

Taxi and Limousine Commission Meeting
July 16, 2015

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TRANSCRIPT OF THE
NEW YORK CITY
TAXI & LIMOUSINE COMMISSION

10:15 a.m.

Thursday, July 16, 2015
33 Beaver Street
COMMISSION HEARING ROOM, 19TH FLOOR
BOROUGH OF MANHATTAN

TRANSCRIPT OF PROCEEDING

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HEARING CONVENED AT 10:15 A.M.

COMMISSIONERS PRESENT:

Meera Joshi, Chair

Nora Constance Marino

Edward Gonzalez

Elias Arout

Jacques Jiha

Bill Aguado

ALSO PRESENT:

Chris Wilson, General Counsel

Chris Tormey

Emily Genser

Charles Furrey

Staff

The Public

Reported by:
Danielle Cavanagh

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CHAIR JOSHI: Good morning. The time is 10:15 and we're going to start our public meeting. The agenda had a motion to enter into Executive Session. We actually didn't ever do Executive Session. We're going straight to the public meeting.

So let me start off with we've had a chance -- I think most people are aware of what's going on in the city -- in seeing the celebrations over the 25-year anniversary of the ADA, enactment of the ADA. And the TLC was represented in two great events this past weekend, the Disability Pride Parade, where over 3,000 people attended. And I think it's the first ever Disability Pride Parade but certainly not going to be the last. And with the Department of Transportation, the Mayor's Office for People with Disabilities, especially Commissioner Victor Calise, we were able to speak to the City's efforts to improve transportation for all of the disabled community. And another opportunity for us was Access to Independence Expo which was held yesterday in Harlem. And some of

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the efforts which people are aware of but sometimes don't hear all at once that are putting New York way ahead of the rest of the nation in terms of accessible for-hire and taxi service are, one, our accessible dispatch program, which since inception has dispatched over 700 -- I'm sorry, 70,000 trips, about 740 per week, and the average wait time now is below 20 minutes. We're always striving to make that lower but that's where we are today.

We also recently looked at what our drivers that are driving accessible taxis, how do they compare to drivers of standard taxis, and the trip volume is about the same per shift. Dollar-wise it was actually on average a dollar or two more, and that's not including the potential for deadheads, so anybody who picks up a trip on the accessible dispatch program also gets approximately \$13 deadhead per trip. So there's an economic advantage through the accessible dispatch program for drivers of accessible taxis and that will increase in 2016 when we are able

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to reimburse accessible taxi drivers with part of the taxi improvement fund.

But the biggest goal is our 50-percent accessibility goal for 2020. That's 50 percent of the yellow fleet accessible and probably up to 40 percent of the green taxi fleet that'll make us the most accessible fleet in the nation. We've already started identifying the taxis that will convert in 2016 and we'll continue that process over the next couple of months so there's some certainty for medallion owners and knowing who's got to hack up with an accessible taxi and when.

We also have an RFP out for a new accessible dispatch vendor because our success in Manhattan has driven us to launch the program citywide and we have a fleet now of over 1,200 green accessible taxis, over 500 yellow accessible taxis. Both of those are growing every day. With that expanded fleet, a citywide accessible dispatch program can truly bring efficient service to disabled people throughout the five boroughs, not just

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in Manhattan. And with that extended reach as well as with the existing program, we'd like to work more closely with the MTA and Access-A-Ride to bring riders in the Access-A-Ride program into yellow and green taxis so that their experience can be streamlined, they can travel spontaneously, and there's obviously a cost-saving benefit for both the City and the State because travel and accessible taxis is significantly cheaper than traveling in an Access-A-Ride vehicle. So we look forward to continuing our partnership with the MTA as our accessible fleet grows.

But at the end of the day, I think both of the these events highlighted for us, one, our achievements. We really are taking strides to be the leader in bringing accessible for-hire transportation to the people of New York. The challenges ahead, which are not small, there's a cost to converting vehicles and there is the economics for drivers that they need to consider in driving these vehicles and our

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challenge is how to make that work for the entire city as well as where, you know, how far we have to go. So 50 percent is a laudable goal and step by step we'll get there, and with the help of the industry and the advocates in cooperation with our fellow agencies, I'm sure we will. So it was a nice time to mark progress and talk about steps ahead.

So another event, a couple events that we've been having throughout the last few months, the last one we had on July 2nd is commuter van outreach. I think it's timely to talk about it now because we'll also be discussing proposed rules to put mandatory markings on commuter vans. The outreach programs are designed to let communities know about the difference between legal and illegal service, the benefits of legal service, and to promote the use of legal commuter vans, because once passengers know the difference, the hope is that they make the right choice and choose the legal service. And the legal service comes with

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all of the benefits. Any TLC-licensed service comes with it. Those are vetted drivers, vetted vehicles, with a penalty process when there's transgressions. And none of those safeguards are available in the illegal service. You don't know what insurance is on the vehicle, you don't know who's driving the vehicle, and I think all the risks are especially significant in the commuter van industry when you're transporting numerous passengers at a time.

So these passenger outreach events I think are critical for the communities within which we had them. We had great support from elected officials in making these events real events. Our most recent one was the Commuter Van Stand at Confucius Plaza in the Lower East Side, Manhattan, with the help of Council Member Chin and Council Member Koo. And I want to thank them for the success that we had at that event. And we look forward to working both with communities and with council members to make sure that these events continue and our education efforts are

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2 expanded.

3 We also have to announce a change to
4 our driver licensing system. So starting in
5 August, we are going to -- and we've been
6 doing it anyway for the last few weeks -- no
7 longer accept walk-in applications. Drivers
8 can -- our potential drivers can go online,
9 put in a request for an appointment, and then
10 we'll give them an appointment in sort of a
11 time in the future. We've been doing this
12 with our vehicle licenses for quite some
13 time. The time now between the request for
14 appointment and the actual appointment in the
15 vehicle world, which, let's remember is a
16 much smaller volume than our driver world, is
17 about five days. So our goal is to make sure
18 that we're working on minimizing the time
19 between the request for an appointment and
20 the actual appointment. But the benefits are
21 tremendous. Since we've begun it, we've seen
22 a tremendous increase in the amount of people
23 that actually fill out the application
24 online. And when you fill out the
25 application online, things move a lot faster

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for us in the back office. So the more we can transfer to an online application system, the better off we all are. And we're better able to manage flow. So right now we're about to schedule about 300 appointments a day and that's up from about 200 appointments a day that we were doing just a few weeks ago. So although there's some up-front waiting because you've got to make an appointment and wait for your date, the payoffs on the back-office efficiency I think we'll all see are truly going to be beneficial to both applicants and to the agency in terms of being more efficient. So the one thing is everybody has to have an e-mail address to make an appointment and I encourage people who don't have one to do it anyway. It's very easy. And if people have help, we're always happy to give out instructions on how to set up an e-mail account so that you can communicate with us through e-mail. And on that note, just to say in terms of communication, we're also working on text messaging to driver

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2 applicants as a more efficient way to
3 communicate when we're missing documents or
4 there's pieces of your application that
5 you're missing. The truth is nobody really
6 much looks at their mail anymore so the more
7 we can incorporate e-mail and text message
8 into our communications with our licensees
9 and applicants, the better off we are and
10 they are. So hopefully you'll be seeing that
11 in the next few months or if you won't be
12 seeing it, applicants who are not in this
13 room will be experiencing it.

14 And with that, we're going to move on
15 to our agenda, which is --

16 MR. WILSON: So the first item is the
17 adoption of the June minutes. All in favor.

18 (Chorus of Ayes.)

19 MR. WILSON: And they pass
20 unanimously.

21 Next, Chris Tormey.

22 MS. TORMEY: Good morning. My name
23 is Chris Tormey, Director of Applicant
24 Licensing with the Taxi and Limousine
25 Commission. This month we only have two

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bases for your approval, name change and ownership change and change of location.

MR. WILSON: All in favor.

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

MR. WILSON: And they pass unanimously.

MS. TORMEY: Thank you.

CHAIR JOSHI: Next on the agenda is our public hearing and presentation on commuter van decal rules and Emily Genser is going to do a brief presentation on the program. And then I think we're lucky enough to have a few elected officials that are here to speak and members of the commuter van industry.

MS. GENSER: Good morning, Commissioners. My name is Emily Genser and I am a Senior Policy Analyst at the Taxi and Limousine Commission. I am excited today to give you an update on the commuter van decal pilot, a program to authorize uniform markings for commuter vans across New York City.

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To begin, let me give a quick background on the industry. Commuter vans make up a small but essential transportation network. Commuter vans traditionally operate in areas that are underserved by public transportation such as in Far Rockaway, Queens, and between the Chinatown neighborhoods of Manhattan, Brooklyn and Queens. In many places, commuter van service is a reliable and affordable way to get around.

Additionally, commuter vans function as a simple ride-sharing system. Passengers pay just a few dollars to share the vehicle with other riders who are headed in the same direction.

The TLC authorized the commuter van decal pilot as a branding opportunity for two purposes. Firstly, the decal aims to make it easier for the public to identify licensed legal commuter vans. The decals are similar in design to the "T" found on taxis and street-hail liveries. Since the public has been familiar with this design, passengers

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can be sure that they are riding in a vehicle that has met the TLC's high safety standards.

Secondly, the commuter van decal gives licensed commuter vans a sense of pride and an added level of distinction. These vehicles are required to undergo regular vehicle inspections, be operated by the drivers who have undergone background checks, and must carry minimum commercial insurance. This decal helps licensed operators differentiate themselves as such from unlicensed competition.

As you can see from this chart, the licensed commuter van authorities quickly embraced this pilot with over 200 vehicles signing the memorandum of understanding to participate within the first three months of the pilot. At the time of this publication, the pilot currently includes 85 percent of licensed commuter van authorities and 75 percent of affiliated commuter van vehicles.

During the course of the pilot, the TLC conducted two commuter van stakeholder

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meetings, visited several community boards and NYPD community council meetings, hosted three Days of Outreach -- and hosted three Days of Outreach, which gave TLC staff the opportunity to hear feedback from commuter van owners, drivers and passengers. Some feedback we received included, "Excellent idea, 100 percent on board," and, "This is a no-brainer."

At this time, TLC recommends requiring the decal on all licensed operators to help passengers and enforcement easily identify all vehicles operating legally. By requiring the decal on all licensed vehicles, it will help passengers and enforcement to identify unlicensed vehicles by the lack of decal. By making it easier to identify vehicles operating both legally and illegally, this decal will also assist with continued enforcement and public outreach efforts.

And I'll open the floor to questions.

CHAIR JOSHI: Questions, anyone?

(No response.)

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CHAIR JOSHI: So we can go straight to our hearing. First we have Council Member Chin.

MS. CHIN: Good morning, Commissioners. My name is Margaret Chin. I am the City Council Represent for District 1 in Lower Manhattan. Thank you to Commissioner Joshi, my fellow council members, council staff, van service owners, van vehicle drivers and other members of the public for coming to this hearing on this important issue for the people of my council district and in many other districts across the city.

