TRANSCRIPT OF THE

NEW YORK CITY

TAXI & LIMOUSINE COMMISSION

Thursday, October 17, 2013

33 BEAVER STREET

COMMISSION HEARING ROOM, 19TH FLOOR

BOROUGH OF MANHATTAN

1

2   HEARING CONVENED AT 10:45 A.M.

3

    COMMISSIONERS PRESENT:
4

5   David Yassky, Chairman

6   LaShann DeArcy

7   Edward Gonzales

8   Nora Constance Marino

9   Lauvienska Polanco

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11

    ALSO PRESENT:
12

    Meera Joshi, General Counsel
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    Staff
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15 The Public

16 The Press

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19   Reported by:

20   Kari L. Reed

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1   Proceedings - October 17, 2013

2   MR. SWITZER: Ladies and gentlemen,

3   if you'd like to speak at the public hearing,

4   we have a sign-up sheet at the podium. We'll

5   be starting momentarily. There's additional

6   seating in the overflow room, we will show

7   you where to go.

8   (Recess taken)

9   MR. SWITZER: Good morning, ladies

10   and gentlemen, we are about to begin. Please

11   take your seats. Last call to sign up to

12   speak, sign-up sheets are on the podium,

13   please do so now. Thank you.

14   (Pause in the proceedings)

15   CHAIR YASSKY: Good morning. Thank

16   you for joining us this morning. I call the

17   meeting to order at 10:45 a.m. Present are

18   Commissioners Marino, Polanco, Gonzalez,

19   Yassky and DeArcy. Just some quick updates

20   before we begin with our agenda of business

21   for the morning.

22   First, the Street Hail Livery

23   program, just to update folks where we are.

24   So far we have issued, the TLC has issued

25   about 4,000, probably a little over 4,000, I

1   Proceedings - October 17, 2013

2   don't know, Gary would know, it's another

3   hundred or so every day, so about 4,000

4   licenses to Street Hail Livery now permit

5   holders. Of those, somewhere around 500 are

6   fully equipped and out on the street as

7   properly licensed Street Hail Liveries,

8   serving the riding public. The others are in

9   various stages of getting the necessary

10   equipment, and I would expect you will see

11   all 4,000 of those on the street within a

12   month or so.

13   I'm really pleased that to date

14   well more than 20 percent of the licenses

15   that we have issued are for wheelchair

16   accessible vehicles. I know that that was a

17   lot of discussion in the -- when that statute

18   was under consideration about how to make

19   sure that we serve the people in wheelchairs

20   throughout New York City. I thank this

21   Commission, and Commissioners, I hope that

22   you take pride in this accomplishment in

23   particular. Today someone in Manhattan can

24   call 311 and get a taxi. It's a longer wait

25   than it should be and that it will be, it's

1   Proceedings - October 17, 2013

2   running pretty consistently around a fourteen

3   or fifteen minute wait. Still well below the

4   wait time of infinity that we had for

5   decades. In the boroughs, though, there

6   really had been no opportunity. As we know

7   when we ran our compliance program for a

8   period of time, pretty much every single

9   livery base that we called and asked for a

10   wheelchair accessible car said they had none

11   available. That is about to end.

12   We've issued over a thousand

13   licenses for wheelchair accessible cars.

14   Those take longer to get on the road because

15   the cars are not readily available; it takes

16   a while to get them outfitted and hacked up.

17   I think there are about a dozen so far.

18   Still, so from zero to a dozen. And but

19   again, I would say within a couple of months

20   you'll have hundreds, probably more than a

21   thousand on the road serving, available to

22   serve people in wheelchairs. So that is a

23   particular point of pride.

24   Taxi of Tomorrow. So this, as you

25   know industry partners who are here today,

1   Proceedings - October 17, 2013

2   there is a considerable amount of litigation

3   around the Taxi of Tomorrow initiative, and

4   that results unfortunately in a lot of

5   uncertainty. I know we are getting tons of

6   questions on licensing, and at Woodside from

7   our licensees about what are the rules.

8   Because you have a set of rules that the

9   Commission adopted that are printed and in

10   our rule book. But we also have a court

11   decision that says those rules are invalid.

12   The simple -- the short answer, I

13   wish it were a simple answer, but the short

14   answer is that the TLC will enforce the law

15   as it stands. The reason it's not simple is

16   I can't guarantee to you what that law will

17   be in a matter of weeks or months. The city

18   is energetically appealing the Supreme Court

19   decision that invalidated the Taxi of

20   Tomorrow rules. I can't tell you in the

21   industry what the timing of that appeal will

22   be for the simple reason, as you know, that I

23   don't know. I don't know when the court will

24   choose -- when the Appellate Division will

25   choose to hear it, I don't know how quickly

1   Proceedings - October 17, 2013

2   they will render a decision, and I certainly

3   don't know what that decision will be.

