agenda are rules that will establish the
10 mechanism by which owners required to
11 purchase accessible taxicab vehicles and
12 required to purchase a Taxi of Tomorrow
13 vehicle can apply for one of the 496
14 exemptions provided for in the Taxi of
15 Tomorrow contract. Simply put, owners will
16 have a 30-day window to apply between
17 150 days and 120 days before their scheduled
18 retirement date.

19 These rules were published in the
20 City Record on February 6, 2015 with a
21 comment deadline of March 16th. No written
22 comments were received, but I see we have
23 three speakers. And the first speaker is
24 Howard Glaser.

25 MR. GLASER: Thank you. Good

Taxi and Limousine Commission Meeting
March 19, 2015

15

1 morning, Madam Chairwoman and Commissioners.

2 Proceedings

3 My name is Howard Glaser. I'm the President
4 of Commercial Business for AM General, which
5 you may know for its reputation for building
6 very durable vehicles such as the military
7 Humvee.

8 Today, AM General, through our
9 subsidiary, Mobility Ventures, is
10 increasingly known as the company that's
11 changing a whole new standard for universal
12 accessible transportation through our
13 vehicle, the MV-1, the world's only
14 factory-direct wheelchair-accessible vehicle.

15 We're here today to testify in
16 support of the proposed rule to allow nearly
17 500 unrestricted medallion owners to apply
18 for a waiver that allows them to put into
19 service an accessible vehicle other than the
20 Taxi of Tomorrow. We applaud the City and
21 the TLC's efforts to increase the number of
22 wheelchair-accessible vehicles in service
23 taxis and for-hire vehicles. Allowing for
24 competition and choice within the accessible
25 taxicab marketplace will ultimately produce

Taxi and Limousine Commission Meeting
March 19, 2015

16

1 the best result for both taxi riders and the
2 Proceedings
3 driver.

4 The MV-1 itself was designed to
5 provide safe and dignified transportation for
6 the wheelchair passenger and to withstand the
7 rigors of the modern urban taxi duty cycle.
8 The MV-1 allows all passengers to enter
9 safely and conveniently from a sidewalk
10 through a large door opening with plenty of
11 head room utilizing a sturdy ramp that
12 disappears below the floor. The ramp
13 self-levels for the height of the sidewalk or
14 the curb or the street below and therefore
15 allows for the easiest possible egress and
16 access, assisted or unassisted for all
17 passengers including those with disabilities.
18 Now, the vehicle is also priced
19 competitively, more affordably than
20 comparable vehicles so that drivers don't
21 have to pay more for a higher-quality
22 vehicle.

23 But the main point I want to make is
24 this: Most importantly for environments such
25 as New York, the MV-1 avoids the very real

Taxi and Limousine Commission Meeting
March 19, 2015

17

1 and practical safety hazards and dignities
2 Proceedings
3 and conveniences -- inconveniences associated
4 with rear-entry vehicles. Due to the
5 positioning of wheelchair passengers in a
6 rear-entry vehicle, a converted vehicle, the
7 passenger is directly over the rear axle with
8 their head very close to the lift gate or the
9 ceiling, thus creating hazards for head or
10 neck injury. When the converted vehicle hits
11 any obstacle such as a pothole, which at this
12 time of year we have a great many of in New
13 York, these dangers are amplified by the low
14 floor of many converted minivans which may
15 cause cars to bottom-out on rough-road
16 obstacles that would not pose a hazard for
17 non-conversion vehicles. The most dangerous
18 aspect though with rear-entry vehicles is
19 that the passenger is effectively being asked
20 to ride in the trunk of the vehicle and sits
21 in the crumple zone of any rear impact, which
22 is a particular risk in the kind of traffic
23 that we have here. These after-market
24 converted vehicles include not only
25 structural frame alterations; the fuel lines,

Taxi and Limousine Commission Meeting
March 19, 2015

1 the exhaust systems, the brake lines are all
2 Proceedings
3 moved. It's not surprising that the
4 conversion vehicles are rife with safety
5 defects and rely on exemptions from Federal
6 Motor Safety Standards. We believe that New
7 York is not a leader in this area of having
8 direct manufactured vehicles. Other cities
9 like Chicago, 400 MV-1s are in use. In Los
10 Angeles, it's required to have a side-entry
11 vehicle for new accessible additions to taxi
12 fleet.

13 Just a couple of weeks ago, Mayor de
14 Blasio had a demonstration of the MV-1. He
15 said, I'm seeing with my own eyes the shape
16 of things to come, how extraordinary these
17 vehicles are. They have the willingness to
18 create something that wasn't there before
19 that will help lead us forward. We do agree
20 with the Mayor on that point. AM General and
21 Mobility Ventures support the TLC and these
22 proposed rules as a step forward. We thank
23 the Commission for working to make New York
24 City more accessible and look forward to
25 working with the Commission and the riding

Taxi and Limousine Commission Meeting
March 19, 2015

19

1 public as the City moves forward to meet

2 Proceedings

3 these new standards. Thank you.

4 MR. WILSON: Thank you.

5 COMM. JIHA: Excuse me. Do you have
6 a picture of those vehicles?

7 MR. GLASER: We have a beautiful
8 brochure we can provide to you and a website,
9 the MV-1.com. It's available and I think
10 some of you have seen the vehicle before.
11 It's in use, about 500 of them right now,
12 through Access-A-Ride. So you'll see them
13 all over the City of New York right now.
14 They're not currently used, although they're
15 approved for use by the Taxi Commission.

16 CHAIR JOSHI: Yeah. In 2011, we
17 approved as an authorized accessible vehicle
18 the MV-1. Since that date, we've had a few
19 on the road. There's none currently on the
20 road today but I think at the height we had 8
21 on the road but they've all sort of come off
22 for various reasons and it's still an option
23 for anyone who choses to hack up an
24 accessible vehicle.

25 COMM. MARINO: Who manufactures the

Taxi and Limousine Commission Meeting
March 19, 2015

20

1 vehicle?