For over two decades commuter vans have provided a vital transportation link for the residents and workers in my district. This unique mode of transportation connects Chinatown residents with other major Chinese neighborhoods such as Flushing and Elmhurst in Queens and Sunset Park in Brooklyn.

Right now each one of the New York City Taxi and Limousine Commission licensed commuter van vehicles provide services to an

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operators and we had a very successful outreach event, and thank you, Commissioner, to your staff, for really helping. And the passengers were very excited because now they could recognize that these are the legal ones and they have insurance and they're safe and they were very, very happy with that.

 However, I do have some concern about the decal program use in this pilot project. Recently a commuter van operator brought to my attention that it is too difficult to distinguish commuter vans from commuter cars that operate large vans which includes black cars, community cars, and luxury limousine services, operating outside of this pilot program. I have a photo here that I'm going to submit. The base number of this van which starts with a B0 does not match the commuter van specific base number which starts with B8. So the B0 base number are used by black cars, commuter cars and luxury limousine services. And as you see in this photo, they have a New York City commuter decal on it so people who think that, wow, this is a

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legitimate vehicle --

CHAIR JOSHI: So that's a van that's not attached to a commuter van authorization that nonetheless has the sticker?

MS. CHIN: Yeah, they got the sticker on it.

CHAIR JOSHI: So that's an enforcement issue for us.

MS. CHIN: And furthermore, these markings, we're concern that it can be very easily counterfeited. And I also urge the TLC to provide a distinct design for the decal so it's more difficult to copy.

Furthermore, the first two digits of these base numbers are very similar. You have B8 for commuter van and B0. So I ask the TLC to really consider categorizing TLC base number with a different letter that can be easily distinguished from each other.

And lastly, I urge the TLC to provide more oversight and enforcement of those operating illegal commuter vans that are unfairly competing with commuter van drivers who are following the rules. Many of these

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commuter van drivers and owners who are operating legally are here today and I want to commend all of you for your efforts to make this pilot program work. And I look forward to working with all of you to ensure that commuter vans continue to provide safe transportation services to the New Yorkers who depend on them every day. Thank you.

CHAIR JOSHI: Thank you.

On enforcement, we continue to work with NYPD and are always anxious to expand that enforcement effort and NYPD is a willing partner in that, so we'll keep you abreast of the numbers and our commuter van joint operations with the NYPD.

On the markings, you bring up a point. So when we come up with designing the figure you have to balance what's affordable and easy versus what makes it hard to copy. When you have green and yellow taxis, it's easy. You paint the whole car. It's pretty distinct. So short of painting the entire commuter van a uniform color, we're happy to listen to ideas, especially from the

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industry, those that are day to day dealing with these issues on how to develop the appropriate sticker that is difficult to be copied but still easily recognizable.

MS. CHIN: I'm sure they will be happy to assist. The commuter van drivers will be happy to help out because they were very, very enthusiastic. And I'm so happy that they joined the effort and they're really proud with the sticker. When we were doing the outreach event, they were pointing it out to the passengers. They were helping to give out the card. So I really think this is the time to really recognize the significance of these commuter van services to our community and they deserve the recognition that they are.

CHAIR JOSHI: Thank you for your input.

MS. CHIN: Thank you very much.

MR. WILSON: Is someone here from Council Member Donovan Richards' office?

MALE SPEAKER: I'm not speaking.

MR. WILSON: And Mr. Leroy Morris

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from Alexis Van Lines.

MR. MORRIS: Good morning, ladies and gentlemen. Good morning, Ms. Chair and all the business owners that's here and the council members that's here.

We're so excited about the NYC commuter. We've been around for over 28 years now and no one recognized commuter van in New York City. When in 9/11 we're here, the train strike we're here, the bus strike we're here, the taxi strike we're here, and no one recognized who we are and I'm glad that the Chair came along and make a big difference in commuter vans in New York City. And we're very glad to see that the City become partners with NYC commuter and we're excited about it. And I know all my friends are excited, the people are excited about it. It's about time. We hear it all over New York City now. It's about time that TLC recognize and the people of New York and the mayors and Ms. Isabella -- she's here, she works with us -- Mr. Ricketts, the lawyers, and everybody recognizes commuter vans

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because we have a great share-ride program in New York City, is commuter vans. And a lot of people never recognize the commuter vans. It comes from decades but now we're always here and we're glad to be here and we're glad to work with the Chair and glad to work with the people of New York City, especially Council Member Jumaane Williams and also Daneek Miller and a few other council members and Ms. Chin here. And we're very excited about this. We are very excited about this. These are first steps, and as my good friend says, it's baby steps and we have more.

When we started NYC commuter, people thought it was a no-brainer. My first sticker, NYC commuter, was in November. Everybody looking at us, Where this is going? And it's going somewhere. And we're always going to go somewhere. We're very happy about the decision. Whatever TLC have to offer us, we're willing to work with it, we're willing to work with everyone. Thank you so much, Commissioners and Chair. Thank you.

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CHAIR JOSHI: Thank you. We look forward to working with you as the program unrolls.

We have any other speakers on commuter vans?

MALE SPEAKER: Jumaane Williams will be here in five minutes.

CHAIR JOSHI: Okay. So we have Council Member Jumaane Williams who's on his way. We have one other speaker here. Great.

MR. RICKETTS: Good morning. My name is Hector Ricketts. I'm the President of the Commuter Van Association of New York, a trade association that represents the legal commuter vans in the city. Let me applaud you, Commissioner, your deputy commissioners, your assistant commissioner, your entire staff, for the tremendous work that they have done that has brought us here today. I also want to commend the elected officials who partnered with us and our legal team who got us to this point.

As your staff presented earlier, there was an 85-percent participation in this

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project. This was done on a voluntary basis and that tells us something, that the over-400 licensed vans in the city want to do the right thing, they want the support of the City to provide service for our community, service that is vital as far as income to our community and as far as providing safe commute for the people of this city.

I must applaud Council Member Chin on the focus on enforcement. If this project is not coupled with aggressive and sustained enforcement, all our efforts will be in vain. It is important that we determine how we're going to address fraud in this business. I see it on the horizon. It's going to be a challenge but I think together we can come up with a solution.

CHAIR JOSHI: Is your fraud concern the same as the one expressed by Council Member Chin?

MR. RICKETTS: It's the same, that any level of enforcement when this becomes law, one can simply go out, copy a -- print a decal and put it on their vehicle.

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CHAIR JOSHI: So we should definitely talk about ways to do markings that are less subject to imitation.

MR. RICKETTS: Imitation.

And again, I cannot emphasize enough the need for this project to be coupled with a sustained enforcement program. There are folks in the industry who have laughed at us and have vowed never to participate. Now it's going to become law. Enforcement will have the ability to identify. Enforcement has computers. They can run a plate sitting in a car and determine whether that vehicle is insured or licensed to a base or whether it's a fraudulent vehicle. We are pleading with you, Commissioner. We have invested a lot of money in insurance, all the drivers have to be fingerprinted, all the drivers cannot owe the City any money, all drivers cannot owe child support, to become a licensed driver. So they have gone through the hoops. And to invest \$10,000 per unit for insurance and then compete with somebody who goes to the junkyard and gets a van with

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a Pennsylvania plate, then the playing field is not level. We're at a disadvantage. And they believe that this is an open season for free illegal activity.

In Brooklyn today, the streets of Flatbush are being taken over by 20 passenger vehicles that their philosophy is TLC has no jurisdiction. If you go to Flatbush Avenue now, Commissioner, you'll see 20 passenger vehicles with company names written all over them and they're not licensed by the TLC, they're circumventing the system, they're getting away with it, and they're putting the legitimate drivers out of business.

We're at a crucial point. Again, I applaud you for bringing us this far but we're going to need your continued support as we proceed in the near future and in the long term. Thank you so much.

CHAIR JOSHI: And on enforcement, we have our inspector staff and we use our field enforcement efforts to combat illegal commuter van operation and we partner with NYPD, as I mentioned, and we have the ability

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also -- I'll discuss this with council members as well -- to discuss what are the appropriate penalties and are today's penalties appropriate for illegal commuter van operation, do they really serve as a deterrent. So that's another aspect to enforcement that I think would be fruitful to pursue. And I think that the cost of illegal operation is not just that it provides unfair competition for illegal operators but there's a tragic cost too and there's been two horrendous incidents in the last 12 months involving illegal operation that ended in serious injury and death. So I think there's a much more immediate reason that we all need to be focused on it as a city.

MR. RICKETTS: And as you focus on that, we must be mindful of the fact that when an illegal van is seized, it's usually back on the streets within hours. We need to address that specifically.

CHAIR JOSHI: I think that's where local legislation can be helpful.

COMM. GONZALES: Mr. Ricketts, I'd

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just like to say -- Commissioner Gonzales here -- I'd like to say thank you for getting the message out. This 85-percent participation rate well exceeded my expectations when we put this in place and I sense it's due to your effort reaching out to your bases and getting them to immobilize to do so. And I will help with the TLC with your concerns about enforcement.

MR. RICKETTS: We appreciate that very much.

COMM. GONZALES: I do agree with you. Thank you.

CHAIR JOSHI: Do we have any other speakers? Yes, we do.

MR. PEREZ: Good morning, Commissioners, Chair. My name is Juan Perez. I am a Brooklyn business owner and concerned rider as well of the commuter van. I do want to applaud the TLC as well as the Commissioners for this program. I think that it is a step in the right direction. I do also express some of the concerns that have been expressed here today. I do want to

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commend Mr. Ricketts on his efforts. I think the point that he made about, especially as it relates to Brooklyn and the 20 and 20-plus passenger vehicles that have thought to circumvent the system, I think the question was raised in one of the meetings that we've had subsequent to this meeting on whether or not the TLC has jurisdiction over those vehicles and that issue wasn't clarified.

CHAIR JOSHI: I'm sorry. Could you repeat the question? Whether we have jurisdiction over?

MR. PEREZ: Jurisdiction over buses that are 20-plus passengers, whether or not the TLC actually has jurisdiction to be able to be punitive as it relates to those vehicles. And I don't think that question was clarified. And I think that that needs to be something that is definitely addressed, that is definitely clarified, because as I see it, as just a concerned rider, those vehicles are springing up five and six a day to the point where all of the illegal vehicles on Flatbush Avenue, and I suspect in

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Queens and other places as well, will then just start using buses, so which brings up I know that some of the questions that were raised were as it relates to fraud. I had addressed earlier, and probably a year ago or two years ago, the issue of addressing a task force, not just made up of commuter van owners, base owners, but also concerned people from the community that can identify these issues before they become a serious problem, perhaps meeting on a quarterly basis where we can address these issues and be able to give real-world solutions to these issues.

Being a business owner, like so many of the commuter van operators, I understand the plight that they have to go through; but as a rider, I sometimes am able to see some of the challenges that they don't see because they're too close to the situation. So I think bringing together a small contingent, a task force in conjunction with the TLC, might be something that I think would address some of these issues and clarify some of the concerns of the community as well.

