1 --X

2   NEW YORK CITY

3   TAXI & LIMOUSINE COMMISSION

4   PUBLIC HEARING

5 --X

6

7   April 25, 2017
                                     10:05 a.m.

8
                                     33 Beaver Street
9   New York, New York

10

11   B E F O R E:

12   MEERA JOSHI, Chair and Chief Executive Officer

13   CHRIS WILSON, General Counsel

14   Board of Commissioners:

15   LAUVIENSKA POLANCO

16   THOMAS SORRENTINO

17   KENNETH MITCHELL

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23   James Tetta
       Court Reporter

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25

1   S P E A K E R S

2   CHARLES FURY

3   PETER MAZER

1   PROCEEDINGS

2   CHAIR JOSHI: Good morning.   The

3   time now is 10:05 a.m.   We had on the

4   agenda today two votes.   One on the

5   proposed TPEP rules, which we had a

6   hearing on last month.   And we're having

7   a hearing on changing to the yellow

8   medallion rules around what vehicles can

9   be hacked up.   But we don't,

10   unfortunately, have a forum today.   We

11   can have the hearing, but we can't have

12   the vote on either.

13   In light of the fact that

14   essentially hack up rules are rules that

15   would affect decisions people are making

16   now, or are going to be making in the

17   next couple of weeks, we will waive the

18   current rules and act as if these rules

19   were promulgated until we can come

20   together and vote because the commission

21   is unanimous in support and so we're

22   trying to schedule that vote for May

23   7th.   And in the meantime, if people

24   have questions about what vehicles can

25   be hacked up given this sort of limbo

1   time, please contact us or contact

2   Assistant Commissioner Gridley and we'll

3   be happy to work with you to clarify

4   things. We understand that delaying a

5   vote does change people's business

6   decisions and we want to try to mitigate

7   against that as much as possible.

8   We are looking at May 7th for

9   another meeting where we would come just

10 for the purpose of voting on those two

11 packages. There would be no hearing and

12 it should be pretty brief. As soon as

13 we can lock down the 7th as the date,

14 we'll let everybody know.

15   In the meantime, I want to thank

16 everybody for coming this morning. I'm

17 very excited to announce our new Deputy

18 Commissioner for Finance Administration,

19 Jennifer Gavitts (Phonetic), who I'll

20 make stand up.

21   (Applause.)

22   CHAIR JOSHI: I know many of you are

23 familiar with Midori Valdivia who left a

24 few months ago to join the MTA, and

25 Jennifer Gavitts is joining us in the

1   position that Midori held as Deputy

2   Commissioner for Finance and

3   Administration. She comes to us from

4   the Department of Social Services and

5   Human Resources for External Affairs.

6   In 2014, she built from the ground up

7   the entire ID NYC operations. Hiring

8   the staff, planning the IT, doing the

9   procurements, the infrastructures, the

10   bills, and managing the administration

11   of the roll out.

12   It's undisputed that this program

13   exceeded all expectations and over

14   700,000 New Yorkers were enrolled in its

15   first year, thanks in large part to the

16   work that Jennifer did. In addition to

17   her substantial experience in the public

18   sector, she also has substantial

19   experience consulting for public service

20   clients, and this will be a valuable

21   skill as she navigates (inaudible) just

22   with our partners in the private sector.

23   We know that Jennifer will also be

24   valuable to us as we launch new programs

25   here at the TLC, including the expansion

1   of wheelchair accessibility in the

2   for-hire sector. Please join me in

3   giving Jennifer a warm welcome.

4   (Applause.)

5   CHAIR JOSHI: I also want to mention

6   some of the more difficult aspects of

7   the industry that has been prevalent in

8   almost every meeting we have. In March

9   there was a tragedy for the TLC license

10   driver community when Nicanor Ochisor, a

11   medallion owner and taxi owner, took his

12   life and it followed several other

13   suicides.

14   At another commission meeting I

15   spoke of awareness or GoFundMe page for

16   the family of Jeffrey Camacho, who was

17   shot eight times and miraculously lived,

18   and this by a passenger who was

19   attempting to rob him and did for $23.