2 Proceedings

3 MR. GLASER: The vehicle is
4 manufactured by AM General. AM General is
5 best known as the manufacturer of the Humvee.
6 They also made the H2, the H1. The staff
7 here has been out to the plant which is in
8 Indiana.

9 COMM. MARINO: Is it an American-made
10 vehicle?

11 MR. GLASER: It is the only
12 by-America vehicle of all the vehicles that
13 are available to drivers.

14 COMM. CARONE: Good morning. Thank
15 you for your testimony. I also agree with
16 the Mayor's assessment of the vehicle and in
17 particular your testimony as it relates to
18 the side entry. I'd ask you and your staff
19 to pay particular attention to Section III of
20 the rule that talks about the procedures for
21 granting such a waiver and the dates that are
22 specific in question. And those dates when
23 vehicles are otherwise retiring are, from my
24 understanding, public record. So I'd ask you
25 to particularly pay attention to that and

Taxi and Limousine Commission Meeting
March 19, 2015

21

1 advise us if you have any comments on that.

2 Proceedings

3 MR. GLASER: Thank you very much.

4 MR. WILSON: Thank you. The next
5 speaker is Tweeps Phillips.

6 MS. PHILLIPS: Good morning, Chair
7 Joshi and Commissioners. On behalf of the
8 Committee for Taxi Safety, we want to thank
9 you for this hearing on the choice in
10 wheelchair-accessible vehicles. I speak in
11 support of this rule and argue for its
12 expansion. As representatives of the
13 licensed taxi agents managing about
14 20 percent of the yellow medallion vehicles
15 in the city, we keep an open ear to the needs
16 of our over 5,000 drivers serving tens of
17 thousands of passengers daily. Their voices
18 are clear. More choice is necessary and
19 beneficial to New York City taxi industry.
20 However, even with vehicle choice, for some
21 drivers, the accessible program is imperiled
22 by the lack of any meaningful requirements
23 for other segments of the industry. One
24 company in particular is doing everything it
25 can to ensure that there are no drivers to

**Taxi and Limousine Commission Meeting
March 19, 2015**

22

1 drive the current accessible medallions and
2 Proceedings
3 street-hail livery licenses currently sitting
4 in the TLC vaults. The only way to really
5 save these programs is to require every
6 for-hire vehicle in New York to be
7 accessible. No one should be given license
8 to pass by a New Yorker needing a ride just
9 because they need assistance or to enter a
10 vehicle with a wheelchair.

11 The committee appreciates the changes
12 proposed by the Commission for a limited
13 number of medallions but these changes do not
14 go far enough. The TLC will still require
15 the vast majority of medallions to be hacked
16 up with the NV200 or its accessible version.
17 The truth is that among its many other
18 problems, the accessible official taxi
19 vehicle is not compliant with the Americans
20 with Disabilities Act. It is not the vehicle
21 of choice for owners, drivers --

22 CHAIR JOSHI: Can I just stop you?

23 MS. PHILLIPS: Sure.

24 CHAIR JOSHI: What do you mean by the
25 accessible official taxicab is not compliant

**Taxi and Limousine Commission Meeting
March 19, 2015**

23

1 with the Americans with Disabilities Act?

2 Proceedings

3 MS. PHILLIPS: The vehicle itself?

4 CHAIR JOSHI: Yeah. Can you give us
5 some specifics on that?

6 MS. PHILLIPS: The details on the
7 vehicle, my understanding --

8 CHAIR JOSHI: Or the details of the
9 noncompliance.

10 MS. PHILLIPS: Oh, the details of the
11 noncompliance. That I would have to actually
12 refer to our legal about, the specifics of
13 that piece.

14 CHAIR JOSHI: Okay. Why don't you
15 follow up and send us those specifics?

16 MS. PHILLIPS: Sure. I can do that.
17 So I'll continue with my testimony.

18 The NV200 is not built to be
19 accessible. It is a vehicle that must be
20 retrofitted with a rear-entry ramp that
21 forces the passengers to sit in the trunk of
22 the vehicle. The safety issues with such
23 vehicles are many and have been stated
24 before. But to reiterate, a passenger must
25 board from the middle of the street exposed

Taxi and Limousine Commission Meeting
March 19, 2015

24

1 to traffic, after-market installation of the
2 Proceedings
3 ramp and lower to floor compromises the
4 supporting steel framework and integrity of
5 the vehicle, and the ramp must be folded in
6 such a way that it places the metal ramp
7 directly behind the passenger's head which
8 could be extremely dangerous in a rear-end
9 collision. The problems go beyond structural
10 issues. The converted NV200 requires 25
11 different steps to secure a passenger --

12 CHAIR JOSHI: I'm sorry to stop you
13 again, but I don't understand the metal ramp
14 directly behind the passenger's head. Does
15 that mean you think the ramp sits like this
16 (indicating) or underneath?

17 MR. PHILLIPS: No, like this
18 (indicating).

19 CHAIR JOSHI: So when it's not in
20 use, your understanding is the NV200 ramp
21 sits upright (indicating)?

22 MS. PHILLIPS: Correct.

23 CHAIR JOSHI: Could you give us more
24 details on that because my understanding is
25 that's not where it sits, that it sits

Taxi and Limousine Commission Meeting
March 19, 2015

25

1 underneath on the floor of the vehicle.

2 Proceedings

3 MS. PHILLIPS: I can happily give you
4 more. I will continue.

5 The problems -- okay, 25 -- so that
6 presents 25 opportunities for error that
7 compromises the safety of the passenger. And
8 let's not forget that by placing a passenger
9 in a trunk which is normally used for
10 luggage, the NV200 physically separates
11 passengers from their peers and further
12 stigmatizes disability. By forcing the
13 majority of the yellow taxi drivers to use
14 the NV200 while allowing green cabs to use
15 whichever model they prefer --

16 COMM. DEARCY: I'm sorry. I have to
17 do the same. When you provide the
18 information that the Commissioner has called
19 for regarding your assertions that at least
20 at this moment we believe to be untrue
21 regarding the Americans with Disabilities Act
22 and the placement of the ramp, can you also
23 please provide for me each of the 25
24 different steps that you are asserting --

25 MS. PHILLIPS: Sure.

Taxi and Limousine Commission Meeting
March 19, 2015

26

1 COMM. DEARCY: -- propose potential
2 Proceedings
3 opportunities for error?

4 MS. PHILLIPS: Sure.

5 By forcing the majority of yellow
6 taxi drivers to use the NV200 while allowing
7 green cabs to use whichever model they
8 prefer, the Commission will ensure that the
9 yellow experience is inferior, especially if
10 you are a wheelchair user. Yellow taxi
11 drivers and owners need to use the best
12 vehicles available to compete with the
13 accessibility requirement throughout the
14 for-hire and transportation industry.

