

Taxi and Limousine Commission Board Meeting
June 8, 2017

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NEW YORK CITY
TAXI & LIMOUSINE COMMISSION
BOARD MEETING

June 8, 2017
10:00 a.m.

33 Beaver Street
New York, New York

B E F O R E:

MEERA JOSHI, Chair and Chief Executive Officer

CHRIS WILSON, General Counsel

Board of Commissioners:

BILL AGUADO

JACQUES JIHA

LAUVIENSKA POLANCO

NORA C. MARINO

KENNETH C. MITCHELL

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Taxi and Limousine Commission Board Meeting
June 8, 2017

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S P E A K E R S :

Warren Prosky - MTBOT

Malcolm Rattner

Richard Thaler

Cliff Adler

Milenka Berengolc - Taxis for All

Bill Lindauer - NYTWA

Michael Wuloz - MTBOT

Osman Chowdhury - United Taxi Driver

Kevin Fullington - Herrick, Feinstein - Nissan

Uppkar Tuind

Michael Wanderman - Gotham Yellow

Taxi and Limousine Commission Board Meeting
June 8, 2017

3

1 Proceedings

2 CHAIR JOSHI: Good morning, we're
3 gonna start today's public hearing. The
4 time now is 10:15. We are postponed
5 adoption of the minutes and the based
6 applications until we have Commissioner
7 Marino and Polanco who are expected to be
8 here any minute, and we'll move on to the
9 hearing on the rules that were proposed 30
10 days ago, and we'll start with a
11 presentation, a summary of what those rules
12 are given by Assistant General Counsel
13 Charles Furrey.

14 MR. FURREY: Good morning,
15 Commissioners. This morning, I'd like to
16 give a brief presentation on the proposed
17 changes before you. Majority of the
18 presentation will focus on changes to TLC's
19 licensing rules, specifically three changes
20 TLC is proposing that will make it easier
21 both to get and maintain a TLC license
22 without compromising consumer and safety
23 protection. These changes are a result of
24 industry stakeholder meetings as well as
25 internal review of TLC's licensing rules.

Taxi and Limousine Commission Board Meeting
June 8, 2017

4

1 Proceedings

2 The first topic I would like to
3 discuss is renewing expired licenses.
4 Currently, TLC rules do not permit a
5 licensee to renew a license that has
6 expired. For these individuals, they must
7 apply for a new license and complete all
8 new applicant requirements if they wish to
9 continue providing for higher service in
10 the city.

11 TLC rules do, however, provide a
12 limited exception for those licensees able
13 to demonstrate a good reason why they were
14 not able to renew on time. An example of a
15 good reason would be the unfortunate
16 circumstances where the licensee was
17 hospitalized and therefore unable to
18 complete the renewal requirements. With
19 sufficient documentation such as medical
20 records, TLC would extend the expiration
21 date up to 90 days for drivers and 31 days
22 for vehicle owners to provide additional
23 time to complete the renewal requirements.

24 Additionally, the rules imposed a
25 \$25 late fee for those individuals who

**Taxi and Limousine Commission Board Meeting
June 8, 2017**

5

Proceedings

1 submit the renewal application with less
2 than 30 days before their license expires.
3 Under the current licensing rules, those
4 outside the specified period of 90 days for
5 drivers or 31 days for vehicle owners
6 beyond their expiration date for those whom
7 TLC determined did not have a sufficient
8 excuse for the late renewal must complete
9 all new applicant requirements. This
10 represents additional time and money before
11 the licensee is able to get back on the
12 road and resume providing service in the
13 city. And with the \$25 late fee, the
14 agency notes that this fee was added to TLC
15 rules to encourage early renewals at a time
16 when processing the renewals was largely
17 manually intensive.
18

19 Under the proposed revision,
20 drivers and vehicle owners could renew and
21 reopen their expired license so long as
22 they completed all renewal requirements
23 within 180 days or 6 months for drivers or
24 60 days for vehicle owners. No longer
25 would licensees need to gather

**Taxi and Limousine Commission Board Meeting
June 8, 2017**

6

Proceedings

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2 documentation for their reason for their
3 delayed renewal and no longer would there
4 be a case by case determination by TLC
5 thereby adding certainty to the renewal
6 process. Licenses would remain expired
7 until the licensee completes all the new
8 requirements and as is the case today.
9 Driver and vehicle owners cannot provide
10 service until the license has been renewed.
11 And finally, the \$25 late fee would be
12 amended to apply to only those submitting
13 the renewal applications after the license
14 had expired.

15 The next topic I'll discuss is
16 the driver education exemption. Applicants
17 with a TLC driver license also known as the
18 universal license which is used to operate
19 a yellow taxi cab, SHL or FHV must complete
20 the 24 hour driver education course. The
21 rules do include an education exemption for
22 experienced drivers. Applicants are not
23 required to complete driver school if the
24 applicant was previously licensed by TLC to
25 drive a taxi or FHV and they received the

Taxi and Limousine Commission Board Meeting
June 8, 2017

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Proceedings

license before 1999 and the previous tax year FHV license expired no more than two years before the driver returned.

Under the current exemption, only one continued license can meet this requirement. Therefore, today, an applicant must have been licensed for at least 17 years having obtained the previous license before 1999 and keeping it continuously through at least June of 2015 to be considered experienced for purposes of the education exemption.

The proposed rules would exempt experienced drivers if the applicant was previously licensed by TLC for at least ten years and the driver comes back and applies for a new license no more than two years after the last license expired or the applicant was previously licensed by TLC for at least 15 years and the driver comes back and applies for a new license no more than five years after that last license expired.

The proposed rule would also

Taxi and Limousine Commission Board Meeting
June 8, 2017

8

1 Proceedings

2 consider more than one license when
3 determining the total years an applicant
4 previously held a TLC driver license.
5 However, as is the case today, no driver
6 would be eligible for the education
7 exemption if any of the prior TLC driver
8 licenses held by applicants were revoked
9 and as with all applicants, the drivers
10 would undergo a complete background check
11 and it must complete all other applicant
12 requirements prior to receiving their
13 license.

14 The final licensing change before
15 you today concerns taxicab vehicle
16 retirement extensions granted to owners
17 experiencing financial hardships. Under
18 the current rule, independent taxicab
19 owners and long term drivers can request an
20 extension of their vehicle's retirement
21 date if they are experiencing a hardship.
22 The extension is limited to only
23 independent vehicle owners and long term
24 drivers because at the time the extension
25 was added in 2001, TLC rules encouraged the

**Taxi and Limousine Commission Board Meeting
June 8, 2017**

9

Proceedings

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2 owner driver model as it was then believed
3 these vehicles were safer and better
4 maintained. Today, however, all taxicabs,
5 regardless of who owns them and how they
6 are operated, are held to the same high
7 safety standards. Additionally, inspection
8 records results reveal some high vehicle
9 inspection past rates for all taxicab
10 vehicles. Therefore, under the proposed
11 rule change, any taxi vehicle owner
12 experiencing a hardship could request a
13 vehicle retirement date extension.

14 As it the case today and would be
15 the case going forward, extensions are only
16 granted if the owner demonstrates that they
17 experiencing a serious hardship. Examples
18 of serious hardship include the inability
19 to work due to hospitalization or other
20 serious illness, unexpected financial
21 expense. Examples do not include not
22 wanting to purchase one of the vehicles
23 currently approved by TLC for use as a
24 taxicab or not wanting to purchase an
25 accessible vehicle given the vehicles

**Taxi and Limousine Commission Board Meeting
June 8, 2017**

10

Proceedings

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2 increased cost (inaudible) available to
3 offset these added costs.

4 The final topic I would like to
5 discuss covers amendments to commuter van
6 regulations. Currently, TLC rules provide
7 minimum fines between 3 and \$500 for those
8 caught operating vans or commuters vans
9 bases without a TLC license. These current
10 penalties unfortunately do not adequately
11 deter individuals from providing unlicensed
12 commuter van services. Additionally, these
13 penalties fail to support joint TLC, NYPD
14 initiatives.

15 Past February, Mayor Bill de
16 Blasio signed into law changes to
17 administrative code regulations of commuter
18 van industry. Therefore, the proposed
19 rules reflect these changes by increasing
20 penalties for unlicensed van and bases to
21 \$1,000 minimum as well as clarifying that
22 vans caught by TLC are subject to seizure
23 and forfeiture. That concludes my
24 presentation but I'm happy to answer any
25 questions you may have.

**Taxi and Limousine Commission Board Meeting
June 8, 2017**

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Proceedings

CHAIR JOSHI: Thank you and also note at 10:25 Commissioner Polanco joined us.

MR. WILSON: Thank you, and we have a number of speakers this morning. The first is Warren Prosky from MTBOT.

MR. PROSKY: Good morning, Madam Chair, Commissioners, my name is Warren Prosky. I operate a taxi fleet in Brooklyn, and I have a short statement. I've been operating a yellow taxicab for over 29 years. I'm the third generation and my son currently is hopefully gonna be the fourth generation. I'm sad to say we're in the worse shape this industry has ever been in. I'm operating 30 percent down, where four years ago I was operating almost at 100 percent. I feel like I'm in a hole and the quicksand is getting to me.

With all the hardships in the taxi industry, it would be extremely detrimental to my business and to every taxi owner in New York City to be forced to purchase a cab, I'm sorry, to be forced to

Taxi and Limousine Commission Board Meeting
June 8, 2017

12

1 Proceedings

2 purchase a new cab at a time when that is
3 not needed to come off the road. There is
4 nothing wrong with the cabs I'm using now.
5 I use Toyota Camrys, both gas and hybrid.
6 My drivers love them, and the passengers
7 love them. They're easy to fix, the parts
8 are available and I can't tell you anything
9 bad about the vehicle. I've operated many
10 vehicles in my 29 years. They are fuel
11 efficient and environmentally friendly.
12 Why would the Commission want to remove a
13 relatively low mileage, comfortable cab
14 that continues to pass inspection. I often
15 wondered why the same size of coke ordered
16 in the restaurant is more expensive then
17 when I buy the same size coke in the
18 bodega. To me, it's still the same can of
19 coke, isn't it?

20 So please tell me why my Camry
21 needs to be taken off the road when the TLC
22 can inspect the vehicle, tell us the
23 vehicle is still safe and still give the
24 public and my drivers what they want.

25 I find it somewhat insulting that

Taxi and Limousine Commission Board Meeting
June 8, 2017

13

1 Proceedings

2 we're overregulated as a yellow taxi
3 industry all these years in every aspect
4 but basically, being forced to buy a single
5 vehicle and not have a choice at the same
6 time when an industry that's nine times
7 larger than me can take my same taxi, which
8 they've done successfully over the last
9 29 years, paint it a simple color, like
10 black and use it for several years in the
11 city. I'd be happy to answer any questions
12 you have. Thank you.

13 MS. MARINO: I have a question.
14 So just to be clear, you're for these rules
15 or against them, the proposed rules? I
16 thought these rules make it easier. Am I
17 missing something?

18 CHAIR JOSHI: These rules allow
19 every medallion owner to apply for a
20 hardship extension allowing them to keep
21 their current vehicle on the road for
22 longer if they have financial hardship in
23 affording new vehicles.

24 MS. MARINO: I thought this would
25 make it easier for you so I'm not sure --

Taxi and Limousine Commission Board Meeting
June 8, 2017

14

1 Proceedings

2 MR. PROSKY: So the answer is,
3 yes, I am for it because business wise, I'm
4 approximately 30 percent down.

5 MS. MARINO: Right and I believe
6 we should do everything right now to help
7 the yellow industry, and I believe these
8 rules accomplish that so.

9 MR. PROSKY: Yes, thank you.

10 MS. MARINO: Okay. I just want
11 to make sure we're on the same page.

12 CHAIR JOSHI: Thank you very
13 much.

14 MS. MARINO: Thank you.

15 MR. WILSON: And the next speaker
16 is Malcolm Rattner.

17 MS. RATTNER: Good morning,
18 Ms. Chairperson, good morning,
19 Commissioners. My name is Malcolm and I
20 operate and manage Susan Maintenance. We
21 bought the car Tamara (phonetic), taxi
22 Tamara and we were one of the first to buy
23 and we had to put down \$3500 a car. We had
24 to buy close to 200 cars. With what's
25 going on right now, we don't have the money

Taxi and Limousine Commission Board Meeting
June 8, 2017

15

1 Proceedings

2 to put down on cars. How many 3,500 dollar
3 bills do the fleets have anymore? Warren
4 just said he's down 30 percent. I'm down a
5 little bit more than 30 percent. I would
6 like to ask Charles Furrey -- is he still
7 here? Come on up we here, Charles. Come
8 on, don't be embarrassed. Come on up. We
9 only got three minutes.

10 (Mr. Furrey complies.)

11 MR. RATNER: I've been sending
12 Charlie pictures of the outside of my
13 business with all the cars parked out there
14 and I think some of you have all seen them,
15 I'm sure the Chairperson has seen them and
16 I've been in the touch with Diane Pinetti
17 (phonetic) who's doing an outstanding job,
18 in my opinion, riding around, checking
19 everything out that we sent the picture to
20 and -- where did Charlie Furrey go?

21 CHAIR JOSHI: He's right behind
22 you.

23 MR. RATNER: Well, I'm that big
24 I can't see you. Oh, there you go. Come
25 on up here, Charlie.

Taxi and Limousine Commission Board Meeting
June 8, 2017

16

1 Proceedings

2 MR. FURREY: No. It's your
3 testimony.

4 MR. RATTNER: Okay.

5 (Laughter.)