20   Today, I want to highlight that

21   there is also a GoFundMe page for the

22   family of Nicanor Ochisor and if you'd

23   like to support you can go to

24   www.gofundme.com/fundfortheochisorfamily

25   and with that, what we can do today,

1   even though we don't have a forum, is

2   listen to the presentation from Charles

3   Fury (Phonetic) on the changes to the

4   yellow medallion rules that are

5   proposed.

6   MR. FURY: Good morning,

7   commissioners. Today I'll be sharing a

8   brief presentation on the proposed rules

9   before you that we'll be having a public

10   hearing on and voting on at the next

11   commissioner meeting.

12   The proposed rules include four

13   updates to existing regulations.

14   Specifically, the increased taxi vehicle

15   choice for those purchasing a vehicle to

16   use as a taxicab. Allow used vehicles

17   to be placed into service as a taxicab.

18   Update current taxi improvement funds

19   and street hail livery fund rules and

20   uniformly apply the existing seven-year

21   retirement schedule.

22   Additionally, the proposed rules

23   codify existing policies and practices

24   followed today in the most serious cases

25   where TLC seeks to revoke the licenses

1   of unfit drivers. Today, the

2   chairperson issues a written decision

3   accepting, rejecting, or modifying

4   those remembered decisions and the

5   decision includes the chair's reasons

6   therefore.

7   Additionally, drivers convicted of

8   one or more criminal offenses are

9   revoked only if there is a finding of a

10   direct relationship between the criminal

11   offenses and the duties of the licensee

12   and that continued licenser proposes an

13   unreasonable risk to public safety.

14   By codifying these policies and

15   practices, the proposed rules ensure

16   future licensees are afforded the same

17   procedural protection as those licensees

18   received today. However, since these

19   provisions do not represent a change

20   from current practices, they will not be

21   a focus of my presentation.

22   Today, unrestricted medallions are

23   not required to be used with the

24   wheelchair accessible vehicle may be

25   used with the Nissan taxi of tomorrow, a

1   wheelchair accessible for a large

2   hybrid. Although hybrids are typically

3   preferred by taxi drivers as a result of

4   their low operating cost, only a limited

5   number of vehicles currently meet the

6   hybrids specs.

7   The proposed rules would amend the

8   vehicle specs for use of mid-size

9   sedans. Vehicles that are currently a

10   popular vehicle choice in the FHV

11   sector. Notably, this change can be

12   made without impacting passenger

13   comforts since minimum requirements for

14   head and legroom, as well as seat depth,

15   remain unchanged.

16   Today, only vehicles with less than

17   500 miles can be placed in the service

18   as a taxicab. However, no similar

19   restrictions exist in other TLC

20   regulated sectors. Requiring new

21   vehicles only in the taxi sector has

22   obvious economic impacts.

23   The proposed rules would again

24   permit the use of used vehicles in the

25   taxi sector. Vehicles with more than

1   500 miles could be placed into service

2   as a taxicab, so long as that vehicle

3   meets all taxicab specifications.

4   Additionally, all vehicles must pass

5   TLC's comprehensive safety emission

6   inspection before they can be placed

7   into service. And this proposed rule

8   making is a resolve of the two-year

9   pilot program testing the use of used

10   vehicles in the taxicab sector.

11   Used vehicles will receive the

12   uniformed seven-year vehicle retirement

13   schedule applicable to all taxis today,

14   less the age of the vehicle. As an

15   example, a 2015 vehicle placed into

16   service today would be three years old.

17   The difference between the current year

18   hack up and the model year of the

19   vehicle in this case would equal three

20   years.

21   This three-year old vehicle would

22   have to be removed from service in 2022

23   and we get to that date by applying the

24   standard retirement schedule, the

25   current calendar year, plus seven years,

1   is 2025, less the age of the vehicle

2   leaves us to 2022 retirement date.