15 In conclusion, the committee supports
16 the proposed rule to allow some medallions to
17 be exempted from the use of the AOTV and we
18 call for its expansion to include the
19 entirety of the yellow taxi industry. Thank
20 you. And I will get you the information.

21 CHAIR JOSHI: And also, just in
22 closing, you mentioned a disparity between
23 green and yellow. Today there's actually I
24 think more accessible NV200s in the green
25 world than in the yellow, and that's by

**Taxi and Limousine Commission Meeting
March 19, 2015**

27

1 choice.

2 Proceedings

3 MS. PHILLIPS: That's fantastic.

4 Thank you.

5 MR. WILSON: Thank you. And the
6 final speaker is Osman Choudhary.

7 MR. CHOUDHARY: Pass by.

8 CHAIR JOSHI: You're passing?

9 MR. CHOUDHARY: Yes.

10 CHAIR JOSHI: Okay. Well, we'll wait
11 for next time.

12 And with that, I think that concludes
13 today's hearing -- I'm sorry. We have to
14 vote on the rules. Small bureaucratic
15 hurdle. Go ahead, Chris.

16 MR. WILSON: If the Commissioners are
17 ready for a vote, all in favor.

18 (Whereupon, Board Members make a
19 motion with a show of hands.)

20 MR. WILSON: They pass unanimously.

21 CHAIR JOSHI: And with that, that
22 concludes today's hearing at 11:45 -- 10:45.

23 (Time noted: 10:45 a.m.)

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25

Taxi and Limousine Commission Meeting
March 19, 2015

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C E R T I F I C A T E

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

I, DANIELLE CAVANAGH, 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.

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 25th day of March 2015.

DANIELLE CAVANAGH

**Taxi and Limousine Commission Meeting
March 19, 2015**

A		
a.m (3) 1:14 2:3 27:23	assertions (1) 25:19	Cap (1) 6:20
able (1) 4:25	assessment (1) 20:16	car (4) 7:20 8:22 9:14 11:25
accepting (1) 10:16	assistance (1) 22:9	Carone (2) 2:9 20:14
access (1) 16:16	assisted (1) 16:16	cars (7) 4:19 7:10 9:3 12:1,1,4 17:15
Access-A-Ride (1) 19:12	associated (1) 17:3	cases (1) 7:4
accessibility (1) 26:13	attention (3) 5:23 20:19,25	cause (1) 17:15
accessible (17) 3:3 14:11 15:12,19 15:24 18:11,24 19:17,24 21:21 22:1,7,16,18,25 23:19 26:24	attorney (1) 7:7	Cavanagh (4) 1:21 2:25 28:8,23
Act (3) 22:20 23:1 25:21	Authority (3) 4:11 5:10,24	ceiling (1) 17:9
action (5) 4:16 11:14 12:25 14:1 28:16	Authority's (1) 6:7	central (1) 4:21
active (1) 7:4	authorized (1) 19:17	certify (2) 28:10,15
actively (1) 7:4	available (4) 13:16 19:9 20:13 26:12	Chair (19) 2:6 4:3 10:1,6,15 19:16 21:6 22:22,24 23:4,8,14 24:12,19 24:23 26:21 27:8,10,21
addition (1) 12:6	AVENUE (1) 1:23	Chairwoman (1) 15:1
additions (1) 18:11	avenues (1) 8:14	changes (4) 11:12 13:23 22:11,13
address (1) 8:3	avoids (1) 16:25	changing (1) 15:11
adopted (1) 10:7	award (2) 8:5,8	check (1) 9:6
adopting (1) 9:21	aware (2) 5:24 6:7	Chicago (1) 18:9
adoption (1) 9:20	axle (1) 17:7	choice (7) 9:11 15:24 21:9,18,20 22:21 27:1
advise (1) 21:1	Ayes (1) 10:19	Chorus (1) 10:19
affirmative (1) 12:22		choses (1) 19:23
affordably (1) 16:19	B	Choudhary (3) 27:6,7,9
after-market (2) 17:23 24:1	back (3) 6:19,21 7:1	Chris (3) 2:15 10:11 27:15
agenda (3) 10:22 13:11 14:9	base (2) 10:8 12:22	cities (1) 18:8
agents (1) 21:13	based (1) 12:18	city (12) 1:4 8:9 11:7 12:12 13:18 14:20 15:20 18:24 19:1,13 21:15 21:19
ago (1) 18:13	bases (5) 10:13 11:22,25 12:3,5	citywide (1) 8:7
agree (2) 18:19 20:15	beautiful (1) 19:7	clarify (1) 11:25
ahead (1) 27:15	Beaver (1) 1:11	clarifying (1) 11:21
airport (3) 4:9,13 5:22	behalf (1) 21:7	clear (2) 12:21 21:18
airports (1) 5:1	believe (2) 18:6 25:20	clearly (1) 13:15
allow (2) 15:16 26:16	beneficial (1) 21:19	close (1) 17:8
allowing (3) 15:23 25:14 26:6	benefit (2) 5:3,18	closing (1) 26:22
allows (3) 15:18 16:8,15	best (3) 16:1 20:5 26:11	collision (1) 24:9
alterations (1) 17:25	better (1) 7:21	come (5) 4:20 7:1 8:25 18:16 19:21
alternative (1) 6:9	beyond (1) 24:9	comes (2) 4:24 5:12
amazing (1) 4:18	binding (1) 12:9	COMM (7) 13:8 19:5,25 20:9,14 25:16 26:1
American-made (1) 20:9	black (6) 7:10,20 9:3 11:25 12:1,3	comment (5) 8:4 11:7 12:13 13:19 14:21
Americans (3) 22:19 23:1 25:21	Blasio (1) 18:14	comments (7) 4:6 11:10 12:15,19 13:21 14:22 21:1
amplified (1) 17:13	blood (1) 28:17	Commercial (1) 15:4
Angeles (1) 18:10	board (7) 10:4,17 11:18 13:6 14:6 23:25 27:18	commission (17) 1:5,12 9:22,24 10:3,13,21 11:14 12:25 13:11 14:1,8 18:23,25 19:15 22:12 26:8
AOTV (1) 26:17	book (1) 12:8	Commissioner (1) 25:18
applaud (1) 15:20	BOROUGH (1) 1:13	Commissioners (10) 2:5 11:11,16 12:17 13:3,23 14:4 15:1 21:7 27:16
Applicant (1) 10:11	bottom-out (1) 17:15	committee (3) 21:8 22:11 26:15
applications (1) 10:9	brake (1) 18:1	commuter (1) 7:11
apply (3) 14:13,16 15:17	bring (2) 5:23 8:19	company (2) 15:10 21:24
appreciates (1) 22:11	brochure (1) 19:8	comparable (1) 16:20
approval (1) 10:14	building (1) 15:5	
approved (2) 19:15,17	built (1) 23:18	
area (1) 18:7	bureaucratic (1) 27:14	
areas (1) 6:10	Business (1) 15:4	
argue (1) 21:11	by-America (1) 20:12	
asked (1) 17:19		
aspect (1) 17:18	C	
assaulting (1) 10:25	C (2) 28:3,3	
asserting (1) 25:24	cabs (2) 25:14 26:7	
	call (1) 26:18	
	called (2) 8:8 25:18	