6 MR. RATTNER: I sent Charlie
7 Furrey pictures of about 50 or 60 cars
8 parked in front of my business taken from a
9 building across the street. It is a shame.
10 Not this commission, but the prior
11 commissions because I could see you're
12 trying to help, the prior commissions did
13 not know what they were doing and have
14 destroyed this taxi commission with
15 overregulation.

16 Meanwhile, as Warren said, I sold
17 my cars, whatever I could get for my old
18 Fords, \$1000, \$500 because I had to get rid
19 of them. There was no place to park them.
20 They're now being used as black cars in New
21 York City picking up people, alright. They
22 joined the Livery Associations, they have
23 joined other associations and the TLC keeps
24 passing them. These cars are now 7 --
25 10, 11 years old and they're still using

Taxi and Limousine Commission Board Meeting
June 8, 2017

17

1 Proceedings

2 them. I don't understand what's going on.
3 I really don't understand. I don't
4 understand that we have lack of
5 enforcement. I mean, Diane Pinetti, all
6 she needs is another 250 people, maybe 300
7 and we can clean up this mess.

8 You can't see a cab parked in
9 front of a hotel because they are chased
10 away. I took -- I have a hack license
11 still since 1969 which can be checked out.
12 I've taken a cab and I went to these hotels
13 and I was told that I have to move across
14 the street, I can't stand there. But
15 there's an accident here. They said to me,
16 this is private property, you can't stand
17 here. I've taken pictures of that.

18 I went in front of bars on 10th
19 Avenue at night just to see if my drivers
20 were telling the truth. I pull up, they
21 say to me, you got to wait over there. The
22 doormen are making more money feeding the
23 black car industry then they are being
24 doormen. The poor taxi driver is afraid to
25 say one word because the doorman simply

Taxi and Limousine Commission Board Meeting
June 8, 2017

18

1 Proceedings

2 picks up his telephone and says, 311, I
3 have a complaint, this cab driver is
4 treating me awful, he cursed at me. What
5 happens now? Just let me finish. What
6 happens now? Two months later, they get a
7 complaint, they call that doorman up, the
8 doorman says, oh, he was discourteous to
9 me, he was terrible and guess what? He
10 gets a fine for \$250 and if he pleads
11 guilty, he only gets a fine for \$100 but I
12 don't understand one last thing --

13 CHAIR JOSHI: Can I ask you,
14 since you are at the end, just to
15 summarize --

16 MR. RATTNER: I'm done.

17 CHAIR JOSHI: -- your position on
18 the hardship extension rules.

19 MR. RATTNER: I'm for it. I
20 can't afford any new cars. I can't afford
21 the maintenance. I can't afford having no
22 drivers. It's a disgrace. If anybody
23 lives in Brooklyn, just drive by my place
24 Saturday morning, Sunday morning, and I
25 want to say one last thing. This man's

**Taxi and Limousine Commission Board Meeting
June 8, 2017**

19

Proceedings

1
2 been with me 32 years, right here,
3 Mr. Lambert (phonetic). He's been my
4 dispatcher in the company. I told him last
5 week, Mr. Lambert, we don't have the money
6 to pay you anymore, and I have to say this,
7 his knees buckled. I said, honestly. He
8 said, Malcolm, I've been here 32 years. I
9 said, I understand that. He's been my
10 friend also for 32 years. He came in and
11 said to me, how about if I just come in and
12 help out. I was taken back by that. I
13 mean the man's -- how old are you now
14 Franklin?

15 MR. LAMBERT: I'm 71.

16 MR. RATTNER: 71. I'm 71. I've
17 been in this business ever since the day I
18 got out of the army and I never seen -- and
19 my parents didn't hand me this business. I
20 built this business myself, and it's a
21 disgrace what happened to it. Thank you
22 very much Ms. Chairperson.

23 MR. WILSON: Thank you, and the
24 next speaker is Richard Thaler.

25 MR. THALER: Good morning,

Taxi and Limousine Commission Board Meeting
June 8, 2017

20

1 Proceedings

2 Commissioners. Under the Additional
3 Clarifications section, page 4 of the
4 Licensing Rules Review, I suggest a
5 clarification should be added to the rule
6 58-21 and it's shown completely on the
7 sheet. If I understand the rule for
8 credit/debit card processing charges to
9 drivers correctly, it's only the T-PEP
10 credit card merchant who has the option,
11 then it says, ie. can charge, can charge.
12 Not must charge or shall charge a driver
13 \$11 for all card processing per shift
14 instead of five percent per transaction.

15 The option to pay five percent
16 per fare payment transaction also should be
17 given to the taxi driver. If for any
18 reason a driver does less than the average
19 number of credit card trips and perhaps
20 more than the average number of cash trips
21 used to calculate the flat \$11, \$11 is
22 greater than the total of five percent
23 charges and is unfair to drivers, and with
24 no pun intended it's less fare. F-A-R-E
25 and those are my comments. I hope you can

Taxi and Limousine Commission Board Meeting
June 8, 2017

21

1 Proceedings

2 consider that, giving the drivers an
3 option.

4 CHAIR JOSHI: Thank you.

5 MR. WILSON: Thank you. The next
6 speaker is Cliff Adler.

7 MR. ADLER: Joshi, ladies and
8 gentlemen, my name is Cliff Adler and I'm
9 an owner driver and I'm in the process of
10 losing my medallion after 30 years due to
11 the fact that New York State has taken over
12 my credit union and if you don't have any
13 other income or real estate that they can
14 put a lien on, they're not doing balloon
15 payments.

16 It's becoming really, really hard
17 to work and that 30 percent down in
18 working, in earning money, we have, I
19 believe, something like nine or ten
20 thousand taxis that are still on the road
21 because so many are in garages that they
22 can't get drivers for and over the last
23 five or six years, we have, as much as I
24 have been able to find out, somewhere in
25 the neighborhood of about 90,000 black

Taxi and Limousine Commission Board Meeting
June 8, 2017

22

1 Proceedings

2 cars, car service, green cars that have
3 been thrown on the road and yet up until
4 whenever the last auction was, a few years
5 ago, the city continually had auctions and
6 when we went from having 3,000 plus cars
7 less to what we have as medallions sold and
8 on the road now, the last ones I think the
9 city sold for maybe it was \$800,000 or
10 something. The medallion price went up to
11 1.2 which was arguably too much but we're
12 going through what the housing industry
13 went through in 2008.

14 My industry is gonna come
15 crashing down and it doesn't seem like
16 anybody is doing anything to stop it
17 because the yellow taxi, yellow as it's
18 been for the last 40 odd years, the New
19 York City taxi industry has been the
20 backbone of this city since over 80 years
21 ago, and my Taxi Owners Association which
22 lasted until this past January, and I was a
23 member on the board of it, we finally had
24 to fold. Lack of owners, lack of people
25 willing to pay \$12 dollars a month dues.

Taxi and Limousine Commission Board Meeting
June 8, 2017

23

1 Proceedings

2 So things aren't going to too well.

3 I would love to stay in my
4 industry. I've been driving a Lexus for
5 over 11 years and as I understand it now, I
6 have two more years to go on this one
7 assuming I can do something with Melrose,
8 maybe I can keep my medallion. At the
9 moment, it does not look good but whether
10 it's for me or someone else, I also think
11 the Lexus hybrid owners should still be
12 allowed to be on the road and I think there
13 are a few other cars that owners should be
14 allowed to put on the road because the
15 passengers love them, they're fuel
16 efficient, they're very comfortable.

17 MS. MARINO: Are you in
18 foreclosure now?

19 MR. ADLER: Yes.

20 CHAIR JOSHI: Thank you very
21 much.

22 MS. MARINO: Thank you. Thank
23 you very much.

24 MR. WILSON: Thank you. The next
25 speaker is Milenka Berengolc.

Taxi and Limousine Commission Board Meeting
June 8, 2017

24

1 Proceedings

2 MS. BERENGOLC: Berengolc. Thank
3 you. Good morning, Commissioners. I am
4 Milenka Berengolc and I'm testifying on
5 behalf of the Taxis for All campaign. As
6 you know, the Taxis for All campaign is a
7 coalition of several New York City
8 disability groups including the United
9 Spinal Association, Disabled and Action,
10 the Center for Independence of Disabled New
11 York and my employer, the Brooklyn Center
12 for Independence of the Disabled.

13 The Taxis for All campaign has
14 advocated for wheelchair accessible yellow
15 taxis and liveries for more than two
16 decades. As the lead plaintiffs in Taxis
17 for All versus Taxi and Limousine
18 Commission, we sued because of the lack of
19 wheelchair accessible yellow taxis, and
20 eventually won a landmark agreement with
21 the city. That settlement calls for 50
22 percent of medallion taxis to be wheelchair
23 accessible by 2020.

24 When Federal Judge George Daniels
25 (phonetic) approved the settlement, he

Taxi and Limousine Commission Board Meeting
June 8, 2017

25

1 Proceedings

2 called it one of the most significant acts
3 of inclusion in this city since Jackie
4 Robinson joined the Brooklyn Dodgers. You
5 don't need a judge to remind you something
6 of something else, which is that this
7 settlement is legally binding. Any rule
8 change you make must not jeopardize the
9 settlement you made with us.

10 Today, for instance, you're
11 considering a change in the rules governing
12 taxi vehicle hardship extension request.
13 The change would allow all medallion
14 holders to ask for hardship extensions.
15 Since the goal of a 50 percent accessible
16 fleet is dependent on the regular
17 retirement of non-accessible vehicles to be
18 replaced by accessible vehicles, we want to
19 remind that you that you should take into
20 account your agreement with us as you
21 consider this rule.

22 Our organizations also have
23 repeatedly urged you to pass rules to
24 require other transportation providers you
25 oversee, including newer services like Uber

Taxi and Limousine Commission Board Meeting
June 8, 2017

26

1 Proceedings

2 and Lyft, to provide significant wheelchair
3 accessible service. It is shocking that
4 this hasn't happened yet, and we urge the
5 Commission to move swiftly so that all New
6 Yorkers, those with disabilities and those
7 without can use New York City's taxis,
8 liveries and black cars. Thank you very
9 much.

10 MS. MARINO: I'd like to make a
11 comment.

12 MS. BERENGOLC: Yes.

13 MS. MARINO: I really appreciate
14 what you are saying. I understand and I
15 sympathize with you but the way I'm seeing
16 it is the yellow industry, if it doesn't
17 exist at all which is where it's going,
18 then there is gonna be no accessibility and
19 I know Madam Chair is really doing
20 everything she can do to get the E-Hail
21 apps to have some type of accessibility.
22 It's just not that easy. She can't just
23 snap her finger and make it happen so we
24 need to preserve this industry or -- they
25 at least have something going on regarding

Taxi and Limousine Commission Board Meeting
June 8, 2017

27

1 Proceedings

2 accessibility so I just think that right
3 now, what's happening with the
4 foreclosures, the underwater, we really
5 need to help this industry or there's gonna
6 be no accessibility for anybody.

7 MS. BERENGOLC: I hear you.

8 MS. MARINO: I understand what
9 you're saying but we have to help this
10 industry right now. They're the only ones
11 that have any accessibility. It will help
12 what you're advocating for at the end and
13 meanwhile, we can work on whatever we can
14 do with respect to the E-Hail app industry
15 but it's just not that easy. There's a lot
16 going on and it's politics.

17 MS. BERENGOLC: Of course and --

18 MS. MARINO: So please try to
19 understand that. This has to happen. We
20 have to lift some of these regulations or
21 this industry is gonna be gone.

22 MS. BERENGOLC: I hear what
23 you're saying, and I understand that. We
24 also advocate for Access-A-Ride changes.
25 Life is very difficult for a person with

Taxi and Limousine Commission Board Meeting
June 8, 2017

28

1 Proceedings

2 disabilities.

3 MS. MARINO: I can only imagine.

4 MS. BERENGOLC: And we have
5 people in our particular organization that
6 work full time as disabled people and they
7 can't get to work. It's really a sad
8 situation. I mean, you know, what is
9 disability? We have a Stephen Hawking
10 who's the most famous physicist in the
11 whole world who has ALS so I just beg you
12 to --

13 CHAIR JOSHI: I just want to
14 bring you up to date on the Access-A-Ride.
15 We are working closely with the MTA and
16 several taxi companies to get the
17 accessible taxis integrated into
18 Access-A-Ride. It's cheaper, it's more
19 efficient but it's also mainstream
20 transportation so that people with
21 disabilities can get to and from work and
22 their social engagements in the same
23 transportation modes that the people
24 without disabilities use which is as it
25 should be, and this is, as Nora said, I

Taxi and Limousine Commission Board Meeting
June 8, 2017

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Proceedings

also want to say we've had a successful citywide Manhattan dispatch service for accessible taxis and people who need them, and we're expanding them so in the coming months, you'll start seeing hopefully some testing on that but that again is depending on the taxis being there to be part of this so this is a balance that we have to do and the lending situation is something that can't be ignored. If there's no lending out there, people can't finance vehicles and without that, the medallion goes into storage and nobody wins in that situation. If the medallion is out there generating revenue for being in service then there is a higher likelihood that there will be a continuation of service and if that medallion comes off the road, it has to come back on as an accessible vehicle.