3   Current rules governing the taxi

4   improvement fund and street hail livery

5   improvement fund require the 30 cent

6   passenger surcharge, the allocated and

7   separate driver and vehicle fund. Both

8   drivers and fleet operators have asked

9   that a 50 cent per trip driver payment

10   that are paid to drivers who complete

11   trips in a wheelchair accessible vehicle

12   be increased to provide additional

13   incentives to drivers.

14   However, without the ability to

15   adjust this allocation, TLC is unable to

16   increase driver payments under the

17   current rule structure. The proposed

18   rules would allow TLC to periodically

19   review available funds and then adjust

20   the payments accordingly. Preliminary

21   analysis reveals that TLC would be able

22   to increase driver accessibility

23   payments should these rules be adopted.

24   The final topic is a uniformed

25   seven-year retirement schedule. Current

1   TLC rules provide that all vehicles

2   placed into service on or after April

3   20, 2015, are assigned a uniformed

4   seven-year retirement schedule. Those

5   vehicles must be removed seven years

6   after the vehicle is placed into

7   service. However, vehicles that were

8   placed into service April 20, 2015,

9   follow under the old retirement rules.

10   And as such, have retirement schedules

11   from anywhere between three and

12   seven years.

13   The proposed rules would close this

14   gap and apply the uniformed seven-year

15   retirement schedule to all taxis

16   regardless if they were placed into

17   service before or after April 20, 2015.

18   Of course, vehicles can only remain in

19   service until the retirement date if

20   they pass all safety and emissions

21   inspections.

22   The proposed rules before you are

23   about one part of an ongoing effort to

24   continually review and improve TLC

25   regulations in response to ongoing

1   changes in the city's for-hire industry.

2   This work has resulted in the uniform

3   application of important public policy

4   safety and consumer protections beyond

5   just the taxicab industry. Changes such

6   as universal TLC driver license,

7   uniformed driver education requirements

8   regardless if a driver wishes to operate

9   a taxi or an FHV, trip record

10   requirements and for-hire bases and most

11   recently increasing accessibility in the

12   for-hire sector. All important

13   regulations that previously applied only

14   to taxis.

15   Additionally, the work has resulted

16   in modernized regulations that reduce

17   regulatory board burdens while still

18   ensuring important public policy

19   objectives are met. These changes have

20   included eliminating the owner must

21   drive requirement in taxis, allowing any

22   taxi owner to remove the partition in

23   their vehicle if they install an

24   in-vehicle camera system. Testing

25   flexible taxi leases that respond to the

1   working hours drivers prefer, as well as

2   testing upfront pricing taxi trips

3   booked through apps.

4   These changes, like those changes

5   before you today, look to remove

6   regulatory barriers that may tamper with

7   the taxis' ability to compete with the

8   other for-hire sectors.

9   I'm happy to answer any questions

10   you may have.

11   (No response.)

12   MR. FURY: Thank you.

13   (Applause.)

14   MR. WILSON: We have one speaker

15   signed up, Peter Mazer, MTBOT.

16   MR. MAZER: Good morning, Chair and

17   members of the commission. My name is

18   Peter Mazer, and I am General Counsel to

19   the Metropolitan Taxicab Board of Trade

20   in association with representing the

21   owners and operators of more than 5,500

22   medallion taxicabs.

23   We also operate the MTBOT driver's

24   resource center, providing a variety of

25   training and other services, including

1   free legal representation to more than

2   20,000 drivers operating taxicabs for

3   our members. At the outset, I want to

4   thank the commission for proposing these

5   rules and I look forward to their

6   immediate adoption.

7   Today, the medallion industry is

8   facing unprecedented challenges.

9   Ridership has plummeted by more than 30

10   percent over the last four years,

11   largely due to the proliferation of

12   (inaudible) vehicles which clog the

13   streets, which are often cavalier with

14   respect to public safety and operate an

15   entirely different regulatory realm.

16   With no limits on the numbers of

17   licensed vehicles, vehicle choice, bares

18   charge to a motive operation.

19   Today the commission is considering

20   some very sensible changes to a few of

21   the rules governing the taxicab

22   industry. Changes that will have no

23   impact on public safety or quality of

24   service. All taxicabs are required to

25   undergo rigorous inspections with the

1   TLC facility three times a year. No

2   vehicle can be made in service as a taxi

3   cab unless it passes inspection.