**Taxi and Limousine Commission Meeting
March 19, 2015**

compensation (3) 7:22,23,24
compete (1) 26:12
competition (1) 15:24
competitively (1) 16:19
completely (1) 4:17
compliant (3) 9:8 22:19,25
compromises (2) 24:3 25:7
concludes (3) 9:19 27:12,22
conclusion (1) 26:15
connectivity (1) 7:20
Constance (1) 2:7
continue (3) 9:17 23:17 25:4
contract (1) 14:15
CONVENED (1) 2:3
conveniences (1) 17:3
conveniently (1) 16:9
conversion (1) 18:4
converted (5) 17:6,10,14,24 24:10
Correct (1) 24:22
Counsel (1) 2:15
COUNTY (1) 28:6
couple (1) 18:13
create (1) 18:18
creating (1) 17:9
crumple (1) 17:21
curb (1) 16:14
current (1) 22:1
currently (3) 19:14,19 22:3
cycle (1) 16:7

D

daily (1) 21:17
dangerous (2) 17:17 24:8
dangers (1) 17:13
Danielle (4) 1:21 2:25 28:8,23
date (5) 11:16 13:4 14:4,18 19:18
dates (2) 20:21,22
David (4) 6:20 7:18 8:4,9
day (1) 28:20
days (2) 14:17,17
de (1) 18:13
deadline (4) 11:8 12:13 13:19
14:21
DeArcy (3) 2:11 25:16 26:1
decal (1) 11:4
defects (1) 18:5
demonstration (1) 18:14
denials (1) 10:14
designed (1) 16:4
detached (1) 13:14
details (4) 23:6,8,10 24:24
develop (1) 6:16
developments (1) 4:6
different (2) 24:11 25:24
difficult (2) 6:4,5
dignified (1) 16:5
dignities (1) 17:1

direct (1) 18:8
directly (3) 17:7 24:7,14
Director (1) 10:11
disabilities (4) 16:17 22:20 23:1
25:21
disability (1) 25:12
disappears (1) 16:12
disparity (1) 26:22
dispatch (6) 4:8,13 11:25 12:3,5
13:9
dispatching (1) 11:22
doing (1) 21:24
door (1) 16:10
drive (1) 22:1
driver (5) 6:18 8:11 9:11 11:1 16:3
drivers (20) 6:23 7:1,9,9,10,10,15
7:16,20 8:13,15 16:20 20:13
21:16,21,25 22:21 25:13 26:6,11
driving (1) 9:12
Due (1) 17:4
durable (1) 15:6
duty (1) 16:7

E

E (2) 28:3,3
ear (1) 21:15
easiest (1) 16:15
Edward (1) 2:10
effectively (1) 17:19
efficient (2) 4:14,25
efforts (1) 15:21
egress (1) 16:15
either (1) 7:23
EMAIL (1) 1:25
Emissions (1) 8:21
employee (1) 8:5
enforcement (2) 6:20 8:20
enforcing (1) 6:12
ensure (3) 7:16 21:25 26:8
ensures (1) 9:6
enter (3) 6:3 16:8 22:9
entirety (1) 26:19
entry (1) 20:18
environments (1) 16:24
equipped (2) 11:3,5
error (2) 25:6 26:3
especially (3) 7:13 8:25 26:9
establish (1) 14:9
exactly (1) 4:21
Excellence (1) 8:7
excited (1) 5:5
Excuse (1) 19:5
exempted (1) 26:17
EXEMPTION (1) 3:3
exemptions (2) 14:14 18:5
exhaust (1) 18:1
expanding (3) 6:18 7:11 8:11

expansion (2) 21:12 26:18
experience (1) 26:9
explore (1) 5:13
exposed (1) 23:25
extraordinary (1) 18:16
extremely (1) 24:8
eyes (1) 18:15