4   As of today, our vehicle

5   specifications are what they were prior to

6   the Taxi of Tomorrow rules being enacted.

7   That would have been true in any event

8   because we're not at that October 28th

9   activation date. That is, that's the term of

10   art in our rules. If nothing changes between

11   now and October 28th, our specifications will

12   be the same on October 28th and October 29th

13   and October 30th as they are today and as

14   they were prior to enactment of those Taxi of

15   Tomorrow rules. And that is what the TLC

16   will enforce.

17   If the Appellate Division changes

18   that Supreme Court ruling and reinstates the

19   rules that were enacted by this Commission,

20   then of course that is what the TLC will

21   enforce. And I know we're going to get a lot

22   of questions about well, how do I plan for

23   that. One problem with litigation is it does

24   create that -- it does create some

25   uncertainty. And all I can say is the TLC

1   Proceedings - October 17, 2013

2   will enforce the law as it stands on the day

3   that we're talking about. So when the, if

4   and when the Appellate Division acts and

5   changes it, then we'll enforce the rules that

6   will have gone into effect at that time.

7   That's the best guidance I can offer.

8   Okay. In the meantime, people have

9   asked specifically is the NV200 an approved

10   taxi. Well, of course it is. It meets the

11   specifications that were in effect, you know,

12   prior to the Taxi of Tomorrow rules. It

13   meets the specifications that therefore are

14   in effect today. So taxi owners or medallion

15   owners who wish to can hack up an NV200.

16   And, you know, since I do believe that, just

17   as with the credit card initiative, the Taxi

18   of Tomorrow improvements are a terrific

19   benefit for passengers, I think that for

20   passengers to be able to have the confidence

21   that they are in a crash tested vehicle, for

22   passengers to have the expansive leg room

23   that the Taxi of Tomorrow vehicle provides,

24   for passengers to have the panoramic roof,

25   the rear air conditioning, the lights and

1   Proceedings - October 17, 2013

2   charging port amenities, all of that will be

3   a leap forward in service to passengers that

4   will ensure the vitality of the industry and

5   ensure that New York continues to be the gold

6   standard for taxi service worldwide. And so

7   for that reason I certainly encourage

8   medallion holders and I am confident that

9   many medallion owners will make that choice

10   to hack up NV200s regardless of what the

11   litigation outcome is. So but having said

12   that, clearly we'll have to continue to watch

13   the courts.

14   Enforcement. I want to welcome --

15   we have -- our regulars may have noticed an

16   unusually large number of uniformed TLC

17   enforcement officers here today. That's

18   because we graduated another class yesterday

19   over at the Police Academy. They were very

20   gracious, thank you again, NYPD, for lending

21   us your auditorium. We graduated another

22   class of enforcement inspectors. The new

23   folks, raise your hands if you're in this

24   room. I guess you're --

25   (Applause)

1   Proceedings - October 17, 2013

2   CHAIR YASSKY: There are a few, and

3   many more outside. I am just so thrilled.

4   You know, we continue to attract really -- I

5   know we're officially New York's proudest. I

6   think we're New York's justifiably proudest

7   because of the high quality of the folks that

8   we continue to attract to our enforcement

9   operation. And Ray Scanlon, I know we talked

10   about this at the last meeting, but Deputy

11   Commissioner Scanlon and Assistant

12   Commissioner Hunt and Chief Sobers, the

13   command structure in the enforcement

14   division, have added over a hundred new

15   enforcement folks over the last year or 18

16   months. And have done so while maintaining

17   the same level of productivity and

18   professionalism that has been true

19   throughout. That's remarkable. I mean it's

20   a remarkable achievement to more than double

21   the size of your operation and have the

22   quality, not just -- not degrade, but

23   continue to improve throughout. So I commend

24   once again our enforcement team.

25   And the personnel of course results

1   Proceedings - October 17, 2013

2   in more work being done on the streets. Last

3   month 700 some odd illegal taxis taken off

4   the streets, in addition to the thousands of

5   summonses for illegal street hail where we

6   are not able to seize, where for violations

7   like cell phones and passenger service issues

8   that are fundamental to our mission, our

9   inspectors are doing more out in the streets

10   than they have ever done. And that's a --

11   it's great. And I know that for you, for the

12   licensees that are here, for the industry

13   stakeholders, you know, that means not just

14   that our passengers are protected against

15   illegal activity, it also means that your

16   license is being defended by our field

17   strength day in, day out.

