

TRANSCRIPT OF THE
NEW YORK CITY
TAXI & LIMOUSINE COMMISSION

Thursday, August 7, 2014
33 Beaver Street
COMMISSION HEARING ROOM, 19TH FLOOR
BOROUGH OF MANHATTAN

TRANSCRIPT OF PROCEEDINGS

Reported by:

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Taxi and Limousine Commission Meeting
August 7, 2014

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HEARING CONVENED AT 10:04 A.M.

COMMISSIONERS PRESENT:

Meera Joshi, Chair

LaShann DeArcy

Elias Arout

Frank Carone

Edward Gonzales

Lauvienska Polanco

Nora Constance Marino

ALSO PRESENT:

Chris Wilson, Assistant General Counsel

Christopher Tormey, Director of Applicant Licensing

Staff

The Public

The Press

Taxi and Limousine Commission Meeting
August 7, 2014

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THE CHAIR: Good morning. We're going to start today's public meeting. It's now 10:05. And I just want to start with two brief announcements.

One, welcome to Christine Hayashi, the former San Francisco Taxi Commissioner. Thank you for joining us today. I know this isn't on the normal tourist rounds, but it might be interesting anyway.

And also, just to quickly mention that today the commission was going to consider rules to clarify dispatch accountability. It is a real and important pressing issue that we need to address. It impacts our ability to enforce safety and consumer protections and we are in the process of weighing different options for how to resolve the issue. We will move towards permanent rule making as soon as possible.

On other matters of note, you'll notice Iris Weinshall is no longer joining us on the dais. We would like to congratulate her on her appointment as

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Chief Operating Officer of the New York Public Libraries and as the Mayoral representative on the MTA Board, as well as her recent election to the Chair of the Prospect Park Alliance. We will be losing Iris's wisdom and experience on this Board, which we benefited from so happily since 2003. Aside from her experience and insight, I've also found it so important that Iris brought the perspective of being the daughter of a career taxi driver to what this board does. Iris's intelligence and her outspoken integrity have made her as a valuable voice on this commission, and is a voice we will miss.

We have another announcement. Chris Wilson, sitting to me left, I'd like to congratulate him on his official announcement as General Counsel for the TLC.

(Applause.)

THE CHAIR: Anybody whose worked with Chris knows that his mastery of the green book, the bible, is tremendous. If

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there is an app, that's actually the app we need, the Chris Wilson app. But I want to thank you, Chris, for your hard work, your discretion, your judgment and for actually accepting the offer to be General Counsel of the TLC, daring to go where few have dared to go.

And we have one other huge announcement. Thank you and congratulations to Cynthia Cooper on her retirement after 43 years of City service with over 30 years with the TLC. Thank you very much.

I'd like at this time to talk about two drivers, and the first one I'm going to turn over to LaShann DeArcy.

COMM. DEARCY: I hope you all will indulge me. I just wanted to share a personal experience with everyone today. Recently, I was privileged to take a short ride with a driver named Mr. Tafik Tamemu (phonetic) and I happened to inadvertently tip him \$20 when I had meant to tip him \$2, an appropriate amount I will

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say for the length of the trip. I didn't notice the error and I was prepared to leave the cab when Mr. Tamemu stopped me and said the tip must be wrong. Now, I'm certainly not suggesting that other drivers would have let me go without a word, but I'm certainly saying that it takes a person of great integrity and someone who clearly has pride in himself and how he conducts his business to say you gave me too much money.

I should also mention that when we realized that my charge on my credit card had already been authorized, he refunded me the overcharge out of his pocket. So I just wanted to say a very public thank you to him and that he will be receiving a letter of personal accommodation from the TLC.

So thank you all for listening and to Mr. Takif Tamemu, your passengers are lucky to have you.

THE CHAIR: Next, could Uppkur Thind come up, or I'll come down.

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It's TLC's honor and pleasure to thank and to congratulate Mr. Uppkur Thind, a medallion owner since 2006 for his exemplary contributions to this city's electric vehicle pilot program.