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CHAIR JOSHI: I'm going to ask that you leave your information with a member of our policy team in the back because we would love to do something formal but until that happens be able to reach out to you as a resource for passenger issues.

And on the clarification, we can get back to you on that as well. We do joint operations with PD, so even if TLC's jurisdiction is limited, PD's is probably much broader to address some of the illegal bus concerns that you've raised.

And thank you very much for coming today.

MR. PEREZ: Thank you.

MR. WILSON: Next we have Nick Smith from Council Member Jumaane Williams' office.

MR. SMITH: Good morning, everyone. I apologize that Jumaane's not here. He's on his way but I'm going to read his testimony. I'm Nick Smith, Jumaane's Deputy Chief of Staff and I'm here with Mr. Ernest Skinner who's also with our office.

"Good morning. I'm Council Member

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Jumaane D. Williams and I want to thank the TLC for holding today's important hearing to enhance the visibility of decals on commuter vans. The decal pilot program that started in November of 2014 and continues today shows that decals on commuter vans are a valuable affordable method to incentivize commuter-van registration which improves their transparency and safety. Eighty-seven percent of all licensed commuter van service owners are participating in the pilot program. The commuter van service owners have indicated to our office that the decals give their service a distinctive branding which lets potential customers and law enforcement know that their vans are legal. Many commuter van drivers also expressed their satisfaction with the public in the acknowledgment by the TLC of their legitimately licensed service which stands out in stark contrast to the unlicensed vans. More than 300 vans are currently licensed in both Brooklyn and Queens." And as we know, Jumaane represents Brooklyn. He's Flatbush.

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"As a representative of the Council's 45th District in Brooklyn, I know how essential it is to have safe, reliable alternative transportation in the outer boroughs. East Flatbush has a 2-mile wide stretch of densely packed area equal distance from the 2, 5, 3, 4, and L trains in which dollar vans stand as essential transportation. Just last year in Flatbush we saw accusations of assault and harassment by select dollar van operators. These measures being considered today will help increase transparency and decrease violations of passengers' rights. The TLC license number detail can also curtail incidents of sexual transgression or any other inappropriate activity because riders can record the license number of the van."

Again, on behalf of the Council Member, thanks for your work on this issue. And I'm sorry he's not here but he's on his way. He'll probably pop in in a couple minutes. Thank you.

CHAIR JOSHI: Thank you.

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MR. WILSON: So I think we're ready for a vote. Do any of the Commissioners have any remarks or anything they would like to --

COMM. MARINO: I just want to apologize for being late to the public and the Commission and Madam Chair.

CHAIR JOSHI: For the record, Commissioner Nora Marino arrived at 10:40 a.m.

COMM. MARINO: Thank you.

MR. WILSON: So the rules were published in the City -- the proposed rules before the Commissioners this morning to approve the commuter van markings were published in the City Record on June 15, 2015 with a comment deadline of July 15, 2015. One written comment was received which was provided to the Commissioners. As local law requires, the final rule for commission action was posted on the TLC's website on July 13th and sent to the Commissioners on that date.

All in favor.

(Whereupon, Board Members make a

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motion with a show of hands.)

MR. WILSON: Okay. They pass.

CHAIR JOSHI: And I note that Council Member Williams has just joined us. So if you'd like to say a few words, you're welcome to. We did just unanimously pass the rules, by the way, so I hope you're not opposed.

MR. WILLIAMS: Thank you, Commissioners and the Chair. I understand I spoke beautifully with my testimony, so I appreciate it. I won't repeat it but I do want to come in person because this is a very important issue to me and I thank the Chair for carrying on a discussion we started even last term, myself particularly and Council Member Comrie. We're really trying to work with some of the van industry to make sure that we can legitimize more what they're doing, at the same time making sure that we got a lot of the rogue folks off the road that weren't insured, that didn't have licenses. And the city goes to these folks a lot in times of crises and I found they left

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them abandoned after those crises were over, such as the blackout and other issues when there was no transportation throughout the city. And it really is the only means of transportation for parts of my district and parts across the city. I think this is a great way for the members of the community that use this to identify easily who they should be going to and who they should not, and I also think it will help enforcement efforts and make sure resources are not going places where they shouldn't be going.

So this is a great first step and I'm looking forward to working with the TLC, hopefully the City Council and the Mayor in general, on making sure we have a good pathway for people to legalize themselves so they don't have to be rogue and get those who don't want to off of the streets. So thank you very much and congratulations, and I'm glad it passed.

CHAIR JOSHI: Thank you very much for your participation and cooperation in the program in getting it off the ground. Thank

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you.

MR. WILSON: Next step is a public hearing on the proposed fares and lease cap rules. We have a presentation today to precede public comment.

MR. FURREY: Good morning. My name is Charles Furrey. Today I will be discussing the proposed changes to TLC's fare and lease cap rules.

The changes summarized on this screen are a result of internal study outreach with drivers and other industry stakeholders as well as a biennial fare and lease cap public hearing held on April 2nd. I will briefly discuss each proposed change and then take any questions you may have.

TLC rules provide a weekday evening rush hour surcharge of \$1.00 for all trips beginning between 4:00 and 8:00 p.m. excluding legal holidays. This surcharge was added in 2004 to incentivize drivers to provide service during the high-demand evening rush hours. However, this surcharge does not apply to flat-rate trips between

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Manhattan and JFK completed during the same time. A review of trip records reveals that on average a trip to JFK and back including the time in the hold lot takes 3 hours to complete during the evening rush hours. Drivers working metered fares during a 3-hour period in evening rush hours complete on average a total of 9 trips; thus, these drivers earn, working metered fares, receive an additional \$9 in evening-rush-hour surcharges that are unavailable to drivers who pick up a passenger in Manhattan traveling to JFK.

When TLC staff met with drivers this spring, most indicated they do not like completing JFK trips during the evening rush hour due to the significant congestion during these hours. To equally incentivize drivers to provide service, both metered as well as airport flat rates during this high-demand time, the proposed rules would provide a weekday-evening-rush-hour surcharge of \$4.50 for all trips between Manhattan and JFK beginning between 4:00 and 8:00 p.m.

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excluding legal holidays.

As a street-hailed livery, metered fares' rates of fares mirror those in taxis. The proposed rule would also provide the same rush hour surcharge for flat-rate trips to JFK which began in Manhattan north of the hail-exclusionary zone.

TLC rules currently require those leasing taxicabs, fleets and DOV agents, to reimburse drivers in cash for a fare paid by credit card. This requires lessors to maintain large sums of cash on hand and also means that drivers leaving their garage at the end of a shift do so with the cash equivalent of all credit card payments they receive for the day. Obviously this poses potential safety concerns for both drivers and lessors. The proposed rules would remove the requirement that drivers be paid in cash. Lessors would be permitted to choose whichever form of payment that works best for them and their drivers. However, the rules would require that the chosen form of payment be provided at no cost to drivers.

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TLC rules currently require the title of vehicles purchased through an all-in lease agreement to pass from the DOV agent to the driver at three years. Both drivers and agents have approached TLC and asked for longer terms so that weekly payments could be spread out and lowered. Under the existing all-in lease cap structure, agents can, based on all-in lease cap minus the medallion portion of the lease, charge up to a total of \$42,900 for vehicles. Should agents and drivers choose to extend payment beyond a 3-year term, they could do so; however, the total payments for vehicles could not as today exceed \$42,900. To ensure title passes to drivers when required, the proposed rules would add additional receipt requirements for the weekly receipts provided to drivers for (inaudible) by agents; specifically, the itemized amount paid for the vehicle or medallion, the total payments received towards the purchase of the vehicle, the remaining balance on the vehicle, and the remaining number of payments until title

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passes.

Finally, the proposed rules would remove the optional gasoline surcharge that can be charged to those leasing taxicabs on a daily or weekly basis. Outreach conducted by TLC staff reveal that this option is not utilized by lessors.

And I'll take any questions if you have any.

COMM. MARINO: This gas surcharge, who does that go to now?

MR. FURREY: No one does it. DOVs that are leasing taxicabs to drivers on a daily or weekly basis can charge a flat rate per shift and then the driver doesn't have to pay for fuel. But it's something that drivers and the lessors don't use. So this is just a cleanup, removing a rule that's not -- removing an option that's not utilized by anyone in the industry.

Thank you.

MR. WILSON: Okay. We'll start with the speakers. The first speaker is Peter Mazer from MTBOT.

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MR. MAZER: Good morning, Chairperson Joshi and Members of the Commission. My name is Peter Mazer and I'm General Counsel to the Metropolitan Taxicab Board of Trade, an association representing the owners of more than 5,500 licensed medallion taxicabs, the agents who operate these cabs, the brokers and licensed taximeter businesses who service the taxicab industry, and more recently, many of the drivers who lease medallions, taxicabs, from our members.

We support this package of rule amendments as sound responses to concerns facing the taxicab industry, which is suffering through declining ridership and a shortage of qualified drivers. However, we would like to offer some comments and make a few suggested changes.

We agree that the surcharge on trips to and from JFK will help compensate drivers for lost income they incur as a result of heavy traffic during the rush hour. We hope, however, that this will be simply a first step toward looking at the need for

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1 surcharges or premium pricing on other trips
2 during times of peak demand. We need to
3 develop creative ways to incentivize drivers
4 to work during hours when the need is
5 greatest to meet the demand for service which
6 is presently unmet. While ridership may be
7 declining, this decline is not spread evenly
8 across all times of the day. Indeed,
9 passengers still report difficulty obtaining
10 taxicabs during certain hours. The best way
11 to address this shortage is to provide
12 incentives to drivers to work these hours.
13 Taxicab drivers will work the days and times
14 when they can make the most money. If there
15 are too few cabs on the road at various times
16 to meet demand, one reason may be that
17 drivers find that they are not making enough.
18 Perhaps there is too much traffic congestion
19 or they just prefer not working these hours.
20 Fares that are more closely tailored to meet
21 demand make sense. Taxicabs already have a
22 small surcharge in effect during peak hours,
23 about 7 percent of an average trip. Perhaps
24 this could be expanded at least as a pilot
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program to see if it helps address taxicab shortages during certain hours.

We applaud the TLC for eliminating the need to reimburse drivers in cash for the credit card fares. Garages must keep large sums of cash on hand to reimburse drivers. Drivers leave their garages with a wad of cash in their pockets. This is neither safe nor efficient. Allowing drivers to be paid in check, transfer or through a debit card will make shift change faster and smoother and will keep drivers and garage employees safer as they will be handling less cash. However, I wish to focus on the requirement of the method of payment, whether by ATM, check or other means, must be at no cost to the driver. An owner should not earn a fee simply for providing a driver with his or her own cash. However, the way the rule is written, a driver who does not have a free checking account could not be paid by check if he or she would have to pay a fee to cash it. Likewise, a driver could not be paid through an account linked to an ATM unless he

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or she was permitted to make an unlimited number of ATM withdrawals at no charge. A more reasonable approach would be to provide that as long as the medallion owner or agent does not receive a financial benefit from the transaction, the method of payment, through check, transfer or ATM, should be permitted. The rule as written does not provide that payment reimbursement could be made in the form of a credit toward a future shift. And I would suggest that if the parties would agree in the lease, that a driver be permitted to take a credit toward future payment of shift in lieu of direct cash, check or credit card payments.