18   Last point, two last points, three

19   last points really. One is that, as you

20   know, we've been putting more and more of our

21   transactions online. As of a couple of

22   months ago, licensees had been able to renew

23   their licenses online. That continues to

24   work very smoothly.

25   As of tonight, licensees will be

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1              Proceedings - October 17, 2013
2       able to pay summonses online.  So not
3       something -- nobody ever wants to pay a fine
4       for a summons, but should you be in the
5       position of receiving a summons and have a
6       fine to pay, either in advance of
7       adjudication or ahead of time, rather, or
8       post -- yes, yes, either one, you can go
9       online starting at 5:30 tonight?  Wait until
10      tomorrow morning, just to make sure, how
11      about.  Gary says 6:00 o'clock.  I guess at
12      6:00 o'clock we're planning to flip the
13      switch.  But, you know, let's not all -- we
14      don't want to have an Affordable Care Act
15      thing where everybody tries to log on in the
16      first ten minutes.  Why don't you wait until
17      the morning just to be sure.  But if you have
18      a summons and you don't want to come in to,
19      you know, Long Island City to have to pay it,
20      you can just log onto nyc.gov/taxi starting
21      tonight.
22              So thank you.  And I just thank
23      you, Gary Weiss, and Jeff Grunfeld, our, you
24      know, the head of licensing at MIS for all
25      the work that went into that.
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1   Proceedings - October 17, 2013

2   There are 13,237 medallion taxicabs

3   as of today. There will shortly, as you

4   know, be 13,437 since we are putting 200

5   medallions up for auction issuance in

6   November. The dates are, for people who are

7   interested -- and, you know, I can offer one

8   at the low, low price of, well, I don't know

9   what the low, low price is, but that will be

10   determined by the auction. But whatever the

11   low, low price ends up being, history at

12   least suggests it's an excellent value for

13   the investors. And so I recommend that you

14   consider participating in our auction.

15   Now, we will be collecting bids

16   November 7th, 8th, 12th and 13th here at

17   Beaver Street. So you just have to fill out

18   a short form, sign your name, put in a small

19   check and drop it off here at Beaver Street

20   on November 7th, 8th, 12th or 13th. The bids

21   will be opened November 14th. And the 200

22   highest bids, or really since they're

23   auctioned in lots of two, the hundred highest

24   bids will be accepted, and we will issue

25   medallions then upon payment of the bid

1   Proceedings - October 17, 2013

2   amount.

3   Yesterday -- as you know, we have

4   rules that protect passengers against being

5   overcharged, and we do everything we can to

6   make sure those rules are enforced and

7   passengers are charged the right amount. We

8   also have rules that prevent drivers from

9   being overcharged by medallion owners. And

10   we over the last year and a half -- and we

11   went through this also last month as well --

12   have established a lease cap enforcement unit

13   that has borne I would say considerable

14   fruit, returning some $150,000 in restitution

15   to drivers. Another well over $100,000 in

16   fines. Yesterday, that initiative also

17   yielded three arrests. Not something one

18   should be happy about, but if people are

19   going to violate the rules I guess we can

20   take some sober satisfaction in knowing that

21   justice will be done.

22   Three of our licensees who made the

23   grave mistake of giving us phony documents to

24   try and cover their tracks as to what they

25   were charging drivers, we turned that

1   Proceedings - October 17, 2013

2   evidence over to the Department of

3   Investigation, they completed their

4   investigation, and working together with the

5   New York County District Attorney, the

6   Manhattan District Attorney, arrested the

7   three licensees who did that. I guess there

8   are, you know, no convictions yet, but the

9   Manhattan District Attorney has indicted or

10   charged all three with felony -- with felony

11   offenses. I can't imagine a reminder is

12   needed to do something so fundamental as tell

13   the truth to the government agent, to a

14   government agency, especially the government

15   agency that regulates, that is regulating

16   you. But I guess if any reminder is needed,

17   let that be one. I certainly hope that that

18   is really isolated incidents and that we

19   won't see more of that.

20   Finally, last item. This is a bit

21   of a complicated one, and I am looking to

22   you, our industry partners, for guidance I

23   guess a little bit. This has to do with the

24   issue of named drivers.

25   So for medallion owners, you know

1   Proceedings - October 17, 2013

2   that we currently operate a process that

3   enables medallion owners to designate an

4   individual or more than one individual as

5   named drivers for a particular medallion. So

6   when you register with us your ownership of

7   the medallion or when you register the

8   vehicle, you can tell us David Yassky is

9   going to be driving my taxicab.

10   That has two consequences. One is

11   that if you designate a single named driver

12   and that driver does drive a certain amount,

13   then the retirement age for that vehicle can

14   be extended. Not can be, is extended. A

15   second consequence, so I'm given to

16   understand, is that some medallion owners

17   find that a valuable thing when in terms of

18   their insurance that insurance companies I am

19   told prefer a vehicle that has a specific and

20   consistent driver to one that has just any

21   old driver.