F

F (1) 28:3
facilities (1) 9:5
facility (2) 5:16 9:1
FACSIMILE (1) 1:25
factory-direct (1) 15:14
fantastic (1) 27:3
far (2) 8:19 22:14
fare (2) 12:10,20
fares (1) 7:24
favor (6) 9:21 10:15 11:17 13:5
14:5 27:17
February (8) 9:23 11:8,9 12:13,15
13:19,21 14:20
Federal (1) 18:5
FHVs (4) 6:1,10,13 7:11
final (4) 11:14 12:24 13:25 27:6
finally (1) 8:16
find (1) 6:9
finer (1) 7:3
first (2) 4:8 14:23
fleet (1) 18:12
floor (5) 1:12 16:12 17:14 24:3
25:1
flow (2) 5:1,22
focus (1) 6:22
folded (1) 24:5
follow (1) 23:15
following (4) 11:12,20 12:18 13:24
for-hire (3) 15:23 22:6 26:14
forces (1) 23:21
forcing (2) 25:12 26:5
forget (1) 25:8
forms (1) 7:13
forward (5) 9:18 18:19,22,24 19:1
frame (1) 17:25
framework (1) 24:4
Frank (1) 2:9
frequency (1) 9:4
frequently (1) 9:1
fuel (1) 17:25
further (2) 25:11 28:15

G

garages (1) 5:7
gate (1) 17:8
General (6) 2:15 15:4,8 18:20 20:4
20:4
general's (1) 7:7

**Taxi and Limousine Commission Meeting
March 19, 2015**

generated (1) 9:16
give (3) 23:4 24:23 25:3
given (3) 8:5 12:9 22:7
gives (1) 9:5
Glaser (8) 3:4 14:24,25 15:3 19:7
 20:3,11 21:3
global (1) 6:8
go (7) 4:15,22 9:18 10:1 22:14 24:9
 27:15
goes (1) 4:12
going (4) 4:4 5:13,17 9:17
Gonzalez (1) 2:10
Good (5) 4:3 10:10 14:25 20:14
 21:6
granting (1) 20:21
great (1) 17:12
green (5) 13:12 25:14 26:7,23,24

H

H1 (1) 20:6
H2 (1) 20:6
hack (1) 19:23
hack-up (1) 5:14
hacked (2) 5:15 22:15
hand (1) 28:20
hands (6) 10:5,18 11:19 13:7 14:7
 27:19
happily (1) 25:3
hazard (1) 17:16
hazards (2) 17:1,9
head (5) 16:11 17:8,9 24:7,14
hearing (10) 1:12 2:3 11:4,8 12:14
 12:18 13:20 21:9 27:13,22
height (2) 16:13 19:20
held (3) 11:9 12:14 13:20
help (3) 5:21 13:15 18:19
helps (1) 8:24
hereunto (1) 28:19
higher-quality (1) 16:21
hits (1) 17:10
hold (1) 4:21
holding (1) 5:11
hopefully (1) 6:15
Howard (3) 3:4 14:24 15:3
Humvee (2) 15:7 20:5
hurdle (1) 27:15

I

identify (1) 13:16
identifying (1) 11:5
Ill (1) 20:19
impact (1) 17:21
imperiled (1) 21:21
implement (1) 10:22
important (1) 9:10
importantly (1) 16:24
in-street (1) 8:17

inception (1) 6:22
include (2) 17:24 26:18
including (2) 12:25 16:17
inconveniences (1) 17:3
increase (1) 15:21
increasingly (1) 15:10
Indiana (1) 20:8
indicating (3) 24:16,18,21
individual (1) 5:7
industry (5) 7:17 21:19,23 26:14
 26:19
inferior (1) 26:9
information (2) 25:18 26:20
initiative (4) 6:17,18 8:11,17
injury (1) 17:10
inspected (1) 9:3
inspection (6) 8:18,23 9:1,5,8,15
inspections (2) 8:21 9:9
installation (1) 24:1
integrity (1) 24:4
intended (1) 13:15
interested (1) 28:18
investigations (1) 7:6
issues (3) 7:22 23:22 24:10

J

Jacques (1) 2:12
January (5) 9:22 10:3 11:7 12:12
 13:18
JFK (6) 4:8,14,15,17,23 5:19
Jiha (2) 2:12 19:5
joint (1) 7:5
Joshi (19) 2:6 4:3 10:1,6,15 19:16
 21:7 22:22,24 23:4,8,14 24:12,19
 24:23 26:21 27:8,10,21

K

keep (1) 21:15
kind (1) 17:22
know (1) 15:5
known (2) 15:10 20:5

L

lack (1) 21:22
LaGuardia (5) 4:13,24,24 5:18,20
language (1) 13:1
large (1) 16:10
LaShann (1) 2:11
Lauvienska (1) 2:8
law (4) 10:23 11:13 12:24 13:25
lead (1) 18:19
leader (1) 18:7
Lease (1) 6:20
leases (1) 6:24
leaves (1) 5:16
led (1) 6:21
legal (1) 23:12

let's (1) 25:8
license (1) 22:7
licensed (2) 8:13 21:13
licenses (1) 22:3
Licensing (1) 10:12
lift (1) 17:8
lights (1) 13:12
limited (1) 22:12
limo (2) 12:1,3
limos (1) 12:4
Limousine (2) 1:5 10:12
line (1) 4:24
lines (2) 17:25 18:1
liveries (2) 9:3 12:7
livery (6) 7:21 12:5,5,22 13:13 22:3
local (4) 10:23 11:13 12:24 13:25
look (1) 18:24
looking (1) 6:9
loop (1) 11:4
Los (1) 18:9
lot (2) 5:11,21
low (1) 17:13
lower (1) 24:3
luggage (1) 25:10
luxury (3) 12:1,3,4

M

Madam (1) 15:1
main (1) 16:23
majority (3) 22:15 25:13 26:5
making (1) 5:8
MAMARONECK (2) 1:23,24
managing (1) 21:13
MANHATTAN (1) 1:13
manufactured (2) 18:8 20:4
manufacturer (1) 20:5
manufactures (1) 19:25
March (6) 1:10 11:15 13:3 14:3,21
 28:20
Marino (4) 2:7 13:8 19:25 20:9
marketplace (1) 15:25
marriage (1) 28:17
matter (2) 28:12,18
Mayor (2) 18:13,20
Mayor's (2) 8:7 20:16
mean (2) 22:24 24:15
meaningful (1) 21:22
mechanism (1) 14:10
medallion (5) 4:22 5:9,12 15:17
 21:14
medallions (4) 22:1,13,15 26:16
Meera (1) 2:6
meet (1) 19:1
meeting (4) 4:5 9:23,25 10:3
member (1) 8:20
Members (6) 10:4,17 11:18 13:6
 14:6 27:18