On Earth Day in 2013, we partnered with Nissan North America to launch the test of electric vehicles, not to test a particular vehicle, but to test to see how electrical vehicles fit in the taxi model. It was visionary and generous for Nissan to donate vehicles for this pilot and we learned a lot of valuable lessons from it. But we couldn't have done it without Uppkur Thind, who in a word has committed to a project well beyond what we anticipated when we launched. Since beginning, he's driven over 30,000 miles in his electric taxi and done over 5,377 trips. New Yorker's were able to breathe easier thanks to you.

So we have a plaque to Mr. Uppkur Thind, the electric taxi pioneer. "New Yorker's breathed a little

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easier thanks to your dedicated participation in the TLC's electric taxi pilot program." So thank you very much.

(Applause.)

THE CHAIR: Next we can move to the adoption of the minutes from the June, 2014 commission meeting.

All in favor?

(Chorus of ayes.)

THE CHAIR: Aye. With a unanimous vote in favor, those minutes are adopted and we can turn to base applications.

MR. TORMEY: Good morning. My name is Christopher Tormey, Director of Applicant Licensing with the Taxi and Limousine Commission. Today we are presenting thirty bases for consideration and we're removing one renewal, Alexandria Car & Limo from consideration. They'll be placed on denial for next month.

THE CHAIR: All in favor of adopting the report on bases for renewal and denials?

(Chorus of ayes.)

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THE CHAIR: Aye. It's unanimously approved.

MR. TORMEY: Thank you.

THE CHAIR: Next on our agenda is a resolution before the Commission on a pilot program to authorize branding for commuter vans. It's in some sense -- commuter vans are in some sense true ride share. They serve large areas of New York City where public transportation and affordable for-hire service is not available and they provide an efficient means of transportation.

But today, there is not enough safe legal commuter vans out there. There's a large number of illegal commuter vans and it's part of the TLC's mission to, number one, educate the public on the advantages of using a safe and legal commuter van, enforcing against the illegal and making it easier for people to enter the legal commuter van market.

So this pilot is the first step in that endeavor. This will allow legal

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commuter vans to carry branding, much like yellow taxis and borough taxis so passengers can easily identify them for the safe legal transportation they provide. And Jessica Taylor will come forward to do a presentation on our pilot.

MS. TAYLOR: Good morning. My name is Jessica Taylor. I'm Assistant General Counsel here at the TLC and I'm going to present our proposal to authorize official markings on commuter vans.

To begin, I'm going to give you a little background on the industry. Commuter vans traditionally operate in the areas that are under-served by public transportation. For most people, taxis and livery cars remain a luxury and taking one to work everyday is just not a viable option. So in many places, commuter vans are the only affordable and reliable way to get around.

The TLC currently licenses 48 commuter van services who operate 489 licensed commuter vans. The vans are

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licensed to operate in certain geographic areas which we refer to as authorities. Authorities are reviewed and approved by the Department of Transportation and the TLC handles the licensing of the vehicles and the drivers.

Like all TLC vehicles, the vans are inspected and carry minimum insurance requirements, and the drivers are licensed by the TLC. The way commuter vans work is simple ride sharing. Riders pay just a few dollars to share the van with other passengers who are headed in the same direction. Here you can see a couple of the areas where commuter vans are concentrated. Again, they're mostly places where there isn't much access to public transportation (indicating).

There are currently only a few requirements for commuter van markings. Vans are required to display the owner and operators names and the vehicle's license number, as you can see here in the back of the vehicle (indicating). They also are

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required to display four TLC window decals. These are similar to those that you saw on livery cars. Vans aren't required to be painted any specific color, but they're not permitted to be taxi yellow or street hail livery green.

There are a few challenges unique to commuter vans. By and large, commuter vans have small and loyal customer bases, but most of the public really doesn't know much about the industry or how it works.

Commuter vans are usually run by small businesses who don't have a huge profit margin to spend on advertising, and this makes it difficult to attract new passengers. Further, because the vans don't have a uniform style or color, new passengers aren't able to easily identify commuter vans like they can taxi or livery vehicles.