22   So the TLC for years has been

23   collecting this information. Medallion

24   owners are every day telling us David Yassky

25   is driving this cab, and, more to the point,

1   Proceedings - October 17, 2013

2   some 500 times a day changing that. So

3   sending us an email or a fax that says it's

4   no longer David Yassky but Meera Joshi who's

5   driving my taxi. And we dutifully record all

6   that information in TAMUS, which takes a

7   considerable amount of time from our folks in

8   licensing.

9   And you will recall, industry

10   partners, several months ago we approached

11   you to say, you know, when we looked at our

12   records, we discovered that in many, many

13   cases the people who are designated as named

14   driver are not in fact driving the car. So

15   there's a vehicle that our records, our TAMUS

16   records say because the medallion owner told

17   us David Yassky is the named driver and

18   they're the only person who will be driving

19   this car, but TPEP tells us that five other

20   people drove it in the last month.

21   When we came across that we did a

22   couple of things with medallion. One is we

23   reset the retirement. If that's true, then

24   medallions that had had their retirement date

25   for the vehicle extended were not entitled to

1   Proceedings - October 17, 2013

2   that extension and we reset those. We did

3   that for thousands of medallions as a group a

4   year or so ago. We are now undertaking that

5   exercise again, just so you know. And I

6   suspect that we'll have additional medallion

7   owners who aren't entitled to the exemption

8   that they have claimed and those will be

9   reset, fair enough.

10   But beyond that, it is in theory,

11   not just in theory, it is a violation of our

12   rules to tell us there is a named driver and

13   have someone other than the named driver

14   driving the cab. That's what our rules say.

15   I do not think it would serve -- I will be

16   straightforward with you and say I don't see

17   a really significant public purpose in

18   summonsing thousands of medallion owners for

19   having -- for allowing someone other than the

20   named driver to drive their cab. Technically

21   if we were going to follow our rule book we

22   would today issue thousands of violations to

23   medallion owners for someone other than the

24   named driver drive their vehicle.

25   I don't -- I'm not convinced that

1   Proceedings - October 17, 2013

2   that would serve a public purpose

3   commensurate with the burden on the industry

4   of issuing those summonses. At the same

5   time, I don't think it makes any sense for

6   our licensing division to spend hundreds of

7   person hours maintaining the named driver

8   data base when, as it turns out when we look

9   at it, half the time people who tell us

10   there's a named driver that drive then follow

11   that, and half the time they don't. That is

12   just a sheer waste of time for our licensing

13   staff, which is already overburdened.

14   So what I propose to do is to

15   discontinue the practice of maintaining the

16   named driver data base other than for the

17   purpose of retirement extension. So, and we

18   will spell this out in an industry notice,

19   but I want to be -- I want to explain it to

20   you here. For people who wish a retirement

21   extension, you will continue to have the

22   opportunity to designate a named driver, and

23   provided that named driver actually is the

24   one who drives the vehicle, you will have the

25   retirement extension. Other than that, we

1   Proceedings - October 17, 2013

2   will no longer accept designations of named

3   drivers. And we'll have to modify our form

4   somewhat because now there's no distinction,

5   we have retirement extension and just general

6   named driver, but that will be the purpose of

7   it.

8   I'm telling you this in advance

9   because we did some industry outreach, and

10   I'll be candid about what we heard back. We

11   heard back no, we want you to track who the

12   named driver is, because it's -- sometimes

13   insurance companies care about that. But

14   when we said okay, but if we are going to

15   track it, then we're going to enforce the

16   rule that says you have to live by it, and

17   we're going to summons people. And what we

18   heard back uniformly was I do not want -- we

19   the industry do not want you to do that.

20   So our plan is to discontinue

21   accepting the named drivers designations. If

22   you in the industry feel that it is a

23   worthwhile thing for us to do, and you're

24   prepared to live by that, and the trade

25   associations that are here and that we deal

1   Proceedings - October 17, 2013

2   with, send me a letter that says no, I want

3   you to keep tracking named drivers, we

4   will -- I will respect that and we will

5   continue doing it if you do that in the next

6   couple of weeks. But I want you to -- I want

7   everyone to understand that that means then

8   that we will summons the violators, because

9   it does not make any sense for the city to

10   spend money keeping track of all the named

11   drivers in our data base if half the time

12   it's adhered to and half the time not. So

13   that's how I leave it with you. We will

14   expect to issue an industry notice

15   implementing this in a couple of weeks. If

16   in that time you want to communicate to us

17   keep the named driver and enforce it, fair

18   enough.