**Taxi and Limousine Commission Meeting
March 19, 2015**

mentioned (1) 26:22
 metal (2) 24:6,13
 middle (1) 23:25
 military (1) 15:6
 million (2) 6:25 7:3
 minivans (1) 17:14
 minutes (2) 9:21,22
 Mobility (2) 15:9 18:21
 model (2) 25:15 26:7
 modern (1) 16:7
 modified (1) 12:21
 moment (1) 25:20
 month (1) 10:13
 morning (5) 4:3 10:10 15:1 20:14
 21:6
 motion (6) 10:5,18 11:19 13:7 14:7
 27:19
 Motor (1) 18:6
 move (1) 9:20
 moved (1) 18:3
 moves (1) 19:1
 MV-1 (6) 15:13 16:4,8,25 18:14
 19:18
 MV-1.com (1) 19:9
 MV-1s (1) 18:9

N

name (3) 8:8 10:10 15:3
 nearly (1) 15:16
 necessary (1) 21:18
 neck (1) 17:10
 need (3) 4:19 22:9 26:11
 needing (1) 22:8
 needs (1) 21:15
 new (19) 1:4,24 6:17 7:12,13 8:11
 15:11 16:25 17:12 18:6,11,23
 19:3,13 21:19 22:6,8 28:5,9
 non-affiliated (1) 11:22
 non-conversion (1) 17:17
 noncompliance (2) 23:9,11
 Nora (1) 2:7
 normally (1) 25:9
 Notary (1) 28:8
 noted (1) 27:23
 November (1) 11:24
 number (4) 4:23 5:25 15:21 22:13
 NV200 (7) 22:16 23:18 24:10,20
 25:10,14 26:6
 NV200s (1) 26:24

O

obligation (1) 12:22
 obstacle (1) 17:11
 obstacles (1) 17:16
 obviously (1) 6:5
 office (1) 7:7
 official (2) 22:18,25

Oh (1) 23:10
 okay (4) 11:20 23:14 25:5 27:10
 old (1) 6:18
 on-site (1) 8:22
 open (1) 21:15
 opening (1) 16:10
 operations (1) 8:19
 opportunities (2) 25:6 26:3
 opportunity (2) 4:15 12:9
 option (1) 19:22
 Osman (1) 27:6
 outcome (1) 28:18
 outreach (1) 7:19
 overcharged (1) 6:24
 overcharges (1) 7:25
 owners (6) 5:7 14:10,15 15:17
 22:21 26:11

P

particular (4) 17:22 20:17,19 21:24
 particularly (1) 20:25
 parties (1) 28:16
 partners (2) 6:8 7:8
 pass (3) 22:8 27:7,20
 passed (1) 9:8
 passenger (7) 16:6 17:7,19 23:24
 24:11 25:7,8
 passenger's (2) 24:7,14
 passengers (10) 5:3 7:14 12:7
 13:15 16:8,17 17:5 21:17 23:21
 25:11
 passing (1) 27:8
 pay (3) 16:21 20:19,25
 peers (1) 25:11
 penalties (1) 10:25
 people (1) 4:10
 percent (1) 21:14
 perspective (2) 6:5,6
 Phillips (14) 3:5 21:5,6 22:23 23:3
 23:6,10,16 24:17,22 25:3,25 26:4
 27:3
 physically (1) 25:10
 picture (1) 19:6
 piece (1) 23:13
 placement (1) 25:22
 places (1) 24:6
 placing (1) 25:8
 plant (1) 20:7
 plates (2) 6:1,12
 please (1) 25:23
 plenty (1) 16:10
 point (2) 16:23 18:20
 points (1) 11:21
 Polanco (1) 2:8
 policy (1) 8:1
 popular (2) 7:14,15
 Port (4) 4:11 5:10,23 6:7

pose (1) 17:16
 positioning (1) 17:5
 possible (1) 16:15
 posted (3) 11:14 13:1 14:1
 potential (1) 26:1
 pothole (1) 17:11
 practical (1) 17:1
 prefer (2) 25:15 26:8
 PRESENT (2) 2:5,14
 presents (1) 25:6
 President (1) 15:3
 pretty (1) 4:18
 price (1) 12:23
 priced (1) 16:18
 problems (3) 22:18 24:9 25:5
 procedures (1) 20:20
 proceedings (27) 1:17 4:2 5:2 6:2
 7:2 8:2 9:2 10:2 11:2 12:2 13:2
 14:2 15:2 16:2 17:2 18:2 19:2
 20:2 21:2 22:2 23:2 24:2 25:2
 26:2 27:2 28:11,14
 process (1) 5:14
 produce (1) 15:25
 program (1) 21:21
 programs (1) 22:5
 propose (1) 26:1
 proposed (7) 10:22 11:21 13:20
 15:16 18:22 22:12 26:16
 prosecution (1) 8:1
 prosecutions (1) 7:6
 protection (3) 6:19,23 8:12
 protections (1) 7:16
 provide (6) 12:7,23 16:5 19:8
 25:17,23
 provided (5) 8:14 11:11 12:16
 13:22 14:14
 provision (1) 12:4
 provisions (1) 12:21
 public (10) 2:17 4:5 9:10 11:8
 12:13,19 13:19 19:1 20:24 28:8
 publication (2) 11:13 13:24
 published (4) 11:6 12:11 13:17
 14:19
 purchase (2) 14:11,12
 pursuing (1) 7:5
 put (3) 5:12 14:15 15:18
 putting (1) 5:10