So we are in compliance with the settlement. We file six monthly reports, in fact, I think we're at 51 percent right now, and the requirement really dictates what comes into service and we're extremely

Taxi and Limousine Commission Board Meeting
June 8, 2017

30

1 Proceedings

2 strict as we have to be and as we want to
3 be about making sure that the 50 percent
4 balance is met with all incoming vehicles
5 but I do appreciate that you've come and
6 also highlighted, not that it's always
7 enjoyable for us to have highlighted for us
8 the things that are not working in the
9 industry, but it's important for us as a
10 commission to hear it from the public's
11 perspective so thank you.

12 MS. BERENGOLC: Thank you very
13 much.

14 MR. WILSON: Thank you and the
15 next speaker Bill Lindauer.

16 MR. LINDAUER: I know you haven't
17 seen me for a while but I had a little
18 accident.

19 CHAIR JOSHI: But we've heard
20 from you.

21 (Laughter.)

22 CHAIR JOSHI: You're a good
23 letter writer, Bill.

24 (Laughter.)

25 MR. LINDAUER: As (inaudible)

Taxi and Limousine Commission Board Meeting
June 8, 2017

31

1 Proceedings

2 said, I'm still here.

3 MS. MARINO: We're happy you're
4 still here, Bill.

5 MR. LINDAUER: And talking about
6 Access-A-Ride, when I busted my knee, I was
7 and taken to Bellevue. Twelve hours later,
8 they released me but I was in the cast, I
9 couldn't -- you can't get Access-A-Ride.
10 You have to apply, make an application.
11 Can't the doctor just e-mail Access-A-Ride
12 and say, hey, we got a patient, he doesn't
13 have a knee that works, could you take him
14 home? It makes sense. It's bureaucratic
15 and ridiculous.

16 Incidentally, I believe we all
17 should have accessible cabs and Uber should
18 be accessible --

19 MS. BERENGOLC: Thank you.

20 MR. LINDAUER: -- whether it's in
21 the city or upstate or in (inaudible). I
22 don't care. It makes sense. It's the
23 decent thing to do. Making it easier for
24 drivers to renew their licenses, that's
25 terrific but it's not in keeping with the

Taxi and Limousine Commission Board Meeting
June 8, 2017

32

1 Proceedings

2 notorious tradition of the TLC which always
3 thought about ways to screw drivers and
4 it's terribly bureaucratic so I applaud
5 you, Meera and company, for improving these
6 conditions. And if Uber collapses, I'm
7 gonna buy some champagne.

8 (Laughter.)

9 MR. LINDAUER: Everybody should.

10 CHAIR JOSHI: Thank you, Bill.

11 MR. WILSON: Thank you. The next
12 speaker is Michael Wuloz.

13 MR. WULOZ: Good morning,
14 Commissioners. I'm gonna read this on
15 behalf of Peter Mazer who is general
16 counsel to MTBOT who couldn't be here
17 today.

18 MTBOT Trade Association
19 representing the owners and operators for
20 more than 5,500 licensed New York City
21 medallion taxi cabs offers the following
22 comments with respect to the proposed rule
23 amendments which are being considered at
24 the public hearing today.

25 MTBOT supports the rule changes

**Taxi and Limousine Commission Board Meeting
June 8, 2017**

33

Proceedings

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2 which allowed licensees to renew their
3 licenses for up to six months after the
4 expiration date of the license. Many
5 licensees, particularly drivers, have been
6 compelled to apply as new licensees and
7 complete redundant licensing requirements
8 because they did not file a renewal
9 application prior to the expiration of the
10 license. These amendments will treat TLC
11 licenses in the manner similar to other
12 professional licenses and state issued DMV
13 licenses which can generally be renewed
14 late upon the payment of a modest late fee.

15 Other changes proposed herein
16 will also streamline the licensing process
17 and remove unnecessary barriers to
18 obtaining or retaining a TLC license.
19 MTBOT wishes to address the proposed
20 amendments to rule 67-19(a) which will make
21 the vehicle retirement hardship labor
22 currently available only to independent
23 medallion owners.

24 While we support extending the
25 retirement exemption to all classes of

Taxi and Limousine Commission Board Meeting
June 8, 2017

34

1 Proceedings

2 medallion owners including all independent
3 and corporate owners and submit that the
4 procedure for demonstrating financial
5 hardship should be changed to reflect the
6 financial realities of the medallion
7 taxicab industry.

8 While some medallion owners
9 request extensions because of a personal
10 hardship such as unforeseen medical bills,
11 others are facing the reality of the
12 shortage of drivers resulting from
13 insufficient lease revenue from drivers,
14 rising operating expenses, fleet and garage
15 expenses that effect an entire operation,
16 not merely the cash flow associated with
17 operation of said vehicle.

18 A method should be developed to
19 streamline and simplify the hardship labor
20 process and the agent should be permitted
21 to show that the cash flow within its
22 operation is such that a waiver should be
23 granted to all vehicles within that
24 operation.

25 Ideally, this could be

**Taxi and Limousine Commission Board Meeting
June 8, 2017**

35

Proceedings

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2 accomplished simply by showing the decline
3 in the leasing revenue and the reduction in
4 actual shifts. Additionally, the TLC
5 should grandfather the seven year
6 retirement vehicle rule to apply to all
7 medallion taxicab vehicles including those
8 placed into service prior to the vehicle
9 retirement rule change in 2015. This
10 amendment provided for a seven year
11 retirement period for all taxis placed in
12 disservice. A vehicle can only remain in
13 service if it continues to pass TLC's
14 rigorous inspection every four months,
15 hence, public safety and reliability are
16 not compromised. There does not seem to be
17 any rational basis for mandating that one
18 vehicle placed in disservice be retired in
19 as little as three years when an identical
20 vehicle placed into service just a day
21 later could be kept on the road for seven
22 years under the existing rules.

23 This change would not effect the
24 city's commitment to providing a largely
25 accessible fleet by the end of 2020 and

**Taxi and Limousine Commission Board Meeting
June 8, 2017**

36

Proceedings

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2 finally, it is important for the commission
3 to understand that we are severely limited
4 in the type of vehicle we are able to
5 purchase and that makes for an every day
6 hardship that requires immediate attention.
7 We are doing everything possible to attract
8 and retain drivers including heavily
9 reducing rates, flexible shifting and
10 utilizing the services of our MTBOT Driver
11 Resource Center which has helped thousands
12 of drivers with free legal representation
13 and training courses.

14 We are, however, powerless with
15 providing our drivers with true vehicle
16 choice. While the black car industry is
17 able to offer their drivers just about any
18 vehicle on the market, we are severely
19 restricted in this regard. That inequity
20 continues to be one of the most challenging
21 problems we face. We need more vehicle
22 choice. We urge the commissioners to pass
23 amendment to rule 67-19(a) as proposed as
24 an intra measurer and to also commit the
25 rules to permit a vehicle retirement of

Taxi and Limousine Commission Board Meeting
June 8, 2017

37

1 Proceedings

2 seven years for all existing camps. Thank
3 you very much.

4 CHAIR JOSHI: Thank you.

5 MR. WILSON: Thank you. The next
6 speaker is Osman Chowdhury.

7 MR. CHOWDURHY: Hello. Good
8 morning, everybody. My name is Osman and
9 I'm with the United Taxi Driver
10 Association. I'm gonna be speaking about
11 license renewals. Someone is not able to
12 renew their license, only acceptable
13 (inaudible) that portion, if I can say
14 something, like, one of my friend, he get a
15 job, he's driving and he get a job upstate
16 then he moved here and two years later, he
17 fire his job. He come back, he wants to
18 work again the taxi but say, if he gets
19 another one, a new license, he has to go
20 and gets (inaudible) a probation period and
21 then said when they go to garage they give
22 him a hard time and they got new drivers
23 and since he already work 20 years, he got
24 a lot result in the city.

25 If his license is (inaudible) I

Taxi and Limousine Commission Board Meeting
June 8, 2017

38

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Proceedings

think giving to allow him to express
license on the process just give me the
process if there's (inaudible) they can
give me the license easier why they give
him a hard time to get a new license? It's
a lot of process. I think there's a better
way to get an opportunity to (inaudible)
they find an easier way.

The second point is that on
extension hardship (inaudible) what gonna
happen (inaudible) one is after one year,
gas more attention and that's gonna give
them a hardship too. They have to make a
new law that the gas is limited because
they are gonna be \$25 but when you drive
hybrid and you pay \$10 gas (inaudible) and
another things I'm gonna be speaking is
look to what they got inspection
(inaudible) why they don't do the
inspection on the passenger seat? I'm
gonna argue, the way they do the inspection
because it is very difficult. We were
driving 20 years and I start noticing that
a lot my friends have back pain. If you

Taxi and Limousine Commission Board Meeting
June 8, 2017

39

1 Proceedings

2 have back pain, (inaudible) don't have the
3 back pain (inaudible) die. I'm (inaudible)
4 please. Thank you.

5 CHAIR JOSHI: What is your point
6 about the gas?

7 MR. CHOWDHURY: Gas is up. After
8 one year, hybrid is gonna go low more
9 (inaudible) gas. If you drive new car, I
10 have to pay \$10, \$12 and when three years
11 go more, pay 20, \$25. Why pay more money
12 drive?

13 CHAIR JOSHI: So they become less
14 gas efficient the older they are?

15 MR. CHOWDHURY: Yes.

16 CHAIR JOSHI: Okay. Thank you.

17 MR. CHOWDHURY: Thank you very
18 much.

19 MR. WILSON: Thank you. The next
20 speaker is Kevin Fullington.

21 MR. FULLINGTON: Good morning
22 Chair Joshi, members of the commission.
23 I'm Kevin Fullington with the law firm
24 Herrick, Feinstein, we represent Nissan.
25 We're here just to provide a very brief

Taxi and Limousine Commission Board Meeting
June 8, 2017

40

Proceedings

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2 comment about the rule related to hardship
3 extensions. I'm gonna begin my comments by
4 saying we are deeply sympathetic to the
5 problems in the taxi industry these days
6 and the changing marketplace and we
7 recognize that we are only successful if
8 the industry itself is successful and we
9 are fully supportive of the commissions
10 expert to lessen the burden on the industry
11 and to find new and creative ways to help
12 them compete better in the marketplace but
13 in specific regard to this rule, we just
14 want to ensure that the hardship standard
15 is a meaningful standard. We want to
16 ensure that when you are granting these
17 extensions, they're for genuine hardships
18 and that this rule doesn't become the means
19 for a pro forma extension of everyone who
20 applies for the extension of their
21 retirement date, and we would respectfully
22 ask that you ensure that there are
23 meaningful standards. Thank you.

24 CHAIR JOSHI: Thank you.

25 MR. WILSON: Thank you and the

Taxi and Limousine Commission Board Meeting
June 8, 2017

41

1 Proceedings

2 next speaker is Uppkar Tuind.

3 MR. TUIND: Good morning

4 Ms. Joshi and all honorable Commissioners.

5 I just got a few suggestions. I would

6 please -- I would want you to consider

7 allowing us to purchase all used and any

8 make or model cars because currently we

9 have to buy brand new right from the

10 showroom which at an average costs 40,000

11 which is every seven years and secondly, I

12 would like you to reduce inspections which

13 the dealers have to go every four months

14 whereas the other companies go once every

15 two years and after all, they're

16 transporting people and not livestock and

17 the last one, I would ask you to reduce the

18 inspection, the renewal fees to the

19 medallions. They are currently 850, they

20 should be, in my opinion, 150 per year and

21 also the last point is if you would allow

22 the Chrysler Pacifica minivan which is a

23 hybrid to be used as a taxi which would

24 make us more competitive to the app

25 companies. That's all. Thank you so much.

Taxi and Limousine Commission Board Meeting
June 8, 2017

42

1 Proceedings

2 CHAIR JOSHI: Thank you.

3 MR. WILSON: Thank you, and
4 that's the all the speakers.

5 AUDIENCE MEMBER: We have one
6 more speaker. I e-mailed you.

7 MS. MARINO: Yes. Come on up.

8 MR. WANDERMAN: Madam Chair,
9 Commissioners, I'm Michael Wanderman from
10 Gotham Yellow. We operate a fleet of 400
11 taxis out of the Bronx and Flushing. And I
12 want to focus just on vehicles today. I am
13 in support of the hardship extension but it
14 doesn't go far enough in terms of all the
15 hardships we're facing and that's across
16 the board but again, I'll stick to
17 vehicles.

18 Right now, you're allowing new
19 cars to be on the road for seven years.
20 We're currently in a situation, Mr. Prosky
21 talked about being down 30 percent, we're
22 down about 30 percent. We're struggling to
23 keep our driver pool, leasing our cars,
24 there's no enforcement on the street of our
25 exclusive right to hail. New cars --

Taxi and Limousine Commission Board Meeting
June 8, 2017

43

1 Proceedings

2 MS. MARINO: Can just -- I don't
3 want to take from your time but what is the
4 no enforcement on the street regarding?
5 Can you be specific?