19   Okay. Thank you, folks, thank you,

20   Commissioners for indulging me, I know we had

21   a lot of comments today. But we can now move

22   to the business of the Commission meeting.

23   So first we have some base

24   applications before us. Chris.

25   MR. TORMEY: There we go. Good

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 1              Proceedings - October 17, 2013

 2        morning.  My name is Chris Tormey, Director

 3        of Applicant Licensing for the Taxi &

 4        Limousine Commission.  I'm presenting the

 5        following bases for approval this month, with

 6        two denials.

 7                   CHAIR YASSKY:  I'm going to hold

 8        this in abeyance for a moment while we wait

 9        for Commissioner Polanco to return.

10                   MR. TORMEY:  Okay.

11                   CHAIR YASSKY:  Thank you, Chris.

12                   STAFF MEMBER:  Just stand there and

13        look uncomfortable.

14                   MR. TORMEY:  No problem, no

15        problem.

16                   (Laughter)

17                   CHAIR YASSKY:  No, actually what I

18        was proposing was -- thank you very much for

19        your presentation, you can have a seat.

20                   MR. TORMEY:  Okay.

21                   CHAIR YASSKY:  We'll return to this

22        item when we have a quorum to vote.

23                   MR. TORMEY:  Okay.

24                   CHAIR YASSKY:  We have before us

25        today three rules for a hearing, and two of
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1   Proceedings - October 17, 2013

2   those rules I expect for Commission action.

3   Let's begin with the, we have a rule relating

4   to the color of livery vehicles. Meera, will

5   you describe this briefly.

6   MS. JOSHI: Today we'll take public

7   testimony on proposed rules that:

8   Prohibit FHVs from being painted

9   any shade of green;

10   Mandate wheelchair passenger

11   assistance training for all new taxi drivers;

12   and,

13   Increase paratransit based license

14   periods to three years, to align them with

15   FHV and SHL base license schedules.

16   The rules were published in the

17   City Record on September 11th, 2013, comment

18   period ended on October 11th, 2013. One

19   comment was received. Based on comments

20   received and staff comments, one post

21   publication change was made. The prohibition

22   on any shade of green was deleted and

23   replaced with a prohibition on any shade of

24   apple green, a defined term.

25   So now we'll take testimony on the

1   Proceedings - October 17, 2013

2   proposed Green Rule. First I have Erhan

3   Tuncel from LOMTO.

4   COMM. MARINO: Can I just make a

5   clarification? The term apple green is

6   specifically the color of the outer boro

7   street hails that is already chosen and

8   defined, and that's the only shade of green

9   that you are -- that is involved in this

10   rule; correct?

11   CHAIR YASSKY: Correct.

12   MS. JOSHI: Correct.

13   And because we have three hearings

14   today, we are going to limit each speaker to

15   three minutes.

16   MR. TUNCEL: Good morning,

17   Mr. Chairman --

18   CHAIR YASSKY: Good morning.

19   MR. TUNCEL: -- Commissioners. My

20   name is Erhan Tuncel, managing director of

21   the League of Mutual Taxi Owners. I'm here

22   to testify in support of the Street Hail

23   Livery rules update.

24   The amendment to the rule in

25   subdivision (d) of the Subchapter 59A,

1   Proceedings - October 17, 2013

2   section 29, for the for-hire vehicle owners

3   is essential to eliminate the confusion among

4   the riding public. This amendment will

5   prohibit the for-hire vehicles not licensed

6   and valid to operate as a Street Hail Livery

7   from getting painted any shade of green, much

8   like they are prohibited from being painted

9   any shade of taxi yellow.

10   But in order to accomplish full

11   compliance, I stress the necessity to also

12   update the rule in subdivision (d) of

13   Subchapter 59B, section 29, for the for-hire

14   base owners. This rule must also be amended

15   to prohibit the for-hire vehicles not

16   licensed and valid to operate as Street Hail

17   Livery from getting painted any shade of

18   green, so that it's clear to everyone in the

19   FHV industry that only licensed Street Hail

20   Livery vehicles can be painted green.

21   Also, even though the regular

22   Street Hail Livery license holders are given

23   90 days to hack up their vehicle, I don't see

24   any reason for them to be painted green on

25   day one. That gives them 89 days to cause

1   Proceedings - October 17, 2013

2   all sorts of confusion out there. They

3   should not be allowed to paint or put decals

4   on their vehicles until ten days prior to

5   hack up of the vehicle. This simple

6   amendment will drastically slash the number

7   of unauthorized green FHVs on the road to

8   help minimize the confusion for the riding

9   public.