But perhaps the biggest challenge to the industry comes from illegal vans who pass themselves off as being legitimate. These illegal vans prey on passenger

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confusion because many passengers can't tell the difference between legal and illegal vans, and even those passengers who can tell the difference don't appreciate or know the dangers associated with riding in illegal vans.

And there are a lot of concerns associated with illegal vans. Not only do they poach customers from licensed commuter vans, but they can be extremely dangerous. They're not licensed or inspected by the TLC and they don't have proper insurance to be transporting passengers. Even worse, they're often observed speeding and making unsafe lane changes and even driving on the sidewalk or the wrong way of traffic to avoid enforcement. Because the drivers aren't TLC licensed and nor are the vehicles, passengers have no way of reporting them to the TLC for enforcement actions.

As part of the Mayor's Vision Zero initiative, the TLC will work to educate the public about the commuter van industry

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so that passengers understand how to identify and use licensed commuter vans as well as the risks of riding in illegal vans.

The TLC will accomplish this goal in three ways. First: The TLC is partnered with the NYPD to increase our enforcement operations against illegal vans. In fiscal year 2014, the TLC and NYPD sees 637 illegal vans. We will continue to remove illegal vans from the streets so that passengers and legal licensed vans are protected. Second: While the TLC will not compromise its string of licensing standards, we will explore new ways to reach potential licensees. We've begun reviewing the licensing process to identify and improve areas that cause confusion or delays, and we've also partnered with the Department of Transportation to modernize and simplify the geographic authority process. Going forward, we'll continue to reach out and communicate with commuter vans operators to address their questions

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and concerns.

And lastly, the TLC will work to educate the riding public about the commuter van industry. We're creating informational poem cards that will be distributed at community board meetings and local precincts. These will explain how to use and identify legal vans and also the dangers associated with the illegal vans.

And last but not least, we have the pilot program before you here today to place distinctive markings on licensed commuter vans. So here are the details of that program. It will authorize commuter vans owners to place official commission decals on their vehicles. It's voluntary and open to any commuter van operator and we anticipate that the cost will be about \$50 per vehicle. That will include the labor to put the decal on and the decal itself. The decals, though we're still in the drafting phase, we anticipate to be similar in design to those that are on taxis and street hail liveries. The

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public's already familiar with this design and it will indicate that the vans are licensed by the TLC. The decals will be placed on the side of the vans so that passengers can quickly identify legal vans and know that they're riding in one that's licensed by the TLC. If cost permits, we'd also like to put decals on the back of the van so that law enforcement can also quickly identify legal vans and then put their efforts towards the illegals.

Most importantly, the decals will give licensed commuter vans an added level of distinction to show to the public that they have met the TLC's high safety standards. So you can see the markings here (indicating). They're small, I couldn't make them bigger, and then the fancy decal shown to show up on the actual van.

So the goal -- the overarching goal of the program is to make the public aware of the licensed commuter van industry so that they have access to safe

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transportation in areas when there isn't really much else. Participants in the pilot will report to us with their observations and experience with the program and the TLC will evaluate how the program effects the size of the industry and the public's feedback at large. We believe this program will make it easier for passengers to recognize licensed commuter vans and that they will then choose to ride only in vans that are licensed by the TLC.

We hope that this will bring an increase in ridership to existing legal commuter vans operators, which will allow them to expand their businesses to bring more safe and affordable transportations to areas that are under-served.

I am open for any questions.

COMM. DEARCY: Is it -- or do we envision as the pilot is successful we would move from voluntary and it would be mandatory that all of the them have proper decals?

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MS. TAYLOR: That's exactly the purpose of this, is to evaluate the success of the pilot before we make goals.

COMM. DEARCY: And Meera, you and I have talked a bit about some of the enforcement efforts with the illegal liveries and obviously as a component of this approach with the vans, there's an enforcement component. It's -- and this has less to do with the pilot for the decals, but just a comment that I'd like to make that I hope that we are mindful as we partner with the NYPD with respect to the enforcement of the illegal vans of some of the issues that we've had with the liveries and the seizures, especially if there's an issue with identifying which vans are legal and which ones are not. I was convoluted, but you know what I mean.