The proposed rule would amend the all-in-one lease by delineating separate medallion and vehicle payments and capping the portion of the payment attributable to the vehicle. When the TLC last amended its all-in-one lease rules, it restricted medallion owners or their agents from selling or financing cars in most circumstances. Theoretically, this rule was designed to

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2 prevent predatory vehicle lending or
3 financing practices by agents. Since the TLC
4 is regulating the amount that can be charged
5 on the vehicle portion of the lease, the
6 limitation against an owners' business
7 operations is no longer necessary to protect
8 drivers. The TLC should consider repealing
9 this restriction and make it easier for
10 prospective DOV drivers to engage in one-stop
11 shopping for a medallion, vehicle and
12 insurance, as is the practice exists in other
13 segments of the industry. Drivers should be
14 free to negotiate the best deals for the
15 purchase or lease of a car and deal with an
16 entity owned by the agent if it offers the
17 best most favorable terms to a driver.

18 In addition, each payment under the
19 all-in-one lease will now be allocated
20 between medallion lease and vehicle payment.
21 If this is done, it will no longer be
22 necessary to prorate the amount of the
23 initial deposit each month, as provided for
24 in the rules. A deposit is security against
25 nonpayment of the lease and the car payments.

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In general commercial practice, a deposit is retained until all payments are made. Since it will be clear from the terms of the lease the amount of the unpaid balance on the car loan at any given time, it will not be necessary to prorate the deposit by reducing it each month. The deposit would then retain its purpose; security for payment, and not be used to partially fund the vehicle purchase.

The proposed rules require detailed information, particularly with respect to balances due on vehicle purchases to be provided both in the lease and in the receipts. This is redundant. If a lease provides a payment schedule, there's no need for this information to be also provided on a weekly receipt.

And finally, the proposed rule increases the penalties for an owner's failure to retain records from \$50 per section violated to \$100 per missing item. The penalty is exorbitant and disproportionate to the offense. There should be a cap on the maximum amount that

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could be charged. An owner who inadvertently misplaced a weeks' worth of receipts could face thousands of dollars in fines under these new rules. There should be a maximum amount that could be charged under this section, irrespective of the number of documents missing.

I want to thank you for giving me the opportunity to testify this morning, and I would be happy to answer any questions that you may have.

COMM. JIHA: How are you advocating pricing surge as an experiment for taxicab as well?

MR. MAZER: Within reason. Right now we do have a surcharge which amounts to about 7 percent of the average fare, let's say a \$1 surcharge during the evening rush hours, and the average fare right now is about \$15 or \$16. What I suggested in the testimony is at least consider a pilot program that there might be certain hours -- the Commission has records on this -- where there is a taxicab shortage, and to incentivize drivers to work

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these hours, an additional surcharge might be something that would be worth considering. I'm not suggesting deviating from the meter. I'm not suggesting negotiating prices between passengers and drivers. I believe in the integrity of the meter. I believe that the passenger must know what the fare is when they get into the trip. But I think we can come up with creative ways to tailor the metered rate of fare structure to meet the demand. Maybe the price would be lowered at certain times, raised in others, in a way that will maximize the use of taxicabs, get as many cars on the road as possible, incentivize drivers to work different hours. I understand now a lot of drivers are not working at night, possibly because of the opportunity to earn a surge price in other modes of transportation, possibly because of congestion, for a variety of reasons. But it's just something to think about and I believe it's something that may be in the form of a well-crafted pilot program would actually work.

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CHAIR JOSHI: I had two questions, one on the non-cash payments. You're suggestion is there be a reimbursement made in the form of a credit toward a future shift. And then is that in lieu -- you have two suggestions; one that the owner be allowed to charge something to the driver for the cost of processing --

MR. MAZER: No. I'm not saying an owner should ever be allowed to charge a driver something for the cost of processing. What I'm concerned about, the way the rule is written now, if an owner pays a driver in a check and the driver doesn't have a checking account and a driver has to go to a check-cashing place and pay \$2.50 to cash the check, that's a violation of the rule because the owner did not provide the driver with a mechanism to obtain his or her money for free. If the money is put on an account and there's a debit card that can be used and the debit card, let's say, allows one free ATM transaction per day, but the driver says, No, I'd like to take out \$10 every hour and do it

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10 times during the day, and after the first transaction he has to pay for that, that would also be a violation of the rules. But in neither case the owner didn't make any money. The check-cashing place made money for cashing the check, the ATM-machine holder or the store that had the ATM machine or the bank made money off the ATM. So what I'm saying is as long as the owner's not making the profit on the transaction, the fact that the owner puts money -- gives the driver a check and he has to pay to cash the check shouldn't be a violation of these rules. The fact that the owner sets up a debit card and let's say the owner -- the driver is given a certain number of free transactions using the debit card a week and it exceeds that amount, that shouldn't be a violation of the rule.

As an alternative, what I'm asking for is that some thought be given. Let's say a driver works, leases a car, from a garage every day let's say 5 or 6 days a week. And if the owner and the driver agree, why can't the credit card money be used to apply to the

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next day's shift. If the driver knows that he or she is going to work the next day and let's say he has \$80 coming in credit cards, why not take the \$80 credit and reduce his lease payment for the next day as long as you know he's going to work the next day? I wouldn't want that to be something that the owner can mandate because then it ties -- it forces drivers to come back to the garage. But if it's an option that's available if the parties agree, I don't see why that shouldn't be made available.

CHAIR JOSHI: And then the other part I had a question on is on -- so we've had a history of not having great compliance when we ask for lease agreements. So and in recognition of that reality and the fact that leases are 6 months, it's very difficult to advocate for drivers that are saying they're not -- they're overpaying or they're being overcharged if you're relying on a document that only reflects a 6-month period and we have a recorded history of not good compliance on getting those documents when we

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need them. Most garages are using I hope some central computerized systems for receipts. Most sizable garages are. And the weekly receipt has proven to us to be one of the only definitive documents that we can use to advocate and uncover systematic overcharges. And likewise on the FHV side, with trip records, we don't have a cap on the penalties. If you're a widespread abuser and you're not compliant, it's on a per-trip basis, on a per-record basis, that those penalties accumulate. And without the ability to have that kind of a stick in a world where compliance is never forthcoming, we lose a lot of leverage in being able to protect drivers when they come to us with claims of overcharges. And they're usually at a disadvantage from an information perspective.

MR. MAZER: You want me to respond?

CHAIR JOSHI: I guess I'm going to say I'm a little reluctant to entertain the idea of relying on a 6-month lease when we need a much more detailed weekly release as

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well as the penalty provisions that would require people to submit them to us.

MR. MAZER: Well, the problem here -- I don't think the problem is with the leases. I don't think the problem is with the overcharge. I'm not encouraging the agency to look the other way when it comes to bona fide overcharges. I think we get -- we find ourselves wound up in a situation where we forget about the overcharge because we're so focused on missing pieces of evidence or missing documents. You do have a provision now which provides suspension until compliance. That's a much stronger stick to get the documents than any penalty. My concern is I've seen too many cases where owners, for whatever reason -- I'm not saying it's necessarily a good reason -- but through carelessness or whatever have lost a week's worth of receipts, and they're looking at maybe under this rule, could be looking at \$5-, \$6-, \$7-, \$10,000 worth of fines on records that they can't reproduce and we don't want to get people in the habit of

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reproducing documents.

CHAIR JOSHI: The driver should have a copy of that receipt as well, right?

MR. MAZER: The driver should.

CHAIR JOSHI: So there's a checks and balances there. I mean, if receipts are being produced and given, then the driver gets them as well.

MR. MAZER: The driver always -- yeah, the driver always gets the receipts. If the driver doesn't get the receipt, that's a violation of the rule.

COMM. MARINO: But doesn't that make the owner now incumbent to recreate that whole --

MR. MAZER: Well, that's the problem.

COMM. MARINO: That's kind of tedious --

MR. MAZER: The problem I'm running against is I don't want to recreate documents. If the documents are lost then -- and you also have the fact that if an owner cannot produce a document, it's an adverse inference drawn at any hearing so that if

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there was a complaint filed against a garage for an overcharge and if I were to represent the garage and I could not produce the documents, there would be an adverse inference.

COMM. MARINO: Can't they just reprint them though? Isn't there a computer record?

CHAIR JOSHI: My question was, I mean, how many people are paper and pen keeping track of this now?

MR. MAZER: I wish nobody but unfortunately, I don't stand up here saying that we have nobody. I wouldn't be -- I'm doing this basically on behalf of the garages.

CHAIR JOSHI: It would be helpful for those that are to move into a more computerized system for themselves as well as for us.

MR. MAZER: Yes, it would.

COMM. MARINO: Or even scan them then. Even if they're not -- I mean, you can scan things and make a backup copy.

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MR. MAZER: It would be nice to move some of the garages into the 21st century.

CHAIR JOSHI: We'll force that to happen by requiring weekly receipts.

MR. MAZER: I'm just suggesting some sort of cap on the amount that can be charged. What would wind up is that the price for missing records becomes much more -- replaces the price for the wrong conduct.

COMM. MARINO: Madam Chair, maybe we can do something like have a grace period to get anyone who's not computer --

CHAIR JOSHI: I mean, I think that the rule is the rule and it's been the rule not just for weekly -- it's been the rule for weekly receipts, it's been the rule for FHV trip record, it's been the rule for leases, it's been the rule in so many contexts. And prosecutors routinely use discretion and work out settlement agreements and give people an opportunity to explain underlying circumstances. But the rule itself needs to be black and white. It needs to be

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cumulative in order for it to have any teeth, because otherwise, there's a price to pay for not keeping records, and maybe it's worth it for you to pay \$1,000 dollars not to keep your records. But we can't open that door.

MR. MAZER: The \$1,000 is not the problem. It's the tens of thousands. I mean, right now, the penalty for most cases of not keeping records would probably fall in the \$1,000 range. And the rule doesn't change anything -- any of the substantive requirements. The only thing that's changed under this rule is the penalty, which would take a fine that would probably be in the neighborhood of \$1,000 and make it more like a \$10,000 fine for missing records. I think that's kind of what the scale of what I see under these rules.

COMM. GONZALES: Mr. Mazer, once again, thank you for your testimony and thanks for at least making us think a little bit more about what the cost is, expanding the definition of what the cost is, or specifying what the cost is to the driver.