10   And, last comment I have is about

11   the safety of SHL drivers. I'm worried

12   because the partition rules for an SHL

13   vehicle lack the strength to protect the

14   driver. The law should be simplified, much

15   like the one for the yellow taxis, so that

16   only the owner-driven SHLs can be exempt from

17   putting the partition in. If the SHL is

18   driven by any driver other than the owner, it

19   must have a partition for the driver's

20   protection. You must act now, rather than

21   later, so that lives can be saved.

22   Thank you very much.

23   CHAIR YASSKY: Thank you.

24   The next speaker is Gary Farber.

25   Followed by Scott Yoars -- I'm sorry, yes,

1   Proceedings - October 17, 2013

2   followed by Scott Yoars.

3   MR. FARBER: Good morning,

4   Commissioner.

5   CHAIR YASSKY: Good morning.

6   MR. FARBER: Our concern is very

7   simple. We think that TLC is absolutely

8   delusional when they say that they're going

9   to have a thousand vehicles in the next month

10   with wheelchair accessible on the road. It's

11   just simply impossible. If you look right

12   now at the statistics, of all the licenses

13   that you have issued, like you said, only 19

14   vehicles on the road. There's not enough

15   financing for the people that applied for the

16   permits and got the permits. They were never

17   qualified for financing. There's not enough

18   vehicles available to convert to a wheelchair

19   vehicle. We cannot convert them, we can't

20   paint them in time, we can't do anything with

21   a vehicle close --

22   CHAIR YASSKY: I'm sorry, just,

23   sir, are you -- we have then a separate rule,

24   the next on the agenda speaks to the

25   financing of the wheelchair accessible

1   Proceedings - October 17, 2013

2   vehicles. Is that what you're here to talk

3   about?

4   MR. FARBER: Not only that.

5   CHAIR YASSKY: Well, all right. I

6   mean if, you know, if you wish you're

7   entitled to three minutes on this rule.

8   MR. FARBER: I will come back, I

9   will come back on the financing.

10   CHAIR YASSKY: What you've talked

11   about so far is not related to the rule

12   that's before us, the question of the green

13   paint.

14   MR. FARBER: I signed up to speak

15   about the grants and the permits.

16   CHAIR YASSKY: Okay. So then can I

17   ask you to wait until then?

18   MR. FARBER: Absolutely, no

19   problem.

20   CHAIR YASSKY: That will be next.

21   Thank you.

22   Is that true also for Mr. Yoars

23   from Freedom Motors? That sounds like

24   probably about the accessible grants.

25   MR. YOARS: Correct.

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 1          Proceedings - October 17, 2013

 2               CHAIR YASSKY:  Okay, good, we'll

 3     wait until next.

 4               Bill Lindauer, are you here to

 5     speak about the green issue?

 6               MR. LINDAUER:  Yes.

 7               CHAIR YASSKY:  Excellent.

 8     Mr. Lindauer.

 9               MR. LINDAUER:  You have to be a

10     Jets fan to like green.

11               CHAIR YASSKY:  That's what I say.

12               MR. LINDAUER:  And I don't think

13     any other motorist will paint their car,

14     their personal car, that color green.  It's

15     kind of -- it just, it stands out because

16     it's so bad.

17               But I've noticed in Queens, where I

18     live, that there are some Town Cars, Lincoln

19     Town Cars that are painted green but they do

20     not have the required roof light and meter

21     and stuff on the doors.  I don't know if

22     they're operating or not.

23               CHAIR YASSKY:  I'm glad -- you

24     know, apart from this rule the -- I'm glad

25     you asked because I know a lot of folks in
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1   Proceedings - October 17, 2013

2   the industry have called us and said I've

3   seen a lot of green cars but they're not --

4   they don't have the decal, or they have the

5   decal but they don't have the roof light, or

6   they have the roof light but they don't have

7   the meter, what's going on. The answer is it

8   takes a while to get all the equipment. And

9   what in particular the LPEP equipment the,

10   you know, the credit card processing

11   equipment. There's currently I think, maybe

12   somebody will correct me, I think it's about

13   a three to four week wait from when you sign

14   up with one of the companies that provides

15   that until they can install it, because there

16   are, as I said, 4,000 people out there who

17   have gotten a license, there are only two

18   companies that are installing the equipment

19   today, and you can't just walk in and do it.

20   Plus I think also, you know, reality is many

21   of the licensees I'm sure, I think the bulk

22   of the licensees are livery drivers who work,

23   right, they work as a livery driver.

24   MR. LINDAUER: Yeah.

25   CHAIR YASSKY: So, you know, until

1   Proceedings - October 17, 2013

2   they make time to go and get the meter and go

3   and get the LPEP and get the roof light, it

4   could take them a month to want to do that or

5   to make time to do that, and then they have

6   to wait the three to four weeks besides.