THE CHAIR: Absolutely. And I think you're referring to, you know, coverage there has been about TLC enforcement and we have embarked upon a review that started in May on our enforcement unit and the

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training that goes along with the inspectors, and we've already put together a re-training curriculum that will begin in the next few weeks with all the inspectors.

COMM. DEARCY: And we would extend whatever training is to make sure that our enforcement officers are aware of the differences or what's necessary with respect to the vans, especially if there's going to be a new emphasis on enforcement in that segment.

THE CHAIR: Yes. A large part of the training is understanding what's necessary for a stop and obviously proof of illegal for-hire activity is critical to that determination.

COMM. MARINO: Can I ask a question? Did you have a question, Frank?

COMM. CARONE: Go ahead.

COMM. MARINO: Forgive my ignorance here, but I'm not even too familiar. Is the licensing process for these commuter vans similar to a TLC license? Like if I wanted to -- because Queens, we're probably

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the most under-served -- well, maybe Staten Island as well -- the most under-served boroughs with respect to public transportation. I noticed on your list we had the biggest list of commuter van lines.

So how does someone go about -- say I want to start a commuter van? How does that even happen? And again, forgive my ignorance on this topic, but it's not something that we've discussed that frequently.

MR. WILSON: Yeah. It's actually governed in part by State and local law. It is a little bit different from our other regulated industries. Critically today, to get a license as a commuter van, the City DOT needs to make a finding that the service in the area you want to serve is necessary.

So the first thing you do is you have to put together the package for that, and once they authorize the service, then you come to us to get licensed. And I think in that respect, that licensing

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process is similar to other things, but there's this one prior step that happens before we see you.

COMM. MARINO: And how does that potential entrepreneur get that proposal together; petitions, signatures? How do I say well, we need transportation in this neighborhood? How do they do that?

MR. WILSON: I don't actually know.

COMM. MARINO: It's a DOT thing?

MR. WILSON: Yeah, I think it's a DOT thing. We can find out and get you information. But it is -- there is a step beyond what most of our other licensees have to do.

COMM. MARINO: All right. Thank you. Because like I said, Northeast Queens especially, we don't have -- we're very limited with our transportation.

COMM. CARONE: Thank you, Commissioner Marino.

I had a similar question as Commissioner DeArcy. I think they've been answered, but I think Commissioner Marino's

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point is a good one. It ties into the public outreach component of this pilot program and I'm happy that the pilot program takes that into consideration, which I think is very, very important. I can tell you, I think the program and the initiatives is extremely important, extremely important. The illegal commuter van population has been a serious problem, particularly in Brooklyn on the Flatbush Avenue extension, which really is the most direct route from New York City to the end of Brooklyn. And they're filled with illegal commuter vans. So I think this is a very good initiative and I wish you great success.

COMM. DEARCY: I'm sorry. How long is the proposed pilot for?

THE CHAIR: It's one year from the date of the first participants entry to the program.

MR. WILSON: The date the markings are extended from potentially the first vehicle.

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THE CHAIR: And it can be extended for an additional year.

COMM. DEARCY: Actually, in my thinking was probably a little different. In my minds eye, I don't know if it would take us a year to determine that markings on the legal vans is probably a good thing. It almost seems to me, and certainly no offense, that this is a no-brainer and that it's something that is necessary so that we can have a distinction between the two. It seems a year is long because then that means that six months perhaps, or nine months that it takes for us to be able to then institute a rule that makes it mandatory so that we can start having the riders know which vans are legal so we can have law enforcement know which ones are legal. In a way, it seems like this may delay us from doing something that I think is almost patently obvious and that's just my take on it.

THE CHAIR: The year is the maximum so we can start permanent rule making at

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any time.

COMM. DEARCY: Good. I guess you can tell we all like this pilot.

THE CHAIR: And I also want to mention, and a thank you to members of the commuter van industry who have come today, they're input in formulating this pilot and their continued input as we go forward on the MOU that each participant will sign is valuable to us and we appreciate the time that they've taken out of their days to be part of this. Thank you.