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But I do have an issue with one of the proposals that you suggested where a driver in lieu of getting paid in cash or check or whatever, that he would then have a credit applied to say the next day's lease. I have a problem with that in the sense that it seems like on the surface you now -- the driver's now bearing the credit risk of the owner holding the cash. And just taking it to the extreme, unless it's in a segregated account, like an escrow account or something like that, the driver, if something happens with the business, doesn't open up for business tomorrow, then what happens with that cash? So I think I have an issue with --

MR. MAZER: I would only -- I'm only advocating it where there's a complete agreement between both the driver and the owner. I would never advocate for this position where the owner could do it without the consent of the driver. And I think the only situations it would work is with a long-standing garage where the driver works

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2 pretty much every day or at least a few times
3 a week and just says, Well, why am I going to
4 take \$100 today and give it back to you
5 tomorrow morning; why not just hold it and
6 then tomorrow I give you nothing? I'm not
7 saying that it's for everybody. I'm
8 saying -- I'm just offering it as --
9 suggesting it as an option that's not
10 available in those circumstances where the
11 parties agree that it might be the best
12 option for them. That's the only situation
13 that I'm urging that this be considered, not
14 saying that it should be authorized under all
15 circumstances or mandated. I'm simply saying
16 that maybe it should be an option.

17 CHAIR JOSHI: I have one other
18 clarifying question. I think it's page 3,
19 the top bullet, second sentence, it says,
20 "When the TLC last amended its all-in-one
21 lease rules, it restricted medallion owners
22 or their agents from selling or financing
23 cars in most circumstances." Is that a
24 reference to the prohibition in the
25 medallion-only lease to engage in a car

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finance arrangement outside of the all-in lease structure?

MR. MAZER: That's correct, except in those circumstances I believe unless the ownership is less than 2 percent of the ownership, I'm just suggesting that maybe it's time to rethink that.

CHAIR JOSHI: So I'm sorry if I'm slow. I'm just missing a piece of the argument. So it's time to rethink that because we already have a cap in the medallion in the all-in lease?

MR. MAZER: What you have right now, underneath these rules, you'll have a cap, a very clear cap under the all-in-one lease, so that their can't be predatory pricing or predatory financing in the all-in-one lease, I presume, because you can't charge more than \$42,900 for a car which is about the price of an accessible Nissan NV200.

CHAIR JOSHI: But that's before the --

MR. MAZER: Before the credits.

CHAIR JOSHI: -- the credits that you

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get.

MR. MAZER: Yes, 29,7- financed over three years, it's probably in line with -- and I think the cost of the car as it goes up each year, by 2 or 3 years from now the cost of the car might be 32- or 33,000. If they go with the hybrid, I believe it's going to be around 32,000 and then you finance that over 3 years or longer now. It could be up to 4 or 5 years. But on the other side, you have the medallion-only lease and you have a prohibition against an owner doing any kind of financing unless the owner owns less than 2 percent of the business that's either doing the financing or selling the car. And the sale of cars was regulated, the banking laws that regulate how much you can charge in interest. Other businesses within the livery and within the black car business routinely sell and finance cars without any restrictions, not saying that's good or bad but we're just restricting choice here. And I think that's what this agency is doing now, getting involved in the business where it's

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questionable whether it should regulate. You regulate the vehicles, regulate drivers, make sure the vehicles are safe and make sure the drivers are licensed and safe, make sure the vehicles are insured. But do we really want the business of this agency to regulate how much -- who you can deal with? If I wanted to do a medallion-only lease, I'd have to go to a third party and buy my car from a third party but I can't buy the same car from the agent who is leasing me the medallion because the rules prohibit that even if that agent was willing to give me a better deal.

CHAIR JOSHI: But then are you implying that no vehicle cap price cap apply? Because that's what this -- if you do a medallion-only lease and you let people finance independent of our rules, you've got the all-in lease that follows.

MR. MAZER: Right.

CHAIR JOSHI: So if you get rid of that exception, you've got the all-in lease rule.

MR. MAZER: Well, the thing is if

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you -- right now we have people that do medallion-only lease and they go in --

CHAIR JOSHI: So I'm just trying to understand. Are you advocating for us to -- it sounds like you're advocating for us to repeal the cap on vehicle sales.

MR. MAZER: Not on the all-in-one lease. The all-in-one lease is --

CHAIR JOSHI: But the all-in-one lease will lose its power if you allow people to operate outside of the all-in-one lease restrictions.

MR. MAZER: No, because the all-in-one lease permits a conditional sales agreement which may still be favorable to many operators because it makes it easier for them to do the foreclosures. One way you could look at it is if you want to do a medallion-only lease -- you can't do a medallion-only lease with a conditional sales agreement, that you could only do it with a straight sale. I mean, right now somebody could buy a car from any dealer in the city, go to any bank in the city, do whatever

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financing arrangements they want, and then do a medallion-only lease. And that would be permitted under the rule. The only thing that's prohibited under the rule is if the agent that they're dealing with and they're leasing the medallion from has an ownership interest in either the dealership or the bank that they are selling or financing the car from.

CHAIR JOSHI: Okay.

MR. MAZER: That rule -- I don't know -- I mean, that rule was put in there. I remember when the Commission put that rule in a number of years ago. I think the rule was designed -- I mean, I really don't know because we had a lot of discussion at the time. We talked about the fact -- well, it doesn't really prevent predatory lending practices because it only prevents basically predatory lending practices by the agent, not by anybody else in the taxicab business. And we just -- I'm still kind of scratching my head as to why that rule was put in in the first place. And maybe it's time to think

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about whether or not the rule serves a purpose. I mean, it's not on the table here. It's not part of the --

CHAIR JOSHI: Yeah, I think that when you lift something like that, you kind of take away the protections the following rule provides.

MR. MAZER: I'm not suggesting repealing the all-in-one lease. I'm speaking in favor of the all-in-one lease.

CHAIR JOSHI: Well, thank you for clarifying those and thank you for testifying and for your time.

MR. MAZER: Thank you very much.

MR. WILSON: The next speaker is Michael Simon.

MR. SIMON: Hello, Commissioners. I kind of got lost in all of that. I didn't understand much of it. But a suggestion regarding the flat rate for gasoline, in the future, if more and more taxis are dispatched --

COMM. MARINO: Can you just identify who you're speaking on behalf of and who you

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are.

MR. SIMON: Behalf of myself. I've been a medallion owner for, like, 14 years.

COMM. MARINO: A medallion owner, okay.

MR. SIMON: In the future, if more and more taxis are dispatched and shifted in Manhattan to accommodate rush hour activity, the current optional gas flat rate might be useful. An owner could leave their gas debit or credit card in the taxi. A day driver would not be compelled to gas up, increasing income by saving important time bypassing the gas station making the taxi more available to passengers. The night driver could be required to gas the vehicle at the end of the shift as traffic is much lighter and getting to a gas station easier. Taxi drivers could gas up their vehicles whenever they wished not being required to bring the vehicle back with a full tank of gas.

Just a suggestion. Thank you.

CHAIR JOSHI: So you're advocating that we don't get rid of the optional?

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MR. SIMON: No. I think it's a great idea.

CHAIR JOSHI: Have you ever used it or know anyone --

MR. SIMON: I have.

CHAIR JOSHI: You have? In what capacity, as somebody leasing out your taxi?

MR. SIMON: Yes. And I find that it's very beneficial because the day drivers don't go to the gas station and they avoid it and they like it and the night drivers, they gas up for the day drivers. And it's very useful. It just saves time.

CHAIR JOSHI: And do you know of other people who take advantage of it? We couldn't find many people that were --

MR. SIMON: I'm not a big fleet owner or anything like that so I don't know. I think it's very useful. My drivers meet in Manhattan and they switch their cabs in Manhattan. It saves a lot of time and it's very, very useful.

CHAIR JOSHI: We have people in the back that are working on this so maybe they

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can just catch you and get a little more information about your experience with it.

MR. SIMON: Yeah. I'm up here because I think it's been a positive experience using it.

CHAIR JOSHI: Well, I'm glad you came to testify.

COMM. MARINO: Madam Chair, can I ask you a question about this rule? Is this similar to when you rent a car you can prepay your gas? Chris is nodding his head.

CHAIR JOSHI: In a way, yeah, that's the analogy.

MR. WILSON: The next speaker is Alison Ungaro for the Committee for Taxi Safety.

MS. UNGARO: Good morning, Chair Joshi and Commissioners. My name is Alison Ungaro. On behalf of the Committee for Taxi Safety, I am presenting a summary version of our previously submitted testimony.

The committee supports the rules as presented today. Taxi drivers are under unique pressures to comply with the

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2 burdensome regulatory regimen and will be
3 required to be the sole offering of
4 wheelchair accessible for-hire transportation
5 in the city. Many drivers will be faced with
6 losing the option to drive a more economical
7 hybrid vehicle as a taxi. At the same time,
8 this Commission has noted that 9 times out of
9 10 a passenger seeking accessible livery or
10 an accessible vehicle through a for-hire
11 vehicle app cannot find one. The Commission
12 has no plan currently on the books to address
13 this issue. The absence of a simultaneous
14 plan to provide accessible service throughout
15 all for-hire vehicle services models
16 necessitates that the taxi driver who is
17 lured by green outer borough cars, liveries
18 and on-demand FHV apps receive a fare
19 increase at this time. Taxis are a better
20 option for drivers to earn more money and a
21 value-added proposition as being the most
22 sustainably affordable ride for passengers.
23 Once FHV apps burn through their investments
24 or realize their dreams of domination,
25 passengers will be forced to pay even more

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for short trips than the constant surge pricing they are currently being subjected to without any scrutiny. As such, it is only fair to compensate taxi drivers for the burdens they are asked to endure.

Thank you for this opportunity to speak with you today.

CHAIR JOSHI: Thank you. Anybody have questions?

(No response.)

MR. WILSON: The next speaker is Beresford Simmons from NYTWA.

MALE SPEAKER: Not here.

MR. WILSON: The next speaker is Richard Thaler.

MR. THALER: Chair Joshi and Commissioners, I'd like to suggest why it will become important for the drivers to be able to pay the credit card interchange and merchant acquirer processing fee for each individual fare payment rather than the bundled amount put into the \$11 lease cap amount. I understand, if I'm correct, that the Commission intends as a competitive

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necessity to make the hours of a shift more flexible. If that's the case, the demographics choice of payment probably will vary more widely than the average for a 12-hour shift. And if that's the case, the way the \$11, for example, is calculated based on a 12-hour shift may not be matched by what could happen in the various hours of multiple-hour shifts. So in order to make that fair for the drivers if they're paying the actual amount, I do suggest that you go back to the original way rather than bundling it in a lease cap, pay the credit card interchange fee, and the merchant acquirer fee for each individual fare payment. That's my suggestion.

CHAIR JOSHI: Can I just note CTS, in their written comments, argue for the same thing.

MR. THALER: I'm sorry?

CHAIR JOSHI: CTS, that just testified, in their written comments, argued for the same thing but I think for a different reason, that if the driver in the

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DOV sector was paying per trips, they would be paying more and now they're paying less to the agent. I don't know --

MR. THALER: Whose comments were those?