6 MR. WANDERMAN: There is no
7 enforcement of Uber or other app companies,
8 the drivers picking up passengers on hail
9 and that's going on. It's a simple fact of
10 supply and demand. We've increased almost
11 quadruple the number of black cars on the
12 road. Fares by passengers have gone up
13 by -- I've seen four to seven to
14 ten percent. There's less fares and the
15 entire transportation industry is actually
16 being destroyed by that so all the fares
17 that the app drivers are being promised,
18 aren't there, and then they go on the
19 street and pick up street hails. You even
20 see if with the Uber lights. It's
21 essentially like a top hat where their
22 lights are illuminating when they don't
23 have a passenger and I'm seeing it all the
24 time when they're being picked up on the
25 street. It is --

Taxi and Limousine Commission Board Meeting
June 8, 2017

44

1 Proceedings

2 CHAIR JOSHI: Reinforcement is a
3 generalization that probably got caught up.
4 There is enforcement --

5 MR. WANDERMAN: There's a lack of
6 proper enforcement and the ability to
7 enforce how large the problem is.

8 CHAIR JOSHI: There may be a very
9 large problem and I think there is a very
10 large problem and our enforcement resources
11 are limited.

12 MR. WANDERMAN: So I apologize
13 for the wording.

14 MS. MARINO: I'm not trying to
15 take up so much of your time. I understand
16 and I also did want to hear what Madam
17 Chair had to say.

18 MR. WANDERMAN: But it really
19 comes down to the issue of us being
20 overregulated. Either being overregulated
21 or the black cars being under regulated and
22 there needs to be a level playing field and
23 we've only really seen that done, as far as
24 I'm concerned, on a universal driver's
25 license.

Taxi and Limousine Commission Board Meeting
June 8, 2017

45

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Proceedings

In terms of vehicles, again, new vehicles are given seven years we should look towards maybe grandfathering in existing vehicles as well to that seven-year cycle and in terms of the hardships, I know Charles Furrey talked to about how showing a financial hardship but we've had situations recently where we wanted to put on the handicapped vehicle, we do not actually put our Nissans and I'll get to that in a second but we had an exemption for a Toyota Sienna. There were none available and they weren't becoming available. We wanted to still be able to just run our current taxi. We actually took our physical car off the road and had it on a standby vehicle but per the current rules, our SPV exemption couldn't be extended because of these rules and therefore, we can't operate a medallion out there even though we want to put a car that's not available and that to me, should be a hardship that should be considered as well.

In terms of the cars, there are

Taxi and Limousine Commission Board Meeting
June 8, 2017

46

1 Proceedings

2 no real choices. We, since 2009, were the
3 first fully hybrid fleet in the city and
4 the most successful car we've had in the
5 last decade was the Toyota Camry which a
6 few years ago was taken away from the
7 yellow cab industry based on the Taxi of
8 Tomorrow's safety issue. Well, if it's a
9 safety issue why does the black car
10 industry -- why are they allowed to use it?
11 Is the safety of their passengers not
12 considered?

13 We're currently only allowed
14 really for us, the only hybrid vehicle that
15 makes sense for us is the Prius V or the
16 Rav4. On all Toyota vehicles, the
17 batteries actually fail prematurely meaning
18 you have to replace the big large battery
19 generally before 150,000 miles.

20 MS. MARINO: On which vehicles?

21 MR. WANDERMAN: On the Toyota
22 vehicles. All the hybrids. It's a known
23 issue. The Rav4 and Prius V, what's
24 happened is the warranties on those are
25 only 100,000 where on the Camry and the

Taxi and Limousine Commission Board Meeting
June 8, 2017

47

1 Proceedings

2 Prius is 150,000 allowing us, it's a known
3 problem of Toyota, but allowing us to
4 actually get one free battery before we
5 have to purchase another one that costs
6 2,500. That is gonna become even more of
7 an issue for us because these cars
8 generally fail between 125 to 150,000
9 miles.

10 For us, we personally don't buy
11 the Nissans. I think personally speaking
12 from everything we've seen and been told,
13 the support from Nissan has not been strong
14 and the contract has been somewhat of a
15 disaster in terms of a monopoly and I'd
16 like to go on based on --

17 MS. MARINO: Yes. I didn't
18 mean --

19 MR. WANDERMAN: In terms of the
20 WAVE vehicles, we're in compliance. Every
21 car that has to be hacked up to a WAVE,
22 we're doing but we have to be at 50 percent
23 again, why doesn't black car have to be at
24 50 percent? Why not make us 100 percent
25 and then there really is no options,

Taxi and Limousine Commission Board Meeting
June 8, 2017

49

1 Proceedings

2 same business at this point.

3 In terms of a fleet issue because
4 there's no hybrid handicap available, for
5 our fleet, it's been another hardship
6 suffered where we're losing a \$3.00
7 incentive every time we put a WAVE vehicle
8 on because it's replacing a hybrid that was
9 on the road.

10 The Deadhead Program which some
11 of our drivers have liked, I know we're
12 changing the vendor again. There's a lot
13 of confusion in terms of lack of
14 communication in terms of how these
15 programs work and at least our fleet, we
16 fully integrate with these programs and it
17 causes us a problem every time there's a
18 change in the way they operate or the way
19 they do things and that's separate from the
20 50 cents where that's handled by the TLC
21 now, deadhead is handled by the company, I
22 think you guys are merging that together
23 from what I understand.

24 My final thing is I keep hearing
25 about New York City congestion and again,

Taxi and Limousine Commission Board Meeting
June 8, 2017

50

1 Proceedings

2 it's such an obvious issue when you
3 quadruple the supply of vehicles and to say
4 that's not a major cause of congestion is
5 absurd which as the McKinsey study said
6 last year. I feel like we have a reversal
7 of the Hoss Act (phonetic) in 1937 which is
8 how the medallion was formed which I
9 thought was due to congestion and safety
10 issues and I feel like we've gone back to
11 that today with the only exception that
12 these drivers are licensed in the City of
13 New York.

14 I mentioned black cars are
15 constantly encroaching Manhattan, I
16 mentioned the Uber window light and I
17 always will say since we helped subsidize
18 the MTA with 50 cents a ride, why can't we
19 get creative and actually be allowed to use
20 the bus lanes since I feel like we're part
21 of the MTA and with that, the MTA
22 Access-A-ride contract I understand is
23 under renewal and from what I've been told,
24 the yellows are having a hard time getting
25 in the door but it should seriously be

Taxi and Limousine Commission Board Meeting
June 8, 2017

51

1 Proceedings

2 considered that yellows get a large piece
3 of that since we are gonna be 50 percent
4 accessible. Thank you.

5 CHAIR JOSHI: Thank you and on
6 the MTA, the Access-A-Ride program to
7 incorporate TLC vehicles is done through
8 apps so the yellow apps are working with
9 the MTA to get their yellow cabs in the
10 program and on the strength of that
11 partnership is how many yellows we'll get
12 into the program.

13 MR. WANDERMAN: Right. Thank
14 you.

15 CHAIR JOSHI: Okay. We can vote
16 today if people feel that way or we can
17 vote at our next hearing if you want to
18 take time to consider.

19 MS. MARINO: I'm ready to vote.
20 I'd like to see more help but let's vote on
21 this today and get the ball rolling.

22 CHAIR JOSHI: As Commissioner
23 Marino pointed out, several people did
24 mention things that they would want in
25 addition to what's in the proposed rules so

Taxi and Limousine Commission Board Meeting
June 8, 2017

52

1 Proceedings

2 a vote today doesn't foreclose that
3 possibility. A vote today just
4 memorializes that it's a vote in favor of
5 the changes that are in the proposed rules
6 but some of the other things that were
7 mentioned about retirements and vehicle
8 choice aren't foreclosed. All in favor of
9 voting on the rules as proposed?

10 (Chorus of ayes.)

11 CHAIR JOSHI: Unanimously
12 adopted. We're gonna go back to the
13 beginning of the meeting now that we have
14 everybody for the adoption of the minutes
15 from the April 6th hearing, and thank you
16 for those Commissioners that stayed for the
17 entire hearing and for long parts of it.
18 It was a long and important hearing. All
19 in favor?

20 (Chorus of ayes.)

21 CHAIR JOSHI: Unanimously adopted
22 and based applications.

23 FEMALE SPEAKER: Good morning,
24 Commissioners my name is Angela (inaudible)
25 director of the business unit. Today we

Taxi and Limousine Commission Board Meeting
June 8, 2017

53

1 Proceedings

2 have 48 vehicle based applications for your
3 approval. Two new applications, 29
4 renewals, 14 various changes applications
5 and 3 for denial.

6 CHAIR JOSHI: All in favor of
7 adopting the recommendation.

8 (Chorus of ayes.)

9 CHAIR JOSHI: And with that,
10 unanimously adopted. I do want to just
11 make one comment on the hardship. The
12 hardship rules depend on the specifics of
13 what it takes to prove a hardship. So with
14 the rules being passed, we will get out as
15 quickly as possible what those specifics
16 are so that people can start to put
17 together whatever packages they need to
18 request an extension if that's what they
19 need.

20 We don't want anyone to come off
21 the road because they didn't have enough
22 time to get together the paperwork they
23 need to show an extension so if anybody has
24 any questions or they think they're hitting
25 a deadline that's gonna make it hard for

Taxi and Limousine Commission Board Meeting
June 8, 2017

54

Proceedings

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2 them to do what they need to do to get an
3 extension, please contact our legal unit.
4 That's 212-676-1135. I'm sure you all have
5 that on speed dial, and we can work through
6 individual cases as they come up but in
7 general, we want to make sure that the
8 instruction is out there with enough lead
9 time for people to process it and figure out
10 how to take the next steps. With that,
11 we'll adjourn today's meeting, and the time
12 now is it 11:10.

13 (Time noted: 11:11 a.m.)
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Taxi and Limousine Commission Board Meeting
June 8, 2017

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C E R T I F I C A T E

STATE OF NEW YORK
COUNTY OF KINGS

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

I reported the proceedings in the
within-entitled matter, and 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 13th day of June 2017.

JOANNA GARCIA

**Taxi and Limousine Commission Board Meeting
June 8, 2017**

A		
a.m (2) 1:5 54:13	33:20	barriers (1) 33:17
ability (1) 44:6	Angela (1) 52:24	bars (1) 17:18
able (8) 4:12,14 5:12 21:24 36:4,17 37:11 45:15	answer (3) 10:24 13:11 14:2	based (5) 3:5 46:7 47:16 52:22 53:2
absurd (1) 50:5	anybody (4) 18:22 22:16 27:6 53:23	bases (2) 10:9,20
acceptable (1) 37:12	anymore (2) 15:3 19:6	basically (1) 13:4
Access-A-Ride (8) 27:24 28:14,18 31:6,9,11 50:22 51:6	apologize (1) 44:12	basis (1) 35:17
accessibility (5) 26:18,21 27:2,6 27:11	app (4) 27:14 41:24 43:7,17	batteries (1) 46:17
accessible (15) 9:25 24:14,19,23 25:15,18 26:3 28:17 29:4,20 31:17,18 35:25 48:3 51:4	applaud (1) 32:4	battery (2) 46:18 47:4
accident (2) 17:15 30:18	applicant (8) 4:8 5:10 6:24 7:8,15 7:20 8:3,11	Beaver (1) 1:6
accomplish (1) 14:8	applicants (4) 6:16,22 8:8,9	becoming (2) 21:16 45:14
accomplished (1) 35:2	application (3) 5:2 31:10 33:9	beg (1) 28:11
account (2) 25:20 48:12	applications (6) 3:6 6:13 52:22 53:2,3,4	beginning (1) 52:13
Act (1) 50:7	applies (3) 7:17,22 40:20	behalf (2) 24:5 32:15
action (2) 24:9 55:14	apply (6) 4:7 6:12 13:19 31:10 33:6 35:6	believe (4) 14:5,7 21:19 31:16
acts (1) 25:2	appreciate (2) 26:13 30:5	believed (1) 9:2
actual (1) 35:4	approval (1) 53:3	Bellevue (1) 31:7
added (4) 5:15 8:25 10:3 20:5	approved (2) 9:23 24:25	Berengolc (12) 2:7 23:25 24:2,2,4 26:12 27:7,17,22 28:4 30:12 31:19
adding (1) 6:5	approximately (1) 14:4	better (3) 9:3 38:7 40:12
addition (1) 51:25	apps (3) 26:21 51:8,8	beyond (1) 5:7
additional (3) 4:22 5:11 20:2	April (1) 52:15	big (2) 15:23 46:18
Additionally (4) 4:24 9:7 10:12 35:4	arguably (1) 22:11	Bill (7) 1:13 2:8 10:15 30:15,23 31:4 32:10
address (1) 33:19	argue (1) 38:22	bills (2) 15:3 34:10
adequately (1) 10:10	army (1) 19:18	binding (1) 25:7
adjourn (1) 54:11	arrears (1) 48:14	bit (1) 15:5
Adler (5) 2:6 21:6,7,8 23:19	aspect (1) 13:3	black (12) 13:10 16:20 17:23 21:25 26:8 36:16 43:11 44:21 46:9 47:23 48:22 50:14
administrative (1) 10:17	Assistant (1) 3:12	Blasio (1) 10:16
adopted (3) 52:12,21 53:10	associated (1) 34:16	blood (1) 55:14
adopting (1) 53:7	Association (4) 22:21 24:9 32:18 37:10	board (4) 1:4,12 22:23 42:16
adoption (2) 3:5 52:14	associations (2) 16:22,23	bodega (1) 12:18
advocate (1) 27:24	assuming (1) 23:7	bought (1) 14:21
advocated (1) 24:14	attention (2) 36:6 38:13	brand (1) 41:9
advocating (1) 27:12	attract (1) 36:7	brief (2) 3:16 39:25
afford (3) 18:20,20,21	auction (1) 22:4	bring (1) 28:14
affording (1) 13:23	auctions (1) 22:5	Bronx (1) 42:11
afraid (1) 17:24	AUDIENCE (1) 42:5	Brooklyn (4) 11:11 18:23 24:11 25:4
agency (1) 5:15	available (7) 10:2 12:8 33:22 45:14 45:15,23 49:4	buckled (1) 19:7
agent (1) 34:20	Avenue (2) 1:23 17:19	building (1) 16:9
ago (5) 3:10 11:18 22:5,21 46:6	average (3) 20:18,20 41:10	built (1) 19:20
agreement (2) 24:20 25:20	awful (1) 18:4	burden (1) 40:10
AGUADO (1) 1:13	ayes (3) 52:10,20 53:8	bureaucratic (2) 31:14 32:4
allow (4) 13:18 25:13 38:2 41:21	B	bus (1) 50:20
allowed (6) 23:12,14 33:2 46:10,13 50:19	B (1) 1:9	business (9) 11:23 14:3 15:13 16:8 19:17,19,20 49:2 52:25
allowing (5) 13:20 41:7 42:18 47:2 47:3	back (11) 5:12 7:17,22 19:12 29:20 37:17 38:25 39:2,3 50:10 52:12	busted (1) 31:6
alright (1) 16:21	backbone (1) 22:20	buy (7) 12:17 13:4 14:22,24 32:7 41:9 47:10
ALS (1) 28:11	background (1) 8:10	C
amended (1) 6:12	bad (1) 12:9	C (4) 1:16,17 55:2,2
amendment (2) 35:10 36:23	balance (2) 29:9 30:4	cab (8) 6:19 11:25 12:2,13 17:8,12
amendments (4) 10:5 32:23 33:10	ball (1) 51:21	
	balloon (1) 21:14	