Q

question (1) 20:22
 quote (3) 12:10,20,23

R

R (1) 28:3
 ramp (10) 16:11,12 23:20 24:3,5,6
 24:13,15,20 25:22
 ready (1) 27:17

**Taxi and Limousine Commission Meeting
March 19, 2015**

<p>real (1) 16:25 really (4) 4:16,18 8:9 22:4 rear (2) 17:7,21 rear-end (1) 24:8 rear-entry (4) 17:4,6,18 23:20 reasons (1) 19:22 receive (1) 12:9 received (4) 11:10 12:16 13:22 14:22 recognized (1) 8:6 recommended (1) 12:20 record (6) 11:7 12:12 13:18 14:20 20:24 28:13 redress (1) 8:14 refer (1) 23:12 regarding (3) 11:22 25:19,21 regardless (1) 7:17 reiterate (1) 23:24 related (1) 28:16 relates (1) 20:17 rely (1) 18:5 remain (1) 12:6 report (1) 10:16 reported (3) 1:19 2:24 28:11 REPORTING (1) 1:22 representatives (1) 21:12 reputation (1) 15:5 require (2) 22:5,14 required (3) 14:10,12 18:10 requirement (1) 26:13 requirements (1) 21:22 requires (6) 10:23 11:1,13 12:24 13:25 24:10 requiring (1) 13:12 restitution (1) 7:1 result (1) 16:1 retirement (1) 14:18 retiring (1) 20:23 retrofitted (1) 23:20 RFID (3) 4:12 5:9,16 RICHMOND (1) 28:6 ride (2) 17:20 22:8 riders (1) 16:1 riding (1) 18:25 rife (1) 18:4 right (2) 19:11,13 rigors (1) 16:7 risk (1) 17:22 road (5) 6:11,14 19:19,20,21 roads (1) 6:3 roof (1) 13:12 room (2) 1:12 16:11 Ross (1) 6:20 rough-road (1) 17:15 rule (9) 11:12,14 12:24 13:24,25 15:16 20:20 21:11 26:16 rulemaking (1) 11:23</p>	<p>rules (18) 7:25 10:22 11:6,9,21,24 12:7,11,14 13:9,12,14,17,20 14:9 14:19 18:22 27:14 running (2) 4:17 5:18</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>safe (2) 6:9 16:5 safely (1) 16:9 safety (8) 6:5 8:21 17:1 18:4,6 21:8 23:22 25:7 save (1) 22:5 scheduled (1) 14:17 scope (1) 7:12 Section (1) 20:19 sector (1) 7:21 secure (1) 24:11 see (4) 4:15 5:5 14:22 19:12 seeing (1) 18:15 seen (1) 19:10 segment (1) 7:17 segments (1) 21:23 self-levels (1) 16:13 send (1) 23:15 sent (3) 11:15 13:3 14:3 separates (1) 25:10 service (6) 8:7,8 9:7 13:16 15:19 15:22 SERVICES (1) 1:22 serving (1) 21:16 set (1) 28:20 seven (1) 8:19 shape (1) 18:15 shift (1) 9:12 shorties (1) 5:19 shoulder (3) 6:3,11,13 show (6) 10:5,18 11:19 13:7 14:7 27:19 side (1) 20:18 side-entry (1) 18:10 sidewalk (2) 16:9,13 Simply (1) 14:15 sit (2) 6:1 23:21 sits (5) 17:20 24:15,21,25,25 sitting (1) 22:3 Small (1) 27:14 soon (1) 5:18 sorry (4) 13:8 24:12 25:16 27:13 sort (1) 19:21 speak (1) 21:10 speaker (3) 14:23 21:5 27:6 speakers (2) 3:3 14:23 specific (1) 20:22 Specifically (1) 11:24 specifics (3) 23:5,12,15 ss (1) 28:5 staff (5) 2:16 12:19,20 20:6,18 standard (1) 15:11</p>	<p>standards (2) 18:6 19:3 standing (1) 6:21 start (2) 4:4,5 started (4) 6:19,25 8:16,18 State (2) 28:5,9 stated (1) 23:23 steel (1) 24:4 STENO-KATH (1) 1:22 Stenokath@verizon.net (1) 1:25 step (1) 18:22 steps (2) 24:11 25:24 sticker (2) 5:13 10:25 stigmatizes (1) 25:12 stop (2) 22:22 24:12 stopped (1) 8:22 stops (1) 9:14 straight (2) 6:1,12 streamlining (1) 5:22 street (4) 1:11 8:20 16:14 23:25 street-hail (2) 13:13 22:3 structural (2) 17:25 24:9 sturdy (1) 16:11 subject (1) 11:23 subsidiary (1) 15:9 summonses (1) 9:16 support (3) 15:16 18:21 21:11 supporting (1) 24:4 supports (1) 26:15 sure (7) 5:9 8:12,23 22:23 23:16 25:25 26:4 surprising (1) 18:3 system (2) 4:12,16 systems (1) 18:1</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>T (2) 28:3,3 tag (3) 4:12,12 5:17 tagging (1) 5:14 tags (2) 5:9,11 take (1) 9:13 talking (1) 4:10 talks (1) 20:20 taxi (25) 1:5 3:3 4:13 5:12,15 6:23 7:9 8:15 10:12,24 14:12,14 15:20 16:1,7 18:11 19:15 21:8,13,19 22:18 25:13 26:6,10,19 taxicab (3) 14:11 15:25 22:25 taxicabs (1) 9:7 taximeter (1) 13:14 taxis (6) 4:20 5:1,4,10 11:1 15:23 teams (1) 8:20 technology (1) 11:4 telephone (1) 12:8 tells (1) 4:19 tens (1) 21:16 terminal (2) 4:22 6:4 terminals (3) 4:19,20 5:4</p>
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**Taxi and Limousine Commission Meeting
March 19, 2015**