CHAIR JOSHI: The Committee for Taxi Safety.

MR. THALER: Oh, I'm sorry. They had something in there?

CHAIR JOSHI: Yes. It wasn't part of their verbal but it was in their written comments.

MR. THALER: You just want to have the driver pay the accurate amount.

CHAIR JOSHI: So you're advocating for on a per-trip basis --

MR. THALER: Absolutely.

CHAIR JOSHI: -- rather than a flat amount, okay. And for the reason just that if there's increased flexibility it will better align with trips?

MR. THALER: If there are different hours, you could be working certain hours in a certain area of the city where people may

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want to use more cash or more credit cards. It wouldn't match the full 12-hour average and it would be impossible to prorate on an hourly basis the \$11 because if you prorated the \$11 on an hourly basis, it might not match what's really going on and it's much more accurate.

Thank you.

CHAIR JOSHI: Thank you.

MR. WILSON: The next speaker is Zubin Soleimanny from NYTWA.

MR. SOLEIMANNY: Good morning, Chair Joshi and Commissioners. My name is Zubin Soleimanny. I'm with the New York Taxi Workers Alliance. And I just want to speak to the issue of the all-in-one lease cap and some other things about the lease rules. We're happy to support the rule that extends the period of payment for the all-in-one lease and specifically the requirements for more clear record-keeping. I think in the last couple of years when we've dealt with drivers who faced overcharges, the number one barrier in trying to prove an overcharge and

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actually get restitution or even for a driver realizing that they had been overcharged and there was a problem were insufficient records or records that were so convoluted, it took years for a driver to realize that was a problem. So as we support that change in the new rule for record-keeping, I just want to talk about several important changes that would also be needed to be made for the lease cap rules to make enforcement more meaningful.

So the first of these is to say that the rule of the penalty provisions in Chapter 58 would require for mandatory restitution. Right now they don't. It's in the discretion of the ALJ at OATH. There have been cases where Commission brought charges and overcharges were proven but if the ALJ didn't go out of their way to order restitution, there was no way to get that. Even when the Commission appealed it, the drivers weren't able to get restitution. This is especially important because in the times when the court addressed this, the

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question of whether there's a private right of action, they said there is no private right of action. So if TLC's going to be the only recourse, we want to see that drivers can get that money back.

The other thing is in our conversations with lease cap enforcement, it seems that there are some charges that aren't actionable and that a driver can face an improper charge which under the rules would not be allowed but there is no restitution provision under the current rules or, for example, so long as it doesn't exceed the lease cap, it would be acceptable. So for example, in a market like this where some garages might be offering leases below the lease cap and if they charge you 119 instead of 129 but you get back and there's a \$10 shift excess fee or something like that, that would be kosher under the rules and we want to see that change as well.

Also, in terms of medallion removal, for the DOV sector, we'd like -- that right now, the penalty doesn't do anything to make

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a driver who's had his medallion improperly removed in violation of the rules to be made whole. There's a penalty for it, there's suspension for it, but the driver who loses time doesn't get a loss. Now, TLC does that in other cases. So if a driver has been retaliated against by his garage and he can't go to work, that penalty provision includes compensation for that lost time working. The medallion removal rule would need to do the same.

CHAIR JOSHI: Chris has the book here. But what are you referring to when you talk about a medallion removal rule?

MR. SOLEIMANNY: The rule prohibiting for first transfer of the medallion without first getting TLC authorization.

CHAIR JOSHI: So that's in the sale of a medallion?

MR. SOLEIMANNY: I don't have the provision in front of me but I can find it for you.

CHAIR JOSHI: We can figure it out afterwards. I just wasn't sure because in

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the absence of one, the retaliation rule is the actual avenue for --

MR. SOLEIMANNY: I mean, the situation that we've seen is in the past and part of why the extension for the payment of the all-in lease is also good for drivers, is that what we've seen is drivers who have -- they pay off the vehicle in three years, they had an all-in lease, and once they're finished buying the vehicle, the medallion will be removed. So (inaudible) once they got the payment for the car, then they're left without a medallion.

CHAIR JOSHI: And have the change in economics changed at all the popularity that you're seeing in medallion-only lease?

MR. SOLEIMANNY: Not that I would know, not that I have seen.

CHAIR JOSHI: From a driver's perspective, they're not being offered -- I mean, I know there's times in the past where people say they're not being offered medallion-only lease, but is that changing?

MR. SOLEIMANNY: My colleagues might

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be able to speak better to those kinds of trends.

Also, in the garage context, we would like to see more meaningful enforcement of dispatcher bribes.

And also, the rule about the late charge, the late charge, really in terms of that, the late return fee going to the garage, we think that the proper payment of the late return fee should be to the second-shift driver if there is one. And the situation where a driver returns late, he's paid a full lease. The second-shift driver then pays a full lease to the garage but gets out at 6:00 instead of 5:00, but the garage shouldn't be collecting two leases and an additional \$25, \$50. The person who is suffering in that context is the second-shift driver.

So thank you for allowing me to speak today and I hope --

CHAIR JOSHI: I want to ask you about one issue and this is something that I think you've raised and MTBOT raised, is some

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trepidation about use of debit cards. So what are the issues that you foresee in allowing payment through debit cards? I mean, because I think that the reality is there's a whole group of drivers and a growing group of drivers that do not get paid in cash today. All the app-based drivers don't and that seems to be working. And it'd be important I think for those industries that aren't utilizing those methods to figure out a way to utilize them because they seem to be working for both parties, not just the dispatcher but the drivers as well. So and your membership, I assume, includes some of those drivers. So importing some of the benefits of that method of payment makes sense.

MR. SOLEIMANNY: It would be a major cause of concern for us if drivers had to incur extra charges just to get paid, after all the credit card deductions that there already are in their payments, 5 percent where the industry standard is 2.5. It doesn't matter to us whether the garage is

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taking that money or not. If the driver has to do 3 bucks to get their \$150 that they earned out of the shift, whether that goes to the credit card company --

CHAIR JOSHI: But why are so many drivers signing up for dispatch methods where they don't get paid in cash?

MR. SOLEIMANNY: In terms of e-hail?

CHAIR JOSHI: Yeah.

MR. SOLEIMANNY: Well, I mean, is that -- I don't know that --

CHAIR JOSHI: Because there's a payment method there that's working, right?

MS. DESAI: You get it directly to your account.

CHAIR JOSHI: You get it directly to your account. Okay, thank you.

MR. SOLEIMANNY: Maybe Bhairavi can speak more directly to that.

CHAIR JOSHI: So that's something I think is worth for the entire industry to look at, at direct payments to accounts as a way of being able to pay drivers efficiently and also getting away from the cash and maybe

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solving some of the problems that I think we're hearing both from owners and from drivers. And obviously the technology's there. So we're happy to continue that conversation.

COMM. MARINO: Mr. Mazer also raised for the drivers that don't have accounts -- I don't know what the percentage is of drivers that don't have accounts --

CHAIR JOSHI: Well, I think many drivers are opening accounts to get paid, right?

COMM. MARINO: The check-cashing places that he was talking about --

CHAIR JOSHI: The drivers working for apps today, if they don't have an account, I guess are opening accounts to get paid. So the hurdles can't be that high.

MR. SOLEIMANNY: You have to have a checking account.

Thank you very much.

CHAIR JOSHI: Thank you very much.

MR. WILSON: The next speaker is Asim Akter.

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MR. AKTER: Hi. My name is Asim Akter. Good morning, Commissioners and Chair Joshi. I just wanted to talk about the DOV. We are in support of the lease cap, where the car payments can be spread out over a 5-year time. But to be very honest, it's not enough to encourage the professional drivers to be a DOV owner at the current situation, and also the DOV owners who already have the cars to sustain as a DOV in the current situation.

Because of the expense, at the moment, you know, to be a DOV, you have to pay \$1,400 a week. And we all know there's a driver shortage at the moment. So where there were two drivers working under one car, now there's only one driver working in that car. And the expenses are the same. The revenue is the same or we have seen that the trips are coming down. TLC data shows that from 2014 to 2015, on a monthly basis, there were -- trips came down. Some months there were 10 percent, some months were up to 20 percent. We have to see the other option to have more other revenue to get the revenue

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for the drivers. Just to give you one example, the rooftop advertisements, the DOV used to get that money. After 2008, all of a sudden the agents decided that they are going to keep that revenue whereas we are charged for the TLC inspection fee, DMV registration, because the driver owns that vehicle and agent always makes that argument because the drivers are the owner so they should bear that cost. In the same way, we are the car owner. That rooftop advertisement go into my car. So the revenue that comes from that advertisement, I should get it. I mean, if you keep the way that things are, and they are making -- I mean, the drivers of the DOVs are responsible for all the costs, it's only going to drive -- it already has driven [sic] the drivers away from this industry. It will keep driving them away. It's not, I mean, where you have other options, you can go to green taxi or the black car where the expense are very less. I mean, from 1,400 if your own car to a black car or a green taxi, it comes down to 500.

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So I'm just saying we have to find other means where -- I mean, you know, we have to see it in a just sense that a rooftop advertisement, TLC should make a rule that that money should go to a DOV, not to the agents.

And also, the credit card processing fee, at the moment if I'm a DOV and I drive by myself, I have to pay for 24 hours where and I can only work up to 12 hours, consecutive hours, in one day. But I have to bear a cost for 24 hours for the credit card processing. I think it's not fair and this is --

CHAIR JOSHI: I just want to note, on the all-in lease, you mentioned at the outset that we're spreading it out over five years. The rule actually doesn't specify, so it can be spread out over any amount of time as long as it's within the cap for the vehicle portion. So there is some greater flexibility there even beyond five years.

MR. AKTER: Okay. Thank you.

MR. WILSON: Thank you.

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The next speaker is Bill Lindauer.

MR. LINDAUER: I want to save my time for Nickoloi.

MR. WILSON: The next speaker is Nickoloi Hent.

MR. HENT: Good morning, Commissioners. Good morning, Chair Joshi. My name is Nickoloi Hent. I am an owner/driver since 1990. I drive since 1998. I see that you want to help the drivers with the income with the surcharge of 4.50, but before that, I had a lot of discussion of the owners and garages. I would like to ask you, does the garage take credit cards from the driver when they pay for the lease?

CHAIR JOSHI: I think you'd have to aim that question at the garages.

MR. HENT: I don't think that they accept credit cards. I think they --

CHAIR JOSHI: Your question is are they only accepting cash or credit card against your future earnings?

MR. HENT: When I leased my car in 1988, I came from Dallas, Texas. I worked

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for the company. I paid them in cash. When I give them the card for my deposit, they give me a check. I didn't have a bank account. So I think this can be solved a little bit easy. The drivers can pay for the lease with a credit card and then they can be paid in check with credit card.

The other things I wanted to mention if you allow me, if you want to help economically the drivers, I think the way to do it is to -- for example, I don't think it's necessarily 4.50 from JFK to Manhattan. But it will help more if we can go to the taxi stand to the terminal, not in 15, 20 minutes or half an hour or more.