**Taxi and Limousine Commission Board Meeting
June 8, 2017**

2

18:3 46:7
cabs (4) 12:4 31:17 32:21 51:9
calculate (1) 20:21
call (1) 18:7
called (1) 25:2
calls (1) 24:21
campaign (3) 24:5,6,13
campus (1) 37:2
Camry (3) 12:20 46:5,25
Camrys (1) 12:5
car (12) 14:21,23 17:23 22:2 36:16
39:9 45:17,22 46:4,9 47:21,23
card (5) 20:8,10,13,19 48:15
care (1) 31:22
cars (23) 14:24 15:2,13 16:7,17,20
16:24 18:20 22:2,2,6 23:13 26:8
41:8 42:19,23,25 43:11 44:21
45:25 47:7 48:22 50:14
case (6) 6:4,4,8 8:5 9:14,15
cases (1) 54:6
cash (3) 20:20 34:16,21
cast (1) 31:8
caught (3) 10:8,22 44:3
cause (1) 50:4
causes (1) 49:17
cent (1) 48:13
Center (3) 24:10,11 36:11
cents (3) 48:17 49:20 50:18
certainly (1) 48:12
certainty (1) 6:5
certify (2) 55:9,13
Chair (34) 1:10 3:2 11:2,9 13:18
14:12 15:21 18:13,17 21:4 23:20
26:19 28:13 30:19,22 32:10 37:4
39:5,13,16,22 40:24 42:2,8 44:2
44:8,17 51:5,15,22 52:11,21 53:6
53:9
Chairperson (3) 14:18 15:15 19:22
challenging (1) 36:20
champagne (1) 32:7
change (8) 8:14 9:11 25:8,11,13
35:9,23 49:18
changed (1) 34:5
changes (11) 3:17,18,19,23 10:16
10:19 27:24 32:25 33:15 52:5
53:4
changing (2) 40:6 49:12
charge (4) 20:11,11,12,12
charges (2) 20:8,23
Charles (4) 3:13 15:6,7 45:7
Charlie (4) 15:12,20,25 16:6
chased (1) 17:9
cheaper (1) 28:18
check (1) 8:10
checked (1) 17:11
checking (1) 15:18
Chief (1) 1:10

choice (4) 13:5 36:16,22 52:8
choices (1) 46:2
Chorus (3) 52:10,20 53:8
Chowdhury (5) 2:10 37:6 39:7,15
39:17
CHOWDURHY (1) 37:7
CHRIS (1) 1:11
Chrysler (1) 41:22
circumstances (1) 4:16
city (19) 1:2 4:10 5:14 11:24 13:11
16:21 22:5,9,19,20 24:7,21 25:3
31:21 32:20 37:24 46:3 49:25
50:12
city's (2) 26:7 35:24
citywide (1) 29:3
clarification (1) 20:5
Clarifications (1) 20:3
clarifying (1) 10:21
classes (1) 33:25
clean (1) 17:7
clear (1) 13:14
Cliff (3) 2:6 21:6,8
close (1) 14:24
closely (1) 28:15
coalition (1) 24:7
code (1) 10:17
coke (3) 12:15,17,19
collapses (1) 32:6
color (1) 13:9
come (13) 12:3 15:7,7,8,24 19:11
22:14 29:20 30:5 37:17 42:7
53:20 54:6
comes (6) 7:17,21 29:19,25 44:19
48:14
comfortable (2) 12:13 23:16
coming (1) 29:5
comment (3) 26:11 40:2 53:11
comments (3) 20:25 32:22 40:3
commission (9) 1:3 12:12 16:10
16:14 24:18 26:5 30:10 36:2
39:22
Commissioner (3) 3:6 11:3 51:22
commissioners (12) 1:12 3:15
11:9 14:19 20:2 24:3 32:14 36:22
41:4 42:9 52:16,24
commissions (3) 16:11,12 40:9
commit (1) 36:24
commitment (1) 35:24
communication (1) 49:14
commuter (3) 10:5,12,17
commuters (1) 10:8
companies (4) 28:16 41:14,25
43:7
company (3) 19:4 32:5 49:21
compelled (1) 33:6
compete (1) 40:12
competitive (1) 41:24

complaint (2) 18:3,7
complete (9) 4:7,18,23 5:9 6:19,23
8:10,11 33:7
completed (1) 5:22
completely (1) 20:6
completes (1) 6:7
compliance (2) 29:21 47:20
complies (1) 15:10
compromised (1) 35:16
compromising (1) 3:22
concerned (1) 44:24
concerns (1) 8:15
concludes (1) 10:23
conditions (1) 32:6
confusion (1) 49:13
congestion (3) 49:25 50:4,9
consider (5) 8:2 21:2 25:21 41:6
51:18
considered (5) 7:12 32:23 45:24
46:12 51:2
considering (1) 25:11
constantly (1) 50:15
consumer (1) 3:22
contact (1) 54:3
continually (1) 22:5
continuation (1) 29:18
continue (1) 4:9
continued (1) 7:6
continues (3) 12:14 35:13 36:20
continuously (1) 7:11
contract (2) 47:14 50:22
corporate (1) 34:3
correctly (1) 20:9
cost (1) 10:2
costs (3) 10:3 41:10 47:5
counsel (3) 1:11 3:12 32:16
COUNTY (1) 55:5
course (2) 6:20 27:17
courses (1) 36:13
covers (1) 10:5
crashing (1) 22:15
creative (2) 40:11 50:19
credit (3) 20:10,19 21:12
credit/debit (1) 20:8
current (7) 5:4 7:5 8:18 10:9 13:21
45:16,18
currently (9) 4:4 9:23 10:6 11:14
33:22 41:8,19 42:20 46:13
cursed (1) 18:4
cycle (1) 45:6

D

Daniels (1) 24:24
date (7) 4:21 5:7 8:21 9:13 28:14
33:4 40:21
day (4) 19:17 35:20 36:5 55:18
days (9) 3:10 4:21,21 5:3,5,6,23,24

**Taxi and Limousine Commission Board Meeting
June 8, 2017**

<p>40:5 de (1) 10:15 deadhead (2) 49:10,21 deadline (1) 53:25 dealers (1) 41:13 debit (1) 48:15 decade (1) 46:5 decades (1) 24:16 decent (1) 31:23 decline (1) 35:2 deeply (1) 40:4 delayed (1) 6:3 demand (1) 43:10 demonstrate (1) 4:13 demonstrates (1) 9:16 demonstrating (1) 34:4 denial (1) 53:5 depend (1) 53:12 dependent (1) 25:16 depending (1) 29:7 deregulate (1) 48:4 destroyed (2) 16:14 43:16 deter (1) 10:11 determination (1) 6:4 determined (1) 5:8 determining (1) 8:3 detrimental (1) 11:23 developed (1) 34:18 dial (1) 54:5 Diane (2) 15:16 17:5 dictates (1) 29:24 die (1) 39:3 difference (1) 48:25 different (1) 48:2 difficult (2) 27:25 38:23 director (1) 52:25 disabilities (4) 26:6 28:2,21,24 disability (2) 24:8 28:9 disabled (4) 24:9,10,12 28:6 disaster (1) 47:15 discourteous (1) 18:8 discuss (3) 4:3 6:15 10:5 disgrace (2) 18:22 19:21 dispatch (1) 29:3 dispatcher (1) 19:4 disservice (2) 35:12,18 DMV (1) 33:12 doctor (1) 31:11 documentation (2) 4:19 6:2 Dodgers (1) 25:4 doing (7) 15:17 16:13 21:14 22:16 26:19 36:7 47:22 dollar (1) 15:2 dollars (1) 22:25 door (1) 50:25 doorman (3) 17:25 18:7,8 doormen (2) 17:22,24</p>	<p>drive (7) 6:25 18:23 38:16 39:9,12 48:6,9 driver (22) 2:10 6:9,16,17,20,23 7:4,17,21 8:4,5,7 9:2 17:24 18:3 20:12,17,18 21:9 36:10 37:9 42:23 driver's (1) 44:24 drivers (34) 4:21 5:6,20,23 6:22 7:15 8:9,19,24 12:6,24 17:19 18:22 20:9,23 21:2,22 31:24 32:3 33:5 34:12,13 36:8,12,15,17 37:22 43:8,17 48:5,14,18 49:11 50:12 driving (4) 23:4 37:15 38:24 48:8 due (3) 9:19 21:10 50:9 dues (1) 22:25</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>E (6) 1:9,9 2:2,2 55:2,2 E-Hail (2) 26:20 27:14 e-mail (1) 31:11 e-mailed (1) 42:6 early (1) 5:16 earning (1) 21:18 easier (6) 3:20 13:16,25 31:23 38:5 38:9 easy (3) 12:7 26:22 27:15 education (5) 6:16,20,21 7:13 8:6 effect (2) 34:15 35:23 efficient (4) 12:11 23:16 28:19 39:14 Either (1) 44:20 eligible (1) 8:6 embarrassed (1) 15:8 employer (1) 24:11 encourage (1) 5:16 encouraged (1) 8:25 encroaching (1) 50:15 enforce (1) 44:7 enforcement (7) 17:5 42:24 43:4,7 44:4,6,10 engagements (1) 28:22 enjoyable (1) 30:7 ensure (3) 40:14,16,22 entire (3) 34:15 43:15 52:17 environmentally (1) 12:11 essentially (1) 43:21 estate (1) 21:13 eventually (1) 24:20 everybody (3) 32:9 37:8 52:14 example (1) 4:14 Examples (2) 9:17,21 exception (2) 4:12 50:11 exclusive (1) 42:25 excuse (1) 5:9 Executive (1) 1:10 exempt (1) 7:14</p>	<p>exemption (8) 6:16,21 7:5,13 8:7 33:25 45:13,19 exist (1) 26:17 existing (3) 35:22 37:2 45:5 expanding (1) 29:5 expected (1) 3:7 expense (1) 9:21 expenses (2) 34:14,15 expensive (1) 12:16 experienced (3) 6:22 7:12,15 experiencing (4) 8:17,21 9:12,17 expert (1) 40:10 expiration (4) 4:20 5:7 33:4,9 expired (8) 4:3,6 5:21 6:6,14 7:3 7:19,24 expires (1) 5:3 express (1) 38:2 extend (1) 4:20 extended (1) 45:19 extending (1) 33:24 extension (14) 8:20,22,24 9:13 13:20 18:18 25:12 38:11 40:19 40:20 42:13 53:18,23 54:3 extensions (6) 8:16 9:15 25:14 34:9 40:3,17 extremely (2) 11:22 29:25</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>F (2) 1:9 55:2 F-A-R-E (1) 20:24 face (1) 36:21 facing (2) 34:11 42:15 FACSIMILE (1) 1:25 fact (3) 21:11 29:23 43:9 fail (3) 10:13 46:17 47:8 famous (1) 28:10 far (2) 42:14 44:23 fare (2) 20:16,24 fares (3) 43:12,14,16 favor (4) 52:4,8,19 53:6 February (1) 10:15 Federal (1) 24:24 fee (5) 4:25 5:14,15 6:11 33:14 feeding (1) 17:22 feel (5) 11:19 50:6,10,20 51:16 fees (1) 41:18 Feinstein (2) 2:11 39:24 FEMALE (1) 52:23 FHV (3) 6:19,25 7:3 field (1) 44:22 figure (1) 54:9 file (2) 29:22 33:8 final (3) 8:14 10:4 49:24 finally (3) 6:11 22:23 36:2 finance (1) 29:12 financial (6) 8:17 9:20 13:22 34:4,6 45:8</p>
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**Taxi and Limousine Commission Board Meeting
June 8, 2017**

find (4) 12:25 21:24 38:9 40:11
fine (2) 18:10,11
fines (1) 10:7
finger (1) 26:23
finish (1) 18:5
fire (1) 37:17
firm (1) 39:23
first (4) 4:2 11:7 14:22 46:3
five (5) 7:23 20:14,15,22 21:23
fix (1) 12:7
flat (1) 20:21
fleet (10) 11:10 25:16 34:14 35:25
 42:10 46:3 48:7 49:3,5,15
fleets (1) 15:3
flexible (1) 36:9
flow (2) 34:16,21
Flushing (1) 42:11
focus (2) 3:18 42:12
fold (1) 22:24
following (1) 32:21
forced (3) 11:24,25 13:4
Fords (1) 16:18
foreclose (1) 52:2
foreclosed (1) 52:8
foreclosure (1) 23:18
foreclosures (1) 27:4
forfeiture (1) 10:23
forma (1) 40:19
formed (1) 50:8
forward (1) 9:15
four (4) 11:18 35:14 41:13 43:13
fourth (1) 11:15
Franklin (1) 19:14
free (2) 36:12 47:4
friend (2) 19:10 37:14
friendly (1) 12:11
friends (1) 38:25
front (3) 16:8 17:9,18
fuel (2) 12:10 23:15
full (1) 28:6
Fullington (4) 2:11 39:20,21,23
fully (3) 40:9 46:3 49:16
Furrey (8) 3:13,14 15:6,10,20 16:2
 16:7 45:7
further (1) 55:13