AUDIENCE MEMBER: Are you taking any questions from the commuter vans?

THE CHAIR: Excuse me?

AUDIENCE MEMBER: Are you taking any questions from the commuter vans?

THE CHAIR: There's actually not a public hearing component to pilot resolutions, but we are definitely reaching out and having frequent meetings with the commuter van industry, and so someone from my staff can meet with you after this meeting and definitely take your questions.

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AUDIENCE MEMBER: Okay. Thank you.

MR. WILSON: Okay. So we'll call for the vote now. As Jessica described, you're being asked to vote on a resolution to approve the pilot for markings on commuter vans, which is something we developed in conjunction with both the NYPD and members of commuter van pilot industry to check or to evaluate whether more prominent TLC branded markings would assist both in passenger recognition and enforcement.

It is required by local law, the final version of the pilot proposal for commission action was posted on the TLC's website on August 4th, and sent to all of the commissioners on that date.

THE CHAIR: All those in favor of approving the proposed resolution for commuter van markings pilot?

(Chorus of Ayes.)

THE CHAIR: So with that, the pilot is unanimously approved.

COMM. POLANCO: Is there a way that

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we could come back and see the data, like say three to five months so we can revisit this and maybe there will be -- we could get closer to having some echoing as Commissioner DeArcy said, to have some permanent resolution, permanent rules regarding this? Because it's true, it is a no-brainer.

THE CHAIR: We have flexibility, so of course as we gather data, and we get participants and we get feedback from their experience, as soon as we feel like we have enough, we can absolutely come back and consider permanent rule making.

MR. WILSON: Next on the commissioner agenda is the technical rule to change the manner in which medallion owners make payment of the fee to fund the accessible dispatch program. These rules ran in the City record in July 1st, 2014, and the comment deadline was July 31st, 2014. No written comments were received.

We have three speakers this morning

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on the rule. The first is Tweeps Phillips.

MS. PHILLIPS: Good morning. Good morning, Chair Joshi and Commissioners. My name is Tweeps Phillips and I'm the new Executive Director of the Committee for Taxi Safety.

On behalf of the committee, an association that represents nearly a quarter of the yellow taxi industry, I urge you to seriously reconsider the rules package in front of you today, as it represents a mere tinkering around the edges of a problem that is leaving too many New Yorkers by the side of the road. Paying accessibility fees to the TLC does nothing to address the needs of wheelchair users in Jamaica, East New York or Morris Heights.

This proposal is an attempt to fiddle with an ill conceived policy rolled over by the prior administration which requires more than 50 percent of the yellow taxi's to become accessible. The TLC even used its own data to show that most yellow

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taxis are not in the outer boroughs. The recently released staff does not offer a real pathway to increase accessibility on most street hail liveries, livery bases, black cars and commuter vans.

The TLC recently gave Lyft an ambiguous requirement to provide equivalent service. With over 700 million in investment, the City of New York did not require even one Lyft car to be accessible. Most drivers when given a choice to drive either an accessible or a non-accessible vehicle will choose a non-accessible option every time, not out of malice and not out of lack of interest to serve the public, but because you've made options such as Lyft or Uber financially more attractive. The entire business model of Uber and Lyft undermines existing taxi network by providing a low cost non-accessible vehicles at the highest possible cost to passengers. Uber's relentless attempts to attract taxi drivers, seemingly very successful, will surely undermine the goal

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of 50 percent mandate, as drivers will be attracted to the non-accessible Uber vehicle.

Another overlooked issue is the commuter vans that have replaced many of the accessible MTA buses while providing no accessible service. A more comprehensive approach is needed than the rule before you today which just focuses on minor details. We recommend voting down these rules today in hopes of a more comprehensive regulatory plan to be voted in next month, which would require any vehicle licensed by or operated by a TLC licensed vehicle be accessible, regardless of the service model.

Thank you for your attention today and if you have any questions please ask.

THE CHAIR: Thanks. I just want to comment. Today's rule is a very narrow change. What you've talked about is increasing accessibility throughout the fleet, which is not actually part of today's proposal at all.