terms (1) 7:24
testify (1) 15:15
testimony (3) 20:15,17 23:17
thank (14) 5:6 8:9 10:20 14:25
 18:22 19:3,4 20:14 21:3,4,8
 26:19 27:4,5
things (1) 18:16
think (8) 4:9 5:20 9:9 19:9,20 24:15
 26:24 27:12
thousands (1) 21:17
three (1) 14:23
Thursday (1) 1:10
time (6) 4:3,23 5:8 17:12 27:11,23
tipping (1) 7:24
TLC (6) 4:7 8:5 9:4 18:21 22:4,14
TLC's (4) 11:15 13:1 14:1 15:21
TLC-licensed (2) 10:24 11:3
today (4) 15:8,15 19:20 26:23
today's (2) 27:13,22
told (1) 4:21
Tomorrow (4) 3:3 14:12,15 15:20
Tormey (3) 10:10,11,20
track (1) 4:25
tracked (1) 4:23
traffic (2) 17:22 24:1
traffic-flow (1) 6:6
transcript (3) 1:3,17 28:13
transportation (4) 7:13 15:12 16:5
 26:14
tremendous (1) 7:8
trips (1) 12:8
true (1) 28:13
truly (1) 4:25
trunk (3) 17:20 23:21 25:9
truth (2) 7:8 22:17
turn (1) 10:8
Tweeps (2) 3:5 21:5
two (1) 4:9

U

ultimately (2) 5:3 15:25
Unanimous (1) 13:10
unanimously (2) 10:7 27:20
unassisted (1) 16:16
unchanged (1) 12:6
underneath (2) 24:16 25:1
understand (1) 24:13
understanding (5) 7:22 20:24 23:7
 24:20,24
unit (5) 6:19,20,22 7:12 8:21
universal (1) 15:11
unlit (1) 13:13
unrestricted (1) 15:17
untrue (1) 25:20
updates (2) 6:15 9:19
upright (1) 24:21
urban (1) 16:7

use (11) 4:25 18:9 19:11,15 24:20
 25:13,14 26:6,7,11,17
user (1) 26:10
utilizing (1) 16:11

V

vans (1) 7:11
various (1) 19:22
vast (1) 22:15
vaults (1) 22:4
vehicle (35) 8:17,23 9:12 10:24
 11:5 14:13 15:13,14,19 16:18,22
 17:6,6,10,20 18:11 19:10,17,24
 20:1,3,10,12,16 21:20 22:6,10,19
 22:20 23:3,7,19,22 24:5 25:1
vehicles (25) 8:25 11:3,23 12:6
 13:13,16 14:11 15:6,22,23 16:20
 17:4,17,18,24 18:4,8,17 19:6
 20:12,23 21:10,14 23:23 26:12
Ventures (2) 15:9 18:21
versa (1) 5:20
version (1) 22:16
vice (1) 5:20
violations (1) 8:24
voices (1) 21:17
vote (2) 27:14,17

W

wait (1) 27:10
waiting (4) 5:4 6:10,11,13
waiver (2) 15:18 20:21
want (7) 4:5 5:6 7:16 8:4,9 16:23
 21:8
warning (1) 10:25
wasn't (1) 18:18
way (4) 9:6 22:4 24:6 28:17
ways (1) 6:9
we'll (4) 4:25 6:15 10:8 27:10
we're (8) 4:4 5:13 6:14 7:3,4,11
 9:17 15:15
we've (5) 4:11 8:14 9:13,14 19:18
website (4) 11:15 13:1 14:3 19:8
week (2) 4:14,18
weeks (1) 18:13
wheelchair (4) 16:6 17:5 22:10
 26:10
wheelchair-accessible (3) 15:14
 15:22 21:10
WHEREOF (1) 28:19
whichever (2) 25:15 26:7
willingness (1) 18:17
Wilson (11) 2:15 9:24 10:21 11:20
 13:9 14:8 19:4 21:4 27:5,16,20
window (1) 14:16
within-entitled (1) 28:12
withstand (1) 16:6
WITNESS (1) 28:19

Woodside (1) 5:16
work (1) 8:10
Workers' (1) 7:23
working (7) 4:11 5:14 6:14 7:18,18
 18:23,25
world (1) 26:25
world's (1) 15:13
written (4) 11:10 12:15 13:21
 14:21

X

Y

Yeah (2) 19:16 23:4
year (2) 8:6 17:12
years (1) 4:10
yellow (11) 6:23 7:9 8:15 21:14
 25:13 26:5,9,10,19,23,25
York (11) 1:4,24 16:25 17:13 18:7
 18:23 19:13 21:19 22:6 28:5,9
Yorker (1) 22:8

Z

zone (1) 17:21

0

1

1 (1) 7:3
10:23 (3) 1:14 2:3 4:4
10:45 (2) 27:22,23
10543 (1) 1:24
11:45 (1) 27:22
114 (1) 9:14
120 (1) 14:17
121 (1) 9:16
130,000 (1) 8:13
139 (1) 1:23
14 (1) 3:4
15 (1) 10:3
150 (1) 14:17
16 (1) 14:3
16th (3) 11:15 13:3 14:21
19 (1) 1:10
19TH (1) 1:12

2

2 (3) 10:14 12:15 13:21
2.5 (1) 6:25
20 (3) 12:12 13:18 21:14
2011 (1) 19:16
2012 (1) 6:19
2014 (2) 8:5 10:23
2015 (11) 1:10 9:22 11:7,9 12:12
 12:15 13:18,21 14:3,20 28:20
21 (1) 3:5
212.95.DEPOS (1) 1:24

**Taxi and Limousine Commission Meeting
March 19, 2015**

22 (1) 11:10
23rd (2) 12:13 13:19
25 (4) 24:10 25:5,6,23
25th (1) 28:20
26 (3) 11:9 12:15 13:21

3

30-day (1) 14:16
33 (1) 1:11

4

400 (1) 18:9
496 (1) 14:13

5

5,000 (1) 21:16
500 (2) 15:17 19:11
55 (1) 10:23

6

6 (2) 11:7 14:20
6th (1) 11:8

7

8

8 (1) 19:20

9

9 (1) 10:13
914.381.2061 (1) 1:24
914.722.0816 (1) 1:25
953.3767 (1) 1:24