G

garage (2) 34:14 37:21
garages (1) 21:21
Garcia (3) 1:21 55:8,20
gas (9) 12:5 38:13,15,17 39:6,7,9
 39:14 48:16
gather (1) 5:25
general (4) 1:11 3:12 32:15 54:7
generalization (1) 44:3
generally (3) 33:13 46:19 47:8
generating (1) 29:15

generation (2) 11:13,15
gentlemen (1) 21:8
genuine (1) 40:17
George (1) 24:24
getting (2) 11:20 50:24
give (7) 3:16 12:23 37:21 38:3,5,5
 38:13
given (4) 3:12 9:25 20:17 45:3
giving (2) 21:2 38:2
go (15) 15:20,24 23:6 37:19,21
 39:8,11 41:13,14 42:14 43:18
 47:16 48:2,22 52:12
goal (1) 25:15
goes (1) 29:13
going (9) 9:15 14:25 17:2 22:12
 23:2 26:17,25 27:16 43:9
gonna (20) 3:3 11:14 22:14 26:18
 27:5,21 32:7,14 37:10 38:11,13
 38:16,18,22 39:8 40:3 47:6 51:3
 52:12 53:25
good (16) 3:2,14 4:13,15 11:8
 14:17,18 19:25 23:9 24:3 30:22
 32:13 37:7 39:21 41:3 52:23
Gotham (2) 2:13 42:10
governing (1) 25:11
grandfather (1) 35:5
grandfathering (1) 45:4
granted (3) 8:16 9:16 34:23
granting (1) 40:16
greater (1) 20:22
green (1) 22:2
groups (1) 24:8
guess (1) 18:9
guilty (1) 18:11
guys (1) 49:22

H

hack (1) 17:10
hacked (1) 47:21
hail (2) 42:25 43:8
hails (1) 43:19
hand (2) 19:19 55:18
handicap (1) 49:4
handicapped (1) 45:10
handled (2) 49:20,21
happen (3) 26:23 27:19 38:12
happened (3) 19:21 26:4 46:24
happening (1) 27:3
happens (2) 18:5,6
happy (3) 10:24 13:11 31:3
hard (5) 21:16 37:22 38:6 50:24
 53:25
hardship (25) 8:21 9:12,17,18
 13:20,22 18:18 25:12,14 33:21
 34:5,10,19 36:6 38:11,14 40:2,14
 42:13 45:8,24 49:5 53:11,12,13
hardships (5) 8:17 11:21 40:17

42:15 45:7
hat (1) 43:21
Hawking (1) 28:9
hear (4) 27:7,22 30:10 44:16
heard (1) 30:19
hearing (8) 3:3,9 32:24 49:24
 51:17 52:15,17,18
heavily (1) 36:8
held (3) 8:4,8 9:6
Hello (1) 37:7
help (8) 14:6 16:12 19:12 27:5,9,11
 40:11 51:20
helped (2) 36:11 50:17
hereunto (1) 55:17
Herrick (2) 2:11 39:24
hey (1) 31:12
high (2) 9:6,8
higher (2) 4:9 29:17
highlighted (2) 30:6,7
hitting (1) 53:24
holders (1) 25:14
hole (1) 11:20
home (1) 31:14
honestly (2) 19:7 48:17
honorable (1) 41:4
hope (1) 20:25
hopefully (2) 11:14 29:6
hospitalization (1) 9:19
hospitalized (1) 4:17
Hoss (1) 50:7
hotel (1) 17:9
hotels (1) 17:12
hour (1) 6:20
hours (1) 31:7
housing (1) 22:12
hybrid (11) 12:5 23:11 38:17 39:8
 41:23 46:3,14 48:8,10 49:4,8
hybrids (1) 46:22

I

Ideally (1) 34:25
identical (1) 35:19
ignored (1) 29:11
illness (1) 9:20
illuminating (1) 43:22
imagine (1) 28:3
immediate (2) 36:6 48:16
important (3) 30:9 36:2 52:18
imposed (1) 4:24
improving (1) 32:5
inability (1) 9:18
inaudible (17) 10:2 30:25 31:21
 37:13,20,25 38:4,8,11,12,17,20
 39:2,3,3,9 52:24
incentive (3) 48:13,18 49:7
Incidentally (1) 31:16
include (3) 6:21 9:18,21

**Taxi and Limousine Commission Board Meeting
June 8, 2017**

including (5) 24:8 25:25 34:2 35:7 36:8

inclusion (1) 25:3

income (1) 21:13

incoming (1) 30:4

incorporate (1) 51:7

increased (2) 10:2 43:10

increasing (1) 10:19

Independence (2) 24:10,12

independent (4) 8:18,23 33:22 34:2

individual (1) 54:6

individuals (3) 4:6,25 10:11

industry (27) 3:24 10:18 11:16,22 13:3,6 14:7 17:23 22:12,14,19 23:4 26:16,24 27:5,10,14,21 30:9 34:7 36:16 40:5,8,10 43:15 46:7 46:10

inequity (1) 36:19

initiatives (1) 10:14

inspect (1) 12:22

inspection (8) 9:7,9 12:14 35:14 38:19,21,22 41:18

inspections (3) 41:12 48:20,21

instance (1) 25:10

instruction (1) 54:8

insufficient (1) 34:13

insulting (1) 12:25

integrate (1) 49:16

integrated (1) 28:17

intended (1) 20:24

intensive (1) 5:18

interested (1) 55:15

internal (1) 3:25

intra (1) 36:24

issue (7) 44:19 46:8,9,23 47:7 49:3 50:2

issued (1) 33:12

issues (2) 48:7 50:10

J

Jackie (1) 25:3

JACQUES (1) 1:14

January (1) 22:22

jeopardize (1) 25:8

Jiha (1) 1:14

Joanna (3) 1:21 55:8,20

job (4) 15:17 37:15,15,17

joined (4) 11:3 16:22,23 25:4

joint (1) 10:13

Joshi (32) 1:10 3:2 11:2 13:18

14:12 15:21 18:13,17 21:4,7 23:20 28:13 30:19,22 32:10 37:4 39:5,13,16,22 40:24 41:4 42:2 44:2,8 51:5,15,22 52:11,21 53:6 53:9

judge (2) 24:24 25:5

June (3) 1:5 7:11 55:18

K

K (1) 2:2

keep (4) 13:20 23:8 42:23 49:24

keeping (2) 7:10 31:25

keeps (1) 16:23

KENNETH (1) 1:17

kept (1) 35:21

Kevin (3) 2:11 39:20,23

KINGS (1) 55:5

knee (2) 31:6,13

knees (1) 19:7

know (7) 16:13 24:6 26:19 28:8 30:16 45:7 49:11

known (3) 6:17 46:22 47:2

L

labor (2) 33:21 34:19

lack (6) 17:4 22:24,24 24:18 44:5 49:13

ladies (1) 21:7

Lambert (3) 19:3,5,15

landmark (1) 24:20

lanes (1) 50:20

large (5) 44:7,9,10 46:18 51:2

largely (2) 5:17 35:24

larger (1) 13:7

lasted (1) 22:22

late (6) 4:25 5:9,14 6:11 33:14,14

Laughter (4) 16:5 30:21,24 32:8

LAUVIENSKA (1) 1:15

law (3) 10:16 38:15 39:23

lead (2) 24:16 54:8

lease (1) 34:13

leasing (2) 35:3 42:23

legal (2) 36:12 54:3

legally (1) 25:7

lending (2) 29:10,11

lessen (1) 40:10

let's (2) 48:2 51:20

letter (1) 30:23

level (1) 44:22

Lexus (2) 23:4,11

license (33) 3:21 4:5,7 5:3,21 6:10 6:13,17,18 7:2,3,6,10,18,19,22 7:23 8:2,4,13 10:9 17:10 33:4,10 33:18 37:11,12,19,25 38:3,5,6 44:25

licensed (6) 6:24 7:8,16,20 32:20 50:12

licensee (4) 4:5,16 5:12 6:7

licensees (5) 4:12 5:25 33:2,5,6

licenses (8) 4:3 6:6 8:8 31:24 33:3 33:11,12,13

licensing (7) 3:19,25 5:4 8:14 20:4 33:7,16

lien (1) 21:14

Life (1) 27:25

lift (1) 27:20

light (1) 50:16

lights (2) 43:20,22

liked (1) 49:11

likelihood (1) 29:17

limited (5) 4:12 8:22 36:3 38:15 44:11

Limousine (2) 1:3 24:17

Lindauer (7) 2:8 30:15,16,25 31:5 31:20 32:9

little (3) 15:5 30:17 35:19

liveries (2) 24:15 26:8

Livery (1) 16:22

lives (1) 18:23

livestock (1) 41:16

long (5) 5:21 8:19,23 52:17,18

longer (3) 5:24 6:3 13:22

look (3) 23:9 38:19 45:4

looking (1) 48:23

losing (2) 21:10 49:6

lot (5) 27:15 37:24 38:7,25 49:12

love (4) 12:6,7 23:3,15

low (2) 12:13 39:8

Lyft (1) 26:2

M

Madam (4) 11:8 26:19 42:8 44:16

mainstream (1) 28:19

maintain (1) 3:21

maintained (1) 9:4

maintenance (2) 14:20 18:21

major (2) 48:7 50:4

Majority (1) 3:17

making (3) 17:22 30:3 31:23

Malcolm (4) 2:4 14:16,19 19:8

MAMARONECK (2) 1:23,24

man's (2) 18:25 19:13

manage (1) 14:20

mandating (1) 35:17

Manhattan (2) 29:3 50:15

manner (1) 33:11

manually (1) 5:18

Marino (22) 1:16 3:7 13:13,24 14:5 14:10,14 23:17,22 26:10,13 27:8 27:18 28:3 31:3 42:7 43:2 44:14 46:20 47:17 51:19,23

market (1) 36:18

marketplace (2) 40:6,12

marriage (1) 55:14

matter (2) 55:11,16

Mayor (1) 10:15

Mazer (1) 32:15

McKinsey (1) 50:5

mean (4) 17:5 19:13 28:8 47:18

meaning (1) 46:17

**Taxi and Limousine Commission Board Meeting
June 8, 2017**

meaningful (2) 40:15,23
means (1) 40:18
measurer (1) 36:24
medallion (17) 13:19 21:10 22:10
 23:8 24:22 25:13 29:13,15,19
 32:21 33:23 34:2,6,8 35:7 45:21
 50:8
medallions (2) 22:7 41:19
medical (2) 4:19 34:10
Meera (2) 1:10 32:5
meet (1) 7:6
meeting (3) 1:4 52:13 54:11
meetings (1) 3:24
Melrose (1) 23:7
member (2) 22:23 42:5
members (1) 39:22
memorializes (1) 52:4
mention (1) 51:24
mentioned (3) 50:14,16 52:7
merchant (1) 20:10
merely (1) 34:16
merging (1) 49:22
mess (1) 17:7
met (1) 30:4
method (1) 34:18
Michael (4) 2:9,13 32:12 42:9
mileage (1) 12:13
Milenka (3) 2:7 23:25 24:4
miles (2) 46:19 47:9
minimum (2) 10:7,21
minivan (1) 41:22
minute (1) 3:8
minutes (3) 3:5 15:9 52:14
missing (1) 13:17
MITCHELL (1) 1:17
model (2) 9:2 41:8
modes (1) 28:23
modest (1) 33:14
moment (1) 23:9
money (6) 5:11 14:25 17:22 19:5
 21:18 39:11
monopoly (1) 47:15
month (2) 22:25 48:14
monthly (1) 29:22
months (6) 5:23 18:6 29:6 33:3
 35:14 41:13
morning (16) 3:2,14,15 11:6,8
 14:17,18 18:24,24 19:25 24:3
 32:13 37:8 39:21 41:3 52:23
move (3) 3:8 17:13 26:5
moved (1) 37:16
MTA (6) 28:15 50:18,21,21 51:6,9
MTBOT (8) 2:3,9 11:7 32:16,18,25
 33:19 36:10