MS. PHILLIPS: Right.

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THE CHAIR: Today's rule also provides a mechanism for expanding the accessible dispatch programs to a citywide accessible dispatch programs.

MS. PHILLIPS: Well, that's great and I look forward to hearing more about the improvements to the rule. Thank you.

MR. WILSON: The next speaker is Bill Lindauer from the New York Taxi Workers Alliance.

MR. LINDAUER: Yes. I'm Bill Lindauer from the New York Taxi Workers Alliance. We're going to miss Iris Weinshall. She was a voice of reason and truth. She sought justice, she asked very appropriate questions. We will really miss her. And Meera, if you're in touch with her, since she's now head of the library, you tell her first thing she should do is grant a general amnesty for anybody who has overdue books.

AUDIENCE MEMBER: Got one, Bill?

MR. LINDAUER: Probably. I probably owe about a hundred dollars on it.

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We would propose that \$0.30 be added to the meter for the wheelchair accessible program and any fiddling with the meter --

THE CHAIR: Can I just pause you here, because today's rule is not about \$0.30.

MR. LINDAUER: What is it about?

THE CHAIR: It's about -- just so we're on the same page, it is about the accessible dispatch fee and changing it from being deposited to the vendor to deposited to the TLC Trust and Agency account who then pays out the vendor. It allows for expansion of the program for beyond Manhattan and multiple vendors.

MR. LINDAUER: All right. In that case --

THE CHAIR: All right. Are we done? Thanks, Bill.

MR. WILSON: And the other speaker was Bhairavi Desai.

MR. LINDAUER: She's not here.

MR. WILSON: She's not here? Thank you.

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So as Meera pointed out, the rule would provide for direct payment to the TLC of the fee to fund the accessible dispatch program paid by medallion owners. And as Meera pointed out, we're doing this because we expect that we will be expanding to dispatch program to the outer boroughs and this will allow us to better manage the flow of funds which might go to more than one vendor.

As local law requires, the final rule for commission action was posted on the TLC's website on August 4th, 2014, and sent to the commissioners on that date. And as I believe I may have have said, no written comments were received to the proposed rule.

So if the commissioners are ready to vote.

COMM. MARINO: I just have one question. We have, I mean, I guess this is going to go into what part of our agency, because it sounds like kind of a big job for us, a big accounting responsibility to

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take on. I know there's a lot of -- I mean, it just seems like it's something that -- are we going to be audited, are we going to be checked once a month?

THE CHAIR: Yeah. We're subject to audit generally on everything, but particularly on this from the controller, DOI and our own internal audit requirements. Our operations, fiscal and budget will handle it. It is a yearly payment, so it's not -- it is a big task --

COMM. MARINO: Yes.

THE CHAIR: -- but it's not a consistent -- you know, of money that's collection. On the collection end, it's a yearly payment so it's paid annually, and on the payout end it's paid by invoice so you have to show the invoice.

COMM. MARINO: Annually on --

THE CHAIR: Medallion owners pay --

COMM. MARINO: -- coming inward to us?

THE CHAIR: Yes. So it's a one time, once a year payment.

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COMM. MARINO: So it's not trickling
in?

THE CHAIR: Exactly, right.

COMM. GONZALES: And also, Meera, as
far as being able to identify the payment
directly, we have the ability to do so?

THE CHAIR: Yes, so that people can
get credit for the fact that they paid.
Yes, absolutely.

COMM. GONZALES: Got you.

COMM. MARINO: But receipts,
ex cetera are issued and if there's ever a
discrepancy then there's evidence and proof
that these payments were made?

THE CHAIR: Yes.

MR. WILSON: Okay. All in favor?

(Chorus of Ayes.)

MR. WILSON: Okay. It passes.

And next on the agenda are -- is
another set of fairly technical rules which
are adjustments to the TLC's adjudications
rules. These are made to correct certain
issues which have come to light since the
enactment of the major rule change that

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accompanied the transfer of the commissions tribunals to oath about two years ago. These correct certain words, make clear what was thought needed, certain actions to be taken in similar issues including some identified for us by oath. They provide, among other things, the rules provide examples of behavior that might lead to summary of suspension.