CHAIR JOSHI: You mean instead of the holding lot?

MR. HENT: Suppose it takes like three minutes to go over there. But because all the cars, the black cars with the TLC plates, are blocking especially terminal 5. I don't know your name. I'm sorry. You mentioned you wait like --

COMM. MARINO: Commissioner Marino.

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MR. HENT: Commissioner Marino, you mentioned last month you had to wait I don't know how many hours to be picked up.

COMM. MARINO: It was chaos. I couldn't believe it.

MR. HENT: We face this problem at least two, three times a day. I have here the papers and the money which I pay for the New York State, you know, the \$0.50. For example, on 2/11, period 1, I paid \$983, 1,988 trips. And the period number 4, which is from October, November, December, because traffic with Christmastime is horrible, it was 852, 1,705 trips.

COMM. MARINO: Paid for what?

MR. HENT: \$0.50.

CHAIR JOSHI: The MTA, it's a \$0.50 tax on yellow and green trips that goes to the MTA. Combined total income from that is about, between the green and the yellow, brings in annually between \$85 million. Those are the two sectors that pay it. The other sector, black car, paying sales tax, so some smaller portion of the City portion goes

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to MTA but it is not equivalent to the amount of money that the green and the yellow sectors generate in revenue for the MTA.

So I think that's your point in telling us your contribution back to the City --

MR. HENT: Yes, because of the horrible traffic in Christmastime, I had almost 200 trips less, which, that I understand. But now the situation gets out of control. For example, I have for 2/13 and 2/12. But I gave the last semester, you know, from March to April, May and June, it's 1,141 trips and the money is \$570. So it's almost 40 percent less than 2/11. This is because of the situation with traffic and we cannot move. This is killing us. It's killing you, the State and the City, and now (inaudible). Please, Commissioners, Chairman, help us to move.

CHAIR JOSHI: I think your point is the congestion is also changing the amount of money the MTA collects because --

MR. HENT: Exactly, and the State.

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And I tell you one thing, I have the e-hail from (inaudible). You know, six times in six months I got called. One time I couldn't pick it up. The other times customer was waiting for the customer to get out and to get in. When I picked up, I was on 28th Street between Seventh and Broadway. I'm supposed to go to 40th Street and Broadway. When I get over there, I was lucky the customer was there. But when you press yes, the meter is shutting off. You get over there and it says reached the destination. You have to wait 4 minutes for the customer to arrive. How in the world, 20-, 30,000 cars, if they do that, how can we move? How can -- what we can do? I think in my opinion is shut off all the e-hails. Shut it off because that's creating traffic and congestion and we cannot move.

COMM. MARINO: How long do they have to wait?

MR. HENT: That's what it says on the GPS, you have to wait 4 minutes for the customer to arrive.

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COMM. MARINO: 40?

MR. HENT: 4 minutes.

CHAIR JOSHI: I guess every program will have its own instructions to drivers on how long they'd like them to wait before --

MR. HENT: This is why we cannot move. This is why our income is declined. This is why the State -- I think you have the record, how much we pay for the State in 2/09, 2/10, 2/11, 2/12 to the State and how much they collect now. I think it's probably close to 50 percent less. So this is -- I had to bring it to your attention. And please, if I don't speak very well, forgive me.

CHAIR JOSHI: You speak very well. So thank you very much.

MR. HENT: Please help us, Ms. Chairperson Joshi.

CHAIR JOSHI: You put numbers to an issue which is very helpful for us to understand.

MR. HENT: Please help us to go to the terminal in 3 or 5 minutes. Do not allow

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all the black cars to block the entrance in terminal 5 in JFK, terminal 2, terminal 4. This is the worst what can happen. I am doing JFK every day. When I go from my house, I go to JFK. They don't block it at 11:00 a.m. They block it at 4:00 p.m., 5:00 p.m., and it's a disaster from 9:00 p.m. to 1:00 a.m.

CHAIR JOSHI: So this is an issue that we've been in discussion with the Port Authority and was the subject to our last rules. We're very aware of it and we don't have complete control over the Port Authority or the airports, but we have a willing partner and they're aware of their (inaudible) problems as well.

MR. HENT: And something else, I have pictures on my iPhone.

CHAIR JOSHI: I'm going to ask you, in the interest of time, please share the pictures, especially -- I don't know if Cindi Davidson is still here.

MR. HENT: The last time I gave the pictures -- I had the pictures here to show

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to the newspapers, to everybody. They didn't want to take a look at them.

CHAIR JOSHI: Well, Cindi Davidson is in the back and she works very rigorously on our airport issues so it would be good if you could share them with her.

MR. HENT: I have it here on iPhone.

CHAIR JOSHI: She's right behind you.

MR. HENT: Thank you very much.

CHAIR JOSHI: Thank you for coming and sharing.

MR. HENT: Thanks a lot. And forgive me for speaking a little bit.

CHAIR JOSHI: Not at all. Thank you.

MR. WILSON: The next speaker is Mohammed Tipu Sultan.

MR. SULTAN: Hi. Good morning, Chairman Meera Joshi and the Members of the Commission. It's a great standard that TLC thinking about economic reform after the times of three years. The last time was 2012.

As a driver last 10 years, I'm thinking that reform should be there, either

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some already existing, some system that we are carrying. If you reform that, it will be another reform for the taxi driver. For example, the credit card processing. The credit card, we are currently giving \$11 every shift and it is based on 5-percent credit card transaction. In 2007 we started. If you charge us \$11, I'm a DOV driver and I'm paying \$130 every week. And my friend DOV driver, living in Ozone Park, he has only himself driving. He don't have any other driver. As we know, there's a driver crisis in the industry. But still, he's paying \$130 because he's driver, only one. But if you lower this one based on 2.5 percent, where it's reasonable everybody charging 5 percent, it will be used in both, for the credit card. And also, we are paying E-ZPass, we are paying the \$0.50, we are paying the \$0.30. All this credit card we're paying for that and it should not be. We should not be paying for that. E-ZPass, when we set all that advertisement, if you take the E-ZPass, you can get less money without the cash. If

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you pay the cash, you pay more. But here, we pay the credit card processing fee. They're charging E-ZPass \$0.50 and \$0.30. And the \$0.50 goes to the MTA, not the driver; \$0.30 goes to the disabled charging, actually. That should be -- goes to the other garage and the owner. And it's not me, why I should pay that.

The DOV driver, as the DOV driver, three years medallion remove thing. Why do I say that? Because the garage and broker, they remove the medallion three years. But it was when 2012 was saying that the car should be payment three years. But the garage or the broker, they turning to all the cars should be -- the medallion should be removed within three years. I do believe that it should be more than that. Until the car retired, the medallion should not be removed. If the DOV --

CHAIR JOSHI: The change that we're proposing in the all-in lease cap will allow for flexibility so you're not confined to the three years. It can be for a longer period

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of time.

MR. SULTAN: It is hard to believe. To me, it's an implementation of the rules. I was in the board when the 2012 was ruled, the three-years-payment rule. With the three years payment rule, one of my friends removed the medallion within six months because he bought the car in his own money and he got a medallion from the other broker. So when he was getting that medallion lease, within six months, his medallion was removed and he said the medallion was sold. But who will be approved if medallion is sold? But his medallion was rented same garage with the other driver. Other driver, when he caused that -- this is medallions I used to drive and this is my -- six months I bought this car, so where is the rule? In there, I would say if the medallion needs to be removed or medallion sold, it must have to be approved by the TLC. It must have to be sitting in the middle of the TLC. If the garage say medallion sold and the driver, the DOV driver, he have to be go with the TLC, that

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TLC may say that -- prove that, yes, the medallion's sold. You have to give that medallion. I want -- that one should be there.

COMM. JIHA: Let me ask you a question. With respect to the credit cards, is it 5-percent charge by the credit card companies or is this charged by somebody else? Because 5 percent is excessive.

CHAIR JOSHI: Yeah, 5 percent is what we allow. The actual breakdown of what the 5 percent is comprised of is something that we would need to get additional information from the TPEP vendors on --

COMM. JIHA: So we allow the companies to charge up to 5 percent?

CHAIR JOSHI: That was a rule that was put in place in 2007.

COMM. JIHA: That's excessive in today's world.

COMM. MARINO: Wasn't that a split though? Part of that was for processing for the garage as well, if I remember.

COMM. GONZALES: That was part of the

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processing. And also, I think one of the things that happens is that we require the driver to get paid out at the end of the shift but the owner doesn't receive cash from the credit card fare for -- I see at least in my statements up to 3 or 4 days later. So they have to front the money to the driver.

COMM. MARINO: So if the credit card company takes 2.5, then the garage -- because they have to have their secretaries and their people, I think that's how that came about, if I remember.

COMM. GONZALES: I do believe at some point we need to revisit it to see --

COMM. JIHA: I think it's something we need to revisit it.

CHAIR JOSHI: And we need to have more information about how the 5 percent is being broken down between administrative costs, overhead and credit card actual processing charges. So any additional information would help us make a better-informed decision on the policy going forward.

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COMM. JIHA: And do we negotiate that directly with the credit card companies with respect to the rate they charge?

CHAIR JOSHI: No. There was one occasion back in 2008 where the City was successful in negotiating with Amex to get a better rate and we're happy to take up that charge again to negotiate with all three credit card companies. And we'll enlist your help in that.

COMM. JIHA: I think we should.

CHAIR JOSHI: But yes, to reduce it overall, because any reduction in that first interchange would obviously have an effect on owners and drivers in a positive way.

MR. SULTAN: Can I continue?

CHAIR JOSHI: Yeah. You are at the end of your three minutes but certainly continue and sum up.

MR. SULTAN: Please. Thank you so much. Actually, also I want to be confirmed by the TLC before the medallion removed because my friend was in a gas station buying a coffee. When he came back, his medallion

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is not there. That is the situation. And where we should go, no TLC, no other anywhere. We just give up and crying on the street with my child and wife. That's the situation last few years. And now they want to be extension forever with the vehicle. But I want it to be when there is a time of good, they will do the same thing. I do believe as a driver last ten years.

All right. There's another thing you want to be --

CHAIR JOSHI: I'm going to have to ask you in the interest of time, if you can sum up quickly. How many more points do you have?

MR. SULTAN: As a driver, I should get more time. I'm the one who suffers. I'm the one who runs. I'm the one who runs.

CHAIR JOSHI: That's pretty good.

MR. SULTAN: I'm the one who runs the City.

All right. There is a \$50 --

CHAIR JOSHI: He's going to go forward anyway. I've been overruled.

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MR. SULTAN: There should be \$50 insurance as a full coverage. Three days ago, my friend was hit by a van. I want to say the DUMBO Moving, that's the car name. He was intentionally hit the car to take a light. And he moved. He hit and run (inaudible) block at least. So then my friend has a dash camera on front side. That's the way I can see all the picture, how he was hit and why he's wrong. On the red light, he stopped with the police and the police was pulled over that car. In that situation, \$50 should be full coverage as long as the car not retiring. It should be there because if the police was not there, that is hit and run. That car is gone. And my friend has to be fair for the whole incident where \$50 is not insurance that's full coverage.