N

name (5) 11:9 14:19 21:8 37:8

52:24
need (10) 5:25 25:5 26:24 27:5
 29:4 36:21 53:17,19,23 54:2
needed (1) 12:3
needs (3) 12:21 17:6 44:22
neighborhood (1) 21:25
never (1) 19:18
new (38) 1:2,7,7,24 4:7,8 5:10 6:7
 7:18,22 11:24 12:2 13:23 16:20
 18:20 21:11 22:18 24:7,10 26:5,7
 32:20 33:6 37:19,22 38:6,15 39:9
 40:11 41:9 42:18,25 45:2 49:25
 50:13 53:3 55:4,9
newer (1) 25:25
night (1) 17:19
nine (2) 13:6 21:19
Nissan (3) 2:11 39:24 47:13
Nissans (2) 45:11 47:11
non-accessible (1) 25:17
Nora (2) 1:16 28:25
Notary (1) 55:8
note (1) 11:3
noted (1) 54:13
notes (1) 5:15
noticing (1) 38:24
notorious (1) 32:2
number (4) 11:6 20:19,20 43:11
NYPD (1) 10:13
NYTWA (1) 2:8

O

O (1) 1:9
obtained (1) 7:9
obtaining (1) 33:18
obvious (1) 50:2
odd (1) 22:18
offer (1) 36:17
offers (1) 32:21
Officer (1) 1:10
offset (1) 10:3
oh (2) 15:24 18:8
Okay (4) 14:10 16:4 39:16 51:15
old (3) 16:17,25 19:13
older (1) 39:14
once (2) 41:14 48:22
ones (2) 22:8 27:10
operate (6) 6:18 11:10 14:20 42:10
 45:21 49:18
operated (2) 9:6 12:9
operating (5) 10:8 11:12,17,18
 34:14
operation (4) 34:15,17,22,24
operators (1) 32:19
opinion (2) 15:18 41:20
opportunity (1) 38:8
option (3) 20:10,15 21:3
options (2) 47:25 48:2

ordered (1) 12:15
organization (1) 28:5
organizations (1) 25:22
Osman (3) 2:10 37:6,8
outcome (1) 55:15
outside (2) 5:5 15:12
outstanding (1) 15:17
overregulated (3) 13:2 44:20,20
overregulation (1) 16:15
oversee (1) 25:25
owner (6) 9:2,11,16 11:24 13:19
 21:9
owners (17) 4:22 5:6,20,24 6:9
 8:16,19,23 22:21,24 23:11,13
 32:19 33:23 34:2,3,8
owns (1) 9:5

P

P (1) 2:2
Pacifica (1) 41:22
packages (1) 53:17
page (2) 14:11 20:3
pain (3) 38:25 39:2,3
paint (1) 13:9
paperwork (1) 53:22
parents (1) 19:19
park (1) 16:19
parked (3) 15:13 16:8 17:8
part (2) 29:8 50:20
particular (1) 28:5
particularly (1) 33:5
parties (1) 55:14
partnership (1) 51:11
parts (2) 12:7 52:17
pass (4) 12:14 25:23 35:13 36:22
passed (1) 53:14
passenger (2) 38:21 43:23
passengers (5) 12:6 23:15 43:8,12
 46:11
passing (1) 16:24
patient (1) 31:12
pay (7) 19:6 20:15 22:25 38:17
 39:10,11,11
payment (2) 20:16 33:14
payments (1) 21:15
penalties (3) 10:10,13,20
people (14) 16:21 17:6 22:24 28:5
 28:6,20,23 29:4,12 41:16 51:16
 51:23 53:16 54:9
percent (20) 11:17,19 14:4 15:4,5
 20:14,15,22 21:17 24:22 25:15
 29:23 30:3 42:21,22 43:14 47:22
 47:24,24 51:3
period (3) 5:5 35:11 37:20
permit (2) 4:4 36:25
permitted (1) 34:20
person (1) 27:25

**Taxi and Limousine Commission Board Meeting
June 8, 2017**

personal (1) 34:9
personally (2) 47:10,11
perspective (2) 30:11 48:24
Peter (1) 32:15
phonetic (5) 14:21 15:17 19:3
 24:25 50:7
physical (1) 45:17
physicist (1) 28:10
pick (1) 43:19
picked (1) 43:24
picking (2) 16:21 43:8
picks (1) 18:2
picture (1) 15:19
pictures (3) 15:12 16:7 17:17
piece (1) 51:2
Pinetti (2) 15:16 17:5
place (2) 16:19 18:23
placed (4) 35:8,11,18,20
plaintiffs (1) 24:16
playing (1) 44:22
pleads (1) 18:10
please (5) 12:20 27:18 39:4 41:6
 54:3
plus (1) 22:6
point (4) 38:10 39:5 41:21 49:2
pointed (2) 48:21 51:23
Polanco (3) 1:15 3:7 11:3
politics (1) 27:16
pool (1) 42:23
poor (1) 17:24
portion (1) 37:13
position (1) 18:17
possibility (1) 52:3
possible (2) 36:7 53:15
postponed (1) 3:4
powerless (1) 36:14
prematurely (1) 46:17
presentation (4) 3:11,16,18 10:24
preserve (1) 26:24
previous (2) 7:2,9
previously (4) 6:24 7:16,20 8:4
price (1) 22:10
prior (6) 8:7,12 16:10,12 33:9 35:8
Prius (3) 46:15,23 47:2
private (1) 17:16
pro (1) 40:19
probably (1) 44:3
probation (1) 37:20
problem (5) 44:7,9,10 47:3 49:17
problems (2) 36:21 40:5
procedure (1) 34:4
proceedings (54) 3:1 4:1 5:1 6:1
 7:1 8:1 9:1 10:1 11:1 12:1 13:1
 14:1 15:1 16:1 17:1 18:1 19:1
 20:1 21:1 22:1 23:1 24:1 25:1
 26:1 27:1 28:1 29:1 30:1 31:1
 32:1 33:1 34:1 35:1 36:1 37:1

38:1 39:1 40:1 41:1 42:1 43:1
 44:1 45:1 46:1 47:1 48:1 49:1
 50:1 51:1 52:1 53:1 54:1 55:10
 55:12
process (8) 6:6 21:9 33:16 34:20
 38:3,4,7 54:9
processing (3) 5:17 20:8,13
professional (1) 33:12
program (4) 49:10 51:6,10,12
programs (2) 49:15,16
promised (1) 43:17
proper (1) 44:6
property (1) 17:16
proposed (15) 3:9,16 5:19 7:14,25
 9:10 10:18 13:15 32:22 33:15,19
 36:23 51:25 52:5,9
proposing (1) 3:20
Prosky (7) 2:3 11:7,8,10 14:2,9
 42:20
protection (1) 3:23
prove (1) 53:13
provide (6) 4:11,22 6:9 10:6 26:2
 39:25
provided (1) 35:10
providers (1) 25:24
providing (5) 4:9 5:13 10:11 35:24
 36:15
public (5) 3:3 12:24 32:24 35:15
 55:8
public's (1) 30:10
pull (1) 17:20
pump (1) 48:16
pun (1) 20:24
purchase (7) 9:22,24 11:25 12:2
 36:5 41:7 47:5
purposes (1) 7:12
put (9) 14:23 15:2 21:14 23:14
 45:10,11,22 49:7 53:16

Q

quadruple (2) 43:11 50:3
question (1) 13:13
questions (3) 10:25 13:11 53:24
quickly (1) 53:15
quicksand (1) 11:20

R

R (3) 1:9 2:2 55:2
rates (2) 9:9 36:9
rational (1) 35:17
RATNER (1) 15:11
Rattner (9) 2:4 14:16,17 15:23
 16:4,6 18:16,19 19:16
Rav4 (2) 46:16,23
read (1) 32:14
ready (1) 51:19
real (2) 21:13 46:2

realities (1) 34:6
really (13) 17:3 21:16,16 26:13,19
 27:4 28:7 29:24 44:18,23 46:14
 47:25 48:18
realty (1) 34:11
reason (4) 4:13,15 6:2 20:18
received (1) 6:25
receiving (1) 8:12
recognize (1) 40:7
recommendation (1) 53:7
record (1) 55:12
records (2) 4:20 9:8
reduce (2) 41:12,17
reducing (1) 36:9
reduction (1) 35:3
redundant (1) 33:7
reflect (2) 10:19 34:5
regard (2) 36:19 40:13
regarding (2) 26:25 43:4
regardless (1) 9:5
regular (1) 25:16
regulate (1) 48:4
regulated (1) 44:21
regulations (3) 10:6,17 27:20
Reinforcement (1) 44:2
related (2) 40:2 55:13
relatively (1) 12:13
released (1) 31:8
reliability (1) 35:15
remain (2) 6:6 35:12
remind (2) 25:5,19
remove (2) 12:12 33:17
renew (6) 4:5,14 5:20 31:24 33:2
 37:12
renewal (11) 4:18,23 5:2,9,22 6:3,5
 6:13 33:8 41:18 50:23
renewals (4) 5:16,17 37:11 53:4
renewed (2) 6:10 33:13
renewing (1) 4:3
reopen (1) 5:21
repeatedly (1) 25:23
replace (1) 46:18
replaced (1) 25:18
replacing (1) 49:8
reported (2) 1:20 55:10
REPORTING (1) 1:23
reports (1) 29:22
represent (1) 39:24
representation (1) 36:12
representing (1) 32:19
represents (1) 5:11
request (5) 8:19 9:12 25:12 34:9
 53:18
require (1) 25:24
required (1) 6:23
requirement (2) 7:7 29:24
requirements (8) 4:8,18,23 5:10

**Taxi and Limousine Commission Board Meeting
June 8, 2017**

5:22 6:8 8:12 33:7
requires (1) 36:6
Resource (1) 36:11
resources (1) 44:10
respect (2) 27:14 32:22
respectfully (1) 40:21
restaurant (1) 12:16
restricted (1) 36:19
result (2) 3:23 37:24
resulting (1) 34:12
results (1) 9:8
resume (1) 5:13
retain (1) 36:8
retaining (1) 33:18
retired (1) 35:18
retirement (11) 8:16,20 9:13 25:17
 33:21,25 35:6,9,11 36:25 40:21
retirements (1) 52:7
returned (1) 7:4
reveal (1) 9:8
revenue (3) 29:16 34:13 35:3
reversal (1) 50:6
review (2) 3:25 20:4
revision (1) 5:19
revoked (1) 8:8
Richard (2) 2:5 19:24
rid (1) 16:18
ride (1) 50:18
ridiculous (1) 31:15
riding (1) 15:18
right (13) 14:5,6,25 15:21 19:2
 27:2,10 29:23 41:9 42:18,25
 48:15 51:13
rigorous (1) 35:14
rising (1) 34:14
road (16) 5:13 12:3,21 13:21 21:20
 22:3,8 23:12,14 29:19 35:21
 42:19 43:12 45:17 49:9 53:21
Robinson (1) 25:4
rolling (1) 51:21
rule (16) 7:25 8:18 9:11 20:5,7
 25:7,21 32:22,25 33:20 35:6,9
 36:23 40:2,13,18
rules (32) 3:9,11,19,25 4:4,11,24
 5:4,16 6:21 7:14 8:25 10:6,19
 13:14,15,16,18 14:8 18:18 20:4
 25:11,23 35:22 36:25 45:18,20
 51:25 52:5,9 53:12,14
run (1) 45:16

S

S (2) 2:2,2
sad (2) 11:15 28:7
safe (1) 12:23
safer (1) 9:3
safety (8) 3:22 9:7 35:15 46:8,9,11
 48:24 50:9

Saturday (1) 18:24
savings (1) 48:16
saying (4) 26:14 27:9,23 40:4
says (3) 18:2,8 20:11
school (1) 6:23
screw (1) 32:3
seat (1) 38:21
second (2) 38:10 45:12
secondly (1) 41:11
section (1) 20:3
see (6) 15:24 16:11 17:8,19 43:20
 51:20
seeing (3) 26:15 29:6 43:23
seen (7) 15:14,15 19:18 30:17
 43:13 44:23 47:12
seizure (1) 10:22
sending (1) 15:11
sense (3) 31:14,22 46:15
sent (2) 15:19 16:6
separate (1) 49:19
serious (3) 9:17,18,20
seriously (1) 50:25
service (12) 4:9 5:13 6:10 22:2
 26:3 29:3,16,18,25 35:8,13,20
services (4) 1:23 10:12 25:25
 36:10
set (1) 55:17
settlement (5) 24:21,25 25:7,9
 29:22
seven (8) 35:5,10,21 37:2 41:11
 42:19 43:13 45:3
seven-year (1) 45:6
severely (2) 36:3,18
shame (1) 16:9
shape (1) 11:16
sheet (1) 20:7
shift (1) 20:13
shifting (1) 36:9
shifts (1) 35:4
SHL (1) 6:19
shocking (1) 26:3
short (1) 11:11
shortage (1) 34:12
show (2) 34:21 53:23
showing (2) 35:2 45:8
shown (1) 20:6
showroom (1) 41:10
Sienna (1) 45:13
signed (1) 10:16
significant (2) 25:2 26:2
similar (1) 33:11
simple (2) 13:9 43:9
simplify (1) 34:19
simply (2) 17:25 35:2
single (1) 13:4
situation (4) 28:8 29:10,14 42:20
situations (1) 45:9

six (3) 21:23 29:22 33:3
size (2) 12:15,17
snap (1) 26:23
social (1) 28:22
sold (3) 16:16 22:7,9
somewhat (2) 12:25 47:14
son (1) 11:14
sorry (1) 11:25
speaker (11) 14:15 19:24 21:6
 23:25 30:15 32:12 37:6 39:20
 41:2 42:6 52:23
speakers (2) 11:6 42:4
speaking (3) 37:10 38:18 47:11
specific (2) 40:13 43:5
specifically (2) 3:19 48:6
specifics (2) 53:12,15
specified (1) 5:5
speed (1) 54:5
Spinal (1) 24:9
SPV (1) 45:19
stakeholder (1) 3:24
stand (2) 17:14,16
standard (2) 40:14,15
standards (2) 9:7 40:23
standby (1) 45:18
start (5) 3:3,10 29:6 38:24 53:16
state (4) 21:11 33:12 55:4,9
statement (1) 11:11
stay (1) 23:3
stayed (1) 52:16
STENO-KATH (1) 1:23
Stephen (1) 28:9
steps (1) 54:10
stick (1) 42:16
stop (1) 22:16
storage (1) 29:14
streamline (2) 33:16 34:19
street (8) 1:6 16:9 17:14 42:24
 43:4,19,19,25
strength (1) 51:10
strict (1) 30:2
strong (1) 47:13
struggling (1) 42:22
study (1) 50:5
subject (1) 10:22
submit (2) 5:2 34:3
submitting (1) 6:12
subsidize (1) 50:17
successful (4) 29:2 40:7,8 46:4
successfully (1) 13:8
sued (1) 24:18
suffered (1) 49:6
sufficient (2) 4:19 5:8
suggest (1) 20:4
suggestions (1) 41:5
summarize (1) 18:15
summary (1) 3:11