7   COMM. DeARCY: But they don't have

8   an unlimited amount of time to get that done.

9   CHAIR YASSKY: No, they don't.

10   They have 90 days to get all that done.

11   MR. LINDAUER: And what about

12   geofencing? It's essential as the yellow cab

13   drivers --

14   CHAIR YASSKY: Of course.

15   MR. LINDAUER: -- for these

16   vehicles to have geofencing so they don't

17   invade our territory.

18   CHAIR YASSKY: That's part of the

19   LPEP equipment. And the answer, I guess the

20   real answer to your question is until you

21   have all the equipment in, including the roof

22   light, including the meter, including the

23   LPEP with its geofencing, then you are not

24   authorized to accept street hails, period.

25   And you should know, and I guess

1   Proceedings - October 17, 2013

2   this is something that I didn't include in my

3   remarks, but we now are enforcing our Street

4   Hail Rules. So as of, you know, today I'm

5   going to say half, probably more than half,

6   probably 60 percent or 70 percent of our

7   enforcement officers who are in the field

8   today are in the boroughs, still focused on,

9   still focused on Manhattan.

10   MR. LINDAUER: Right.

11   CHAIR YASSKY: But are in the

12   boroughs issuing tickets to people who are

13   not fully licensed Street Hail Liveries and

14   are doing street hail work. Do I think that

15   that will eliminate the illegal street hails

16   tomorrow? Probably not. I think it will be

17   a period of time until that enforcement, you

18   know, sinks in and takes hold. But starting

19   weeks ago, shortly after we started issuing

20   the licenses, we also started enforcing the

21   rules.

22   MR. LINDAUER: Right.

23   CHAIR YASSKY: So unless you get

24   that equipment, if you are acting as a -- if

25   you're pretending to be a taxi, you're going

1   Proceedings - October 17, 2013

2   to get a ticket from us.

3   MR. LINDAUER: So you just can take

4   base calls --

5   CHAIR YASSKY: Correct.

6   MR. LINDAUER: -- right now.

7   CHAIR YASSKY: Yes. If you're

8   authorized as a livery, of course you

9   continue to be able to do that work.

10   MR. LINDAUER: Okay. Thank you

11   very much.

12   CHAIR YASSKY: Thank you,

13   Mr. Lindauer.

14   That is it for this rule.

15   Commissioners, one, two, three,

16   four, five. First I'd like to return to the

17   recommendations made by the licensing

18   division for bases to be approved, renewed,

19   and in a couple of cases denied. I move that

20   we accept the recommendations of the

21   licensing division as to those bases. All in

22   favor say aye.

23   (Chorus of ayes)

24   CHAIR YASSKY: No no. By unanimous

25   vote with five Commissioners present, let the

1   Proceedings - October 17, 2013

2   record reflect licensing recommendations are

3   adopted.

4   Now to move to the vote on the, I'm

5   calling it the Green Rule but it's the rule

6   that is before you today that -- well, we'll

7   just call it the Green Rule because it

8   doesn't really have any other way to refer to

9   it. But the rule that we just heard

10   testimony on.

11   COMM. DeARCY: Commissioner?

12   CHAIR YASSKY: Yes.

13   COMM. DeARCY: Sorry. Before you

14   take the vote I would like to recommend that

15   we certainly consider and look into the

16   suggestion that was made by Mr. Tuncel I

17   believe is his name, with respect to

18   subdivision (d) of Subchapter 59B. I don't

19   know what that subdivision is, but if there

20   is a corollary rule that exists with respect

21   to the for-hire base owners, it certainly

22   seems to me that it's something that we

23   should investigate as to whether it's

24   appropriate to make sure that the rule exists

25   where appropriate in both places.

1   Proceedings - October 17, 2013

2   CHAIR YASSKY: You know -- okay, we

3   will do so. Thank you. That might be an

4   added level of deterrence. So thank you.

5   MR. TUNCEL: You need a comment

6   from me or --

7   CHAIR YASSKY: No, it's not

8   necessary. Although I would say that is --

9   that's a suggestion -- I don't know, you

10   know, whether penalizing the base owner in

11   addition to the vehicle owner, how much use

12   that is we can debate and talk about and it

13   might be worth doing. I will just say

14   again --

15   MR. TUNCEL: Nobody --

16   CHAIR YASSKY: -- to our

17   stakeholders this --

18   MR. TUNCEL: But nobody gets to --

19   I mean nobody needs to be penalized. It's

20   just a change in the rule change is --

21   CHAIR YASSKY: I suppose you could

22   just say you can't affiliate that car, I

23   guess that could be -- I'm not actually

24   totally sure what you have in mind there,

25   but --

1   Proceedings - October 17, 2013

2   MR. TUNCEL: The same rule for the

3   yellow taxis.