Also the rooftop and the television advertisement, I want to be shared because it's my body. Think about it. I go to garage and I clean my car. It's my body. It's my car. I'm a DOV driver and I take

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this rooftop advertisement all over the city and someone sees, Oh, this is it. It's my car. It's not a garage car. It's not a medallion owner car. It's not a medallion owner (inaudible) in a billboard and looking, Hey, this is the broker and you can rent it. It's my car, my ad, is my car. And all expense I mention, it should be I share for this rooftop and the TV money. And also hybrid charge, it's my car. I invest the money and they're getting the money, 29,000 cars, they're getting 42,900. They already make money so why need the hybrid car? It should be removed.

CHAIR JOSHI: You're saying the differential between the hybrid lease cap and the standard lease cap?

MR. SULTAN: I'm talking about if you look at the -- as a DOV driver, when you go to the DOV for the medallion leasing. So they are mostly give the car out. They say, You want to take the medallion?

CHAIR JOSHI: The difference between a medallion-only hybrid lease and a standard

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medallion lease?

MR. SULTAN: No. I'm talking when I buy a hybrid car, the hybrid car costs around \$29,000. When I go the three years payment, it goes \$42,900 because they're charging \$275 per car.

CHAIR JOSHI: Additional?

MR. SULTAN: Yeah, additional.

CHAIR JOSHI: So it's the difference between the two leasing structures, hybrid and standard?

MR. SULTAN: Yeah. So that's what I'm paying, the interest or whatever, it is kind of like that they paying all this because they say, Oh, you purchased the car from me. But they don't let me take the medallion because I'm not purchasing the car from them. This is also their profit. They are making money three years from there. So as I'm saying that I'm the investor, I am paying the money. So they're not the investor. So I'm paying the money and I should not pay the hybrid charge, \$40. As the economic problem with the taxi industry

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currently, I see the newspaper and I'm a driver, I'm suffering too. So as I'm saying, as they're reforming the taxi driver economy, it should be there -- it should be removed, \$42. It should be me, actually, not to them.

And also, all the repairs should be responsible for the garage, not me. As we know, the garage has a couple of tires and go to the TLC in inspection. They open the new tire, put the new tire, sending us back in. Come back, driver, open up a new tire and put the bad tire. So they have all the structural everything.

CHAIR JOSHI: Okay. So I take your point on the repairs. Do you have any other points before you sum up? Because we do have other speakers.

MR. SULTAN: Okay. I give you one more minute.

CHAIR JOSHI: One more minute or one more point? Thirty seconds.

MR. SULTAN: Thirty seconds.

In general in America, in general, we are hearing the income equality, as we're

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seeing legal income, and I'm proud that I was the last time in the strike with the fast food restaurant. I was in there. I organized them and I'm very proud. There are so many cities are visiting \$15 an hour and we smile for that. But where is the taxi driver? They are not even earning \$10 an hour. If this is \$15 an hour, fast food restaurant will get \$120 per day for 8-hour shifts. But if we charge \$15 an hour for the minimum for the taxi driver, 12-hour shift will be \$185 without overtime because we work 12 hours. They work 8 hours. Just comparing that where is the economy going, what is the people thinking, where is the thinking about the taxi driver economic reform?

CHAIR JOSHI: Thank you. Those are broad and big and important concepts. Thank you.

MR. SULTAN: Thank you so much.

MR. WILSON: The next speaker is Bhairavi Desai.

MS. DESAI: That's a tough act to follow but I'll do my best.

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CHAIR JOSHI: Just for the record, due to time constraints, Ed Gonzales, Commissioner Gonzales, had to leave. And it's now 12:04.

MS. DESAI: Good afternoon, Members of the Commission. My name is Bhairavi Desai and I'm Executive Director of the New York Taxi Workers Alliance. My colleagues have already very eloquently made most of the points regarding our various proposals and they're all listed out on the document that I just submitted for the record. Couple of things.

First of all, on the all-in lease cap with regards to DOV leasing, you know, for years the situation was you would pay for the vehicle in about two to two and a half years. And then for the remainder of the length of the length of the car, the lease would come down because you're only paying for the medallion-only portion. But because between 2007 to 2012 there were rampant overcharges in the industry where these additional fees -- and that's all they were called,

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1 additional fees -- were added on to the
2 lease. And when we would go and file
3 complaints with the TLC, the complaints would
4 not be heard because they were seen as
5 vehicle-related expenses. And it was
6 basically a loophole in the regulations and
7 that's why the all-in lease cap was regulated
8 by the TLC first in 2009 as a concept and
9 then eventually in 2012 with the actual
10 amount. And the medallion-only lease, I
11 mean, if these two are actually supposed to
12 work together, then the all-in is inclusive
13 of the vehicle financing, once you pay off
14 the car let's say in three years, for the
15 remaining four years of the car you're then
16 entitled to the medallion-only lease. So
17 what's been happening, as people were
18 describing, is many scenarios where the
19 agents were actually removing the medallion
20 after the three years. So what was the point
21 of you investing into a vehicle if you now
22 have it for three years when you used to have
23 it for seven years? And so there needs to be
24 a rule in the TLC that specifies that the
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medallion cannot be removed until that vehicle is retired. Otherwise, you've invested into payments on that car and after three years, it's basically ruled to be worthless. We never had that experience before in this industry. And that experience should not have been happening over the past three years and it really is one of the primary reasons that so many DOV operators started to leave the industry.

Secondly, I just want to say that on the fleet side, fleets must explicitly bear all of the repairs and maintenance costs. A few months ago, the Taxi and Limousine Commission gave the fleet an extension on the vehicle retirement. What used to be three years, it's now seven years. Imagine that. You're basically getting the cost of two vehicles. Their costs have come down. At the very bear minimum they can certainly pay for all of the repairs and maintenance on that vehicle and none of those should be passed down to the driver. They can afford full coverage insurance on all of those cars,

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especially given that the car is now going from three years to seven years, which is the same that an individual car length is for.

On the credit card processing, the 5 percent that's regulated by the TLC, it's basically -- on each it's not only -- it is such an antiquated rule. Not only is 5 percent much greater than the going rate in the market today -- from even 2007 5 percent was high. Imagine how much higher it is today not only after there's been changes in the financing-processing industries but also after there's been a congressional action that's required limitations on how much processing we charge, for example, on debit cards as opposed to credit cards. So we have seen none of those rewards shifted down to the drivers. That processing is divided into basically three different ways from the bank, to the vendor, the fleet. They all take a cut before the money goes back to the driver. And you know, since about three years ago, two years ago, when the TLC passed the rule that instead of a per transaction 5-percent

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fee, the TLC would engage in an evaluation of the average credit card fare amount, multiply that by 5 percent, and that's what the drivers would pay every single shift. So if you're a weekly driver and you're not working that shift, you're still paying that cost. Now, we agreed to that change at that point in time, you know, because at that point in time the TLC had not passed the subsequent rule which passed later on that it would engage in a review I think every other year as opposed to engaging in a review of that credit card cost at the time of a fare raise, which is what we expected when the initial rule was passed. But at this point, I mean the \$11 that drivers are paying, it's a huge burden. And in terms of the fleets, they only give the cash when you're a daily driver. Weekly drivers get compensated through a check, not by cash. We are absolutely opposed to any kind of debit card being used as a reimbursement tool to the drivers. We've already filed complaints. There is Gotham Garage, there are several

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other garages that we're using the debit card to basically cheat drivers out of the money they were rightly owed, their own reimbursement from their credit card transactions. And the whole concept --

CHAIR JOSHI: You have a constituency that it's not just yellow taxi drivers, right?

MS. DESAI: Mm-hmm.

CHAIR JOSHI: It's also black car drivers. They're not getting paid in cash. What is their experience in terms of getting paid with direct deposit into accounts? How's that working and are there things about that setup that can be transferred into the yellow medallion world to ease the pressure point for both the medallion owners and the drivers in getting paid and getting paid quickly?

MS. DESAI: Absolutely. I mean, we've been saying this for years, that the money should go directly into drivers' accounts. And there are processors now where you do get the money within a 24-hour,

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maximum 36-hour, return. And remember when the fleet --

CHAIR JOSHI: Your members, they're opening accounts for that purpose?

MS. DESAI: Yes.

CHAIR JOSHI: So they're doing the up-front work of opening up the account and then providing that information to whoever's depositing it directly?

MS. DESAI: Yes. And there are many immigrant rights organizations across the country and in New York City that help people open up bank accounts if they've never had one before. There are also other nontraditional ways where working people can get the money directly.

CHAIR JOSHI: And when they pull money out of those bank accounts, what are the costs associated with that? Is there a monthly fee unless you keep a certain minimum in there? I mean, there are generally banking costs. When you open an account, there's costs associated with it.

MS. DESAI: That may depend on your

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account, on that particular bank. But there are certainly banks -- I mean, I don't want to name-drop, but like Amalgamated Bank, which is a labor-union-owned bank, you don't have to have a minimum balance. I'm sure there are several credit unions in this industry that depend on drivers that would be willing to make it easy for lease drivers to also open up accounts and not charge them monthly fees.

CHAIR JOSHI: So it's an area that I think is well worth for the entire industry to explore and try to find a way to make those -- I mean, I don't want to be naive and say we have to stay with cash payments because that's what we've done. That's not the way the world's moving. The world is moving into a more non-cash world and drivers are obviously accustomed to dealing with getting paid directly into an account and I think that there's a lot of work that needs to be done within the yellow taxi industry to catch up to that so this is a more seamless process.

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MS. DESAI: And I think it's particularly relevant today where, like, if your overall income, if your budget is falling, you don't want that to become a cash-flow crisis because you're waiting to be paid at the end of the week as opposed to getting the money directly and immediately. And that credit card processing should absolutely exempt the tolls, the taxes, the \$0.50 surcharge and the \$0.30 surcharge and of course the tip which the driver has earned through their hard labor.

I'll just conclude with one final point that none of us had mentioned earlier. On the metered fare, you know, on holidays, the surcharges don't remain in effect. And it just seems so contradictory, especially when you look at the other side of the industry that actually engages in (inaudible) price surging on holidays. Most workers in any profession, if you work a holiday, you're incentivized to work it but you earn more. In the taxi industry, drivers actually take a pay cut. They take a wage cut when they go

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out and lease on a holiday because the surcharges on the meter are not in effect. That is so -- that along with the 5 percent truly antiquated and those two things really need to change.

CHAIR JOSHI: Thank you very much.

MS. DESAI: Thank you.

CHAIR JOSHI: With that, there's no more speakers on lease cap and fare.

So that ends today's meeting and it is now 12:15. Thank you, everybody who contributed.

(Time noted: 12:15 p.m.)

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