**Taxi and Limousine Commission Board Meeting
June 8, 2017**

Sunday (1) 18:24
supply (2) 43:10 50:3
support (4) 10:13 33:24 42:13
 47:13
supportive (1) 40:9
supports (1) 32:25
sure (6) 13:25 14:11 15:15 30:3
 54:4,7
Susan (1) 14:20
swiftly (1) 26:5
sympathetic (1) 40:4
sympathize (1) 26:15

T

T (2) 55:2,2
T-PEP (1) 20:9
take (8) 13:7 25:19 31:13 43:3
 44:15 48:12 51:18 54:10
taken (8) 12:21 16:8 17:12,17
 19:12 21:11 31:7 46:6
takes (1) 53:13
talked (2) 42:21 45:7
talking (1) 31:5
Tamara (2) 14:21,22
tax (1) 7:2
taxi (27) 1:3 2:10 6:19,25 9:11
 11:10,22,24 13:2,7 14:21 16:14
 17:24 20:17 22:17,19,21 24:17
 25:12 28:16 32:21 37:9,18 40:5
 41:23 45:16 46:7
taxicab (7) 8:15,18 9:9,24 11:12
 34:7 35:7
taxicabs (1) 9:4
taxis (16) 2:7 21:20 24:5,6,13,15
 24:16,19,22 26:7 28:17 29:4,8
 35:11 42:11 48:11
telephone (1) 18:2
tell (3) 12:8,20,22
telling (1) 17:20
ten (3) 7:16 21:19 43:14
term (2) 8:19,23
terms (10) 42:14 45:2,6,25 47:15
 47:19 48:20 49:3,13,14
terrible (1) 18:9
terribly (1) 32:4
terrific (1) 31:25
testifying (1) 24:4
testimony (1) 16:3
testing (1) 29:7
Thaler (3) 2:5 19:24,25
thank (39) 11:2,5 13:12 14:9,12,14
 19:21,23 21:4,5 23:20,22,22,24
 24:2 26:8 30:11,12,14 31:19
 32:10,11 37:2,4,5 39:4,16,17,19
 40:23,24,25 41:25 42:2,3 51:4,5
 51:13 52:15
thing (4) 18:12,25 31:23 49:24

things (6) 23:2 30:8 38:18 49:19
 51:24 52:6
think (12) 15:14 22:8 23:10,12 27:2
 29:23 38:2,7 44:9 47:11 49:22
 53:24
third (1) 11:13
thought (4) 13:16,24 32:3 50:9
thousand (1) 21:20
thousands (1) 36:11
three (5) 3:19 15:9 35:19 39:10
 48:21
thrown (1) 22:3
time (22) 3:4 4:14,23 5:11,16 8:24
 12:2 13:6 28:6 37:22 38:6 43:3
 43:24 44:15 49:7,17 50:24 51:18
 53:22 54:9,11,13
times (1) 13:6
TLC (28) 3:20,21 4:4,11,20 5:8,15
 6:4,17,24 7:16,20 8:4,7,25 9:23
 10:6,9,13,22 12:21 16:23 32:2
 33:10,18 35:4 49:20 51:7
TLC's (3) 3:18,25 35:13
today (16) 6:8 7:7 8:5,15 9:4,14
 25:10 32:17,24 42:12 50:11
 51:16,21 52:2,3,25
today's (2) 3:3 54:11
told (4) 17:13 19:4 47:12 50:23
Tomorrow (1) 48:11
Tomorrow's (1) 46:8
top (1) 43:21
topic (3) 4:2 6:15 10:4
total (2) 8:3 20:22
touch (1) 15:16
Toyota (6) 12:5 45:13 46:5,16,21
 47:3
Trade (1) 32:18
tradition (1) 32:2
training (1) 36:13
transaction (2) 20:14,16
transcript (1) 55:11
transportation (4) 25:24 28:20,23
 43:15
transporting (1) 41:16
treat (1) 33:10
treating (1) 18:4
trip (1) 48:13
trips (2) 20:19,20
true (2) 36:15 55:12
truth (1) 17:20
try (1) 27:18
trying (2) 16:12 44:14
Tuind (3) 2:12 41:2,3
Twelve (1) 31:7
two (9) 7:3,18 18:6 23:6 24:15
 37:16 41:15 48:23 53:3
type (2) 26:21 36:4

U

Uber (6) 25:25 31:17 32:6 43:7,20
 50:16
unable (1) 4:17
unanimously (3) 52:11,21 53:10
undergo (1) 8:10
understand (15) 17:2,3,4 18:12
 19:9 20:7 23:5 26:14 27:8,19,23
 36:3 44:15 49:23 50:22
underwater (1) 27:4
unexpected (1) 9:20
unfair (1) 20:23
unforeseen (1) 34:10
unfortunate (1) 4:15
unfortunately (1) 10:10
union (1) 21:12
unit (2) 52:25 54:3
United (3) 2:10 24:8 37:9
universal (2) 6:18 44:24
unlicensed (2) 10:11,20
unnecessary (1) 33:17
Uppkar (2) 2:12 41:2
upstate (2) 31:21 37:15
urge (2) 26:4 36:22
urged (1) 25:23
use (7) 9:23 12:5 13:10 26:7 28:24
 46:10 50:19
utilizing (1) 36:10

V

V (2) 46:15,23
van (4) 10:5,12,18,20
vans (3) 10:8,8,22
various (1) 53:4
vehicle (38) 4:22 5:6,20,24 6:9
 8:15,23 9:8,11,13,25 12:9,22,23
 13:5,21 25:12 29:20 33:21 34:17
 35:6,8,12,18,20 36:4,15,18,21,25
 45:10,18 46:14 48:10,10 49:7
 52:7 53:2
vehicle's (1) 8:20
vehicles (26) 9:3,10,22,25 12:10
 13:23 25:17,18 29:12 30:4 34:23
 35:7 42:12,17 45:2,3,5 46:16,20
 46:22 47:20 48:6,8,25 50:3 51:7
vendor (1) 49:12
versus (1) 24:17
vote (7) 51:15,17,19,20 52:2,3,4
voting (1) 52:9

W

wait (1) 17:21
waiver (1) 34:22
Wanderman (10) 2:13 42:8,9 43:6
 44:5,12,18 46:21 47:19 51:13
want (21) 12:12,24 14:10 18:25
 25:18 28:13 29:2 30:2 40:14,15

**Taxi and Limousine Commission Board Meeting
June 8, 2017**

<p>41:6 42:12 43:3 44:16 45:22 48:6 51:17,24 53:10,20 54:7 wanted (2) 45:10,15 wanting (2) 9:22,24 wants (1) 37:17 warranties (1) 46:24 Warren (5) 2:3 11:7,9 15:3 16:16 wash (1) 48:17 WAVE (4) 47:20,21 48:9 49:7 way (8) 26:15 38:8,9,22 49:18,18 51:16 55:15 ways (2) 32:3 40:11 we'll (4) 3:8,10 51:11 54:11 we're (21) 3:2 11:16 13:2 14:11 22:11 29:5,23,25 31:3 39:25 42:15,20,21,22 46:13 47:20,22 49:6,11 50:20 52:12 we've (8) 29:2 30:19 43:10 44:23 45:9 46:4 47:12 50:10 week (1) 19:5 went (5) 17:12,18 22:6,10,13 weren't (1) 45:14 wheelchair (4) 24:14,19,22 26:2 WHEREOF (1) 55:17 willing (1) 22:25 WILSON (12) 1:11 11:5 14:15 19:23 21:5 23:24 30:14 32:11 37:5 39:19 40:25 42:3 window (1) 50:16 wins (1) 29:14 wise (1) 14:3 wish (1) 4:8 wishes (1) 33:19 within-entitled (1) 55:11 WITNESS (1) 55:17 won (1) 24:20 wondered (1) 12:15 word (1) 17:25 wording (1) 44:13 work (10) 9:19 21:17 27:13 28:6,7 28:21 37:18,23 49:15 54:5 working (4) 21:18 28:15 30:8 51:8 works (1) 31:13 world (1) 28:11 worse (1) 11:16 writer (1) 30:23 wrong (1) 12:4 Wuloz (3) 2:9 32:12,13</p> <hr/> <p style="text-align: center;">X</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>year (8) 7:3 35:5,10 38:12 39:8 41:20 48:22 50:6 years (37) 7:4,9,17,18,21,23 8:3 11:13,18 12:10 13:3,9,10 16:25 19:2,8,10 21:10,23 22:4,18,20</p>	<p>23:5,6 35:19,22 37:2,16,23 38:24 39:10 41:11,15 42:19 45:3 46:6 48:23 yellow (14) 2:13 6:19 11:12 13:2 14:7 22:17,17 24:14,19 26:16 42:10 46:7 51:8,9 yellow (3) 50:24 51:2,11 York (16) 1:2,7,7,24 11:24 16:21 21:11 22:19 24:7,11 26:7 32:20 49:25 50:13 55:4,9 Yorkers (1) 26:6</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>1 (1) 48:19 1,000 (1) 10:21 1.2 (1) 22:11 1.50 (1) 48:19 10 (3) 16:25 38:17 39:10 10:00 (1) 1:5 10:15 (1) 3:4 10:25 (1) 11:3 100 (3) 11:19 18:11 47:24 100,000 (1) 46:25 1000 (1) 16:18 10543 (1) 1:24 10th (1) 17:18 11 (5) 16:25 20:13,21,21 23:5 11:10 (1) 54:12 11:11 (1) 54:13 12 (2) 22:25 39:10 125 (1) 47:8 139 (1) 1:23 13th (1) 55:18 14 (1) 53:4 15 (1) 7:21 150 (1) 41:20 150,000 (3) 46:19 47:2,8 17 (1) 7:9 180 (1) 5:23 1937 (1) 50:7 1969 (1) 17:11 1999 (2) 7:2,10</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2,500 (1) 47:6 20 (3) 37:23 38:24 39:11 200 (1) 14:24 2001 (1) 8:25 2008 (1) 22:13 2009 (1) 46:2 2015 (2) 7:11 35:9 2017 (2) 1:5 55:18 2020 (2) 24:23 35:25</p>	<p>212-676-1135 (1) 54:4 212.95.DEPOS (1) 1:24 24 (1) 6:20 25 (5) 4:25 5:14 6:11 38:16 39:11 250 (2) 17:6 18:10 29 (4) 11:13 12:10 13:9 53:3</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>3 (2) 10:7 53:5 3,000 (1) 22:6 3,500 (1) 15:2 3.00 (1) 49:6 30 (10) 3:9 5:3 11:17 14:4 15:4,5 21:10,17 42:21,22 300 (1) 17:6 31 (2) 4:21 5:6 311 (1) 18:2 32 (3) 19:2,8,10 33 (1) 1:6 3500 (1) 14:23</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>4 (1) 20:3 40 (1) 22:18 40,000 (1) 41:10 400 (1) 42:10 48 (1) 53:2</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>5,500 (1) 32:20 50 (11) 16:7 24:21 25:15 30:3 47:22,24 48:13,17 49:20 50:18 51:3 500 (2) 10:7 16:18 51 (1) 29:23 58-21 (1) 20:6</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>6 (1) 5:23 60 (2) 5:24 16:7 67-19(a) (2) 33:20 36:23 6th (1) 52:15</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p>7 (1) 16:24 71 (3) 19:15,16,16</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p>8 (1) 1:5 80 (1) 22:20 800,000 (1) 22:9 850 (1) 41:19</p> <hr/> <p style="text-align: center;">9</p> <hr/> <p>90 (2) 4:21 5:5 90,000 (1) 21:25 914-381-2061 (1) 1:24</p>
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**Taxi and Limousine Commission Board Meeting
June 8, 2017**

914.722.0816 (1) 1:25
953.3767 (1) 1:24