4   Amending these rules will allow any

5   taxicab to remain in service for use as

6   a taxicab for up to a maximum of

7   seven years, as long as it continues to

8   meet these rigorous inspection

9   requirements. Makes sense in light of

10   the fact that today's cabs are safer and

11   cleaner than taxi cabs from years ago

12   when shorter vehicle retirement periods

13   were mandated.

14   Likewise, we applaud the decision of

15   the TLC to allow most owners to select,

16   within limits, the vehicle model that

17   best serves their needs as a taxicab.

18   Owners will once again be able to select

19   from an array of vehicles, each of which

20   meet TLC's standards for size, comfort,

21   and durability that best services the

22   desires of their drivers and the riding

23   public.

24   In addition, certain owners will be

25   permitted to place into service as taxi

1   cabs vehicles that have been previously

2   used as green cabs, black cars, or

3   private vehicles. Provided again, all

4   standards of size, comfort, safety, and

5   durability are met.

6   Finally, I commend the TLC for

7   proposing some changes to rules

8   governing the suspension and revocation

9   of licenses for individuals who have

10   been charged with or convicted of a

11   crime. Public safety has always been a

12   priority of the commission, but it's

13   always a difficult decision to deprive

14   someone of his or her livelihood.

15   Proposed rules are clarified and

16   necessarily linked between a criminal

17   offense and an individual's fitness to

18   transport passengers for-hire. Rules

19   mandated that each person charged with

20   or convicted of a crime is treated as an

21   individual worthy of due-process and

22   fair treatment under the law. This will

23   be accomplished by still ensuring that

24   there is no unreasonable risks to the

25   public, and that individuals will be

1   subject to adverse license and

2   consequences only if the offenses

3   related to the duties of the licensee.

4   This is the standard use of most

5   employment situations and is an

6   appropriate standard in renewing

7   licensing decisions, and this will

8   ensure the integrity licensing process.

9   I note that when the commission does

10   some wonderful things, looks like nobody

11   shows up. But I'm here to say that I

12   commend the staff that we work with. We

13   commend the commissioners putting

14   together this very comprehensive package

15   which is fair to owners, drivers, and to

16   the public. This is a significant step

17   in protecting the taxicab in the

18   for-hire industries, strengthing the

19   industry, and while at the same time

20   enabling the commission to fulfill its

21   mandate to protect the public.

22   I thank you for giving me the

23   opportunity to testify this morning, and

24   I'll be happy to answer any questions

25   you may have.

1   (No response.)

2   CHAIR JOSHI: Thank you.

3   With that, we will close the meeting

4   at 10:25 a.m. and anticipate that we can

5   meet again on May 7th. But we'll let

6   you know as soon as that's finalized to

7   vote on both the revised TPEP rules and

8   the rules that were for public hearing

9   today. And in the meantime, for those

10   people who would like to hack up under

11   the proposed rules, please contact us

12   because we will be able to forego our

13   current rules while we're waiting for

14   the final vote on May 7th.

15   That ends the public meeting.

16   Thank you.

17   (Thereupon, the examination was

18   concluded at 10:25 A.M.)

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1   C E R T I F I C A T E

2

3   STATE OF NEW YORK)

4   :ss
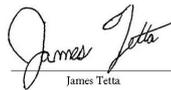
5   COUNTY OF NASSAU)

6

7   I, JAMES A. TETTA, a Notary Public within

8   and for the State of New York, do hereby

9   certify:

10   That the witness whose examination is

11   hereinbefore set forth was duly sworn and that

12   such an examination is a true record of the

13   testimony given by such a witness.

14   I further certify that I am not related to

15   any of these parties to this action by blood or

16   marriage, and that I am not in any way

17   interested in the outcome of this matter.

18   IN WITNESS WHEREOF, I have hereunto set my

19   hand this 25th day of April, 2017.

20

21

22

23   *James Tetta*
                                      James Tetta

24

25

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& 1:3

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