These rules ran in the City record in July 1st, 2014, and the comment deadline was July 31st, 2014. No written comments were received.

We do have several speakers. First speaker is Eli Rosenbloom from FR Conversions.

MR. ROSENBLOOM: I'm going to pass.

MR. WILSON: Okay.

The second speaker is Osman Chowdhury of the United Taxi Drivers Association.

MR. CHOWDHURY: (Witness is indicating.)

MR. WILSON: Okay.

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The next speaker is Mr. Lindauer of the New York Taxi Workers Alliance.

MR. LINDAUER: I know these are just minor adjustments, but I think it needs an overall adjustment because there's been some improvement over the years under Mr. Cassidy and I'm sure they'll be some under Meera. But overall, you have a chance of a snowball in hell of being found innocent at the TLC or oath hearings. Remember, these judges are per diem people, so if they don't find people guilty, they're not going to be given more days to work. It's obvious. So this is not justice at the TLC or oath.

We got to review to make sure that people have justice, especially when their suspensions and livelihoods are at stake. I mean, somebody who hasn't had a ticket in two or three years still gets his license revoked because of your bizarre Byzantine system. You got to change this radically. Thank you.

THE CHAIR: You're welcome.

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MR. WILSON: Thank you. And
Ms. Desai was also --

MR. LINDAUER: She's not here.

MR. WILSON: She's not here.

COMM. MARINO: Can I ask a question?
Are we done with the speakers?

THE CHAIR: I believe so, right?

MR. WILSON: No other speakers.

COMM. MARINO: The last one on this
page, corrected drafting error and the
rules to clarify when a summary suspension
of a license will take place following as
an arrest for citation as opposed to filing
a conviction. I'm unclear. Are we
changing that so it's going to be following
a conviction or changing it so it's going
to be following an arrest for citation?

MR. WILSON: We're changing it
following an arrest or citation, so we're
fixing just an error that when we last
re-promulgated, but --

COMM. MARINO: Shouldn't it be a
conviction though, because, I mean,
technically, you know, innocent until

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proven guilty?

MR. WILSON: No. This a summary suspension which happens upon the arrest or citation. There might be a revocation if a guilty verdict results, but when you're summarily suspended you're still entitled to a hearing, which you get on an expedited basis to determine whether or not the summary suspension should remain in place while the underline matter is adjudicated in a different Court.

COMM. MARINO: And how does the rule read now?

MR. WILSON: So the rule reads now on any conviction, there could be a summary suspension, but it really shouldn't be. It's upon arrest or citation.

COMM. MARINO: Because that's kind of after the fact?

MR. WILSON: Correct.

COMM. MARINO: And what's the -- just for my own knowledge, what's the speedy trial type? When you said a summary for --

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MR. WILSON: It's five days. On five days notice you can get a hearing to consider whether or not you should remain on suspension while the underlying matter is --

COMM. MARINO: Five days?

MR. WILSON: Yes.

COMM. MARINO: Thank you.

MR. WILSON: Any other questions?
Are we ready to vote?

All in favor?

(Chorus of Ayes.)

MR. WILSON: Okay. Thank you.

THE CHAIR: And with that, we have no more business so we make a motion to adjourn. The time now is 11:40. Happy August.

COMM. DEARCY: 10:40.

THE CHAIR: 10:40, wow.

COMM. MARINO: Madame Chair, can you also just reflect that I did enter a little late today? Because I don't know if you did a role call.

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THE CHAIR: Yes. Commissioner
Marino arrived at --
MR. WILSON: At 10:15.
(Time noted: 10:40 a.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)
COUNTY OF RICHMOND) ss:

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

I reported the proceedings in the
within-entitled matter, and that the within
transcript is a true record of such proceedings
to the best of my ability.

I further certify that I am not related
to any of the parties to this action by blood
or marriage; and that I am in no way interested
in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 11th day of August, 2014.

JENNIFER CASSELLA

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