4   CHAIR YASSKY: Nor am I actually

5   inviting the discussion, but what the heck.

6   MR. TUNCEL: The same rule that you

7   are amending today for the vehicle owners --

8   CHAIR YASSKY: Yes.

9   MR. TUNCEL: -- exists for the base

10   owners. So all I'm suggesting -- I'm

11   stressing the importance of the point that it

12   should also be amended for the base owners.

13   CHAIR YASSKY: What do you mean it

14   should be amended for the base owners, what

15   would that mean?

16   MR. TUNCEL: Well, basically what

17   you are doing is adding another subdivision

18   to the rule on the vehicle owner's case, that

19   where they can't paint the car --

20   CHAIR YASSKY: Right.

21   MR. TUNCEL: -- the vehicle any

22   shade of taxi yellow, you are just adding

23   another subdivision saying that they can't

24   paint the car any shade of green to

25   protect --

1   Proceedings - October 17, 2013

2   COMM. MARINO: Apple green.

3   MR. TUNCEL: Apple green. So --

4   CHAIR YASSKY: You're saying in

5   addition to the vehicle owner -- this

6   rule imposed a prohibition on the vehicle

7   licensee for a livery vehicle, for an FHV,

8   that it can't be painted apple green. You're

9   saying in addition to that a base owner

10   should be prohibited from what, from

11   affiliating any car that's painted apple

12   green, is that what you're proposing?

13   MR. TUNCEL: Well, whatever that

14   rule is meant to do --

15   CHAIR YASSKY: Yes.

16   MR. TUNCEL: -- for the base

17   owners --

18   CHAIR YASSKY: I know. I'm just

19   saying --

20   MR. TUNCEL: -- as far as yellow

21   vehicles are concerned, it should -- it

22   should do the same thing for the apple green.

23   COMM. DeARCY: As I understand what

24   he's saying, and I could be mistaken, is that

25   we are currently revising or amending a rule

1   Proceedings - October 17, 2013

2   that prohibits cars from being painted yellow

3   taxis to also include green taxis. He's

4   saying there's a corollary -- and I don't

5   know if this is true.

6   CHAIR YASSKY: I got it.

7   COMM. DeARCY: There's a corollary

8   rule --

9   CHAIR YASSKY: For the base.

10   COMM. DeARCY: -- that exists for

11   the base. So if it's -- if we are going to

12   make an amendment with respect to one rule,

13   why not do it in the other place. That's

14   all.

15   CHAIR YASSKY: And certainly I

16   can't think of a reason not to do it.

17   Whether I think -- whether I think it

18   provides a huge value or not is of -- but

19   fine.

20   COMM. DeARCY: But for

21   consistency's sake.

22   CHAIR YASSKY: But for consistency

23   we should do it, agreed.

24   COMM. MARINO: For consistency,

25   that's what I think he's saying.

1   Proceedings - October 17, 2013

2   CHAIR YASSKY: And I get that.

3   I would say, and I would say in

4   general, folks, this was, you know, just

5   submitted today. That's fine, that's

6   perfectly within your rights. If you give us

7   stuff ahead of time we can -- it's easier to

8   incorporate it and make a sensible change

9   than it is if you give it to us now. But it

10   doesn't mean we can't go back and redo it.

11   COMM. DeARCY: Right.

12   CHAIR YASSKY: So I understand, and

13   I --

14   COMM. DeARCY: Because we can do

15   this rule today.

16   CHAIR YASSKY: We can do this rule

17   today and go back and make the conforming

18   change later, and I see no reason not to do

19   that. I encourage people always to give us

20   comments ahead of time, it's easier for us to

21   incorporate it.

22   Thank you, Mr. Tuncel.

23   MR. TUNCEL: Okay.

24   COMM. DeARCY: Can I just say, I

25   appreciate the fact that it's a very

1   Proceedings - October 17, 2013

2   concrete --

3   CHAIR YASSKY: Yes.

4   COMM. DeARCY: -- and constructive

5   suggestion, because oftentimes we have people

6   who just come and just want to vent. So I

7   personally appreciate that it was a very -- I

8   think a very detail oriented and concrete

9   suggestion. So I appreciate it. The

10   timeliness of it may be --

11   MR. TUNCEL: Commissioners, I

12   appreciate the fact that you --

13   CHAIR YASSKY: I should be clear, I

14   appreciate it as well.

15   (Laughter)

16   COMM. MARINO: I appreciate you

17   appreciating me.

18   CHAIR YASSKY: I yield to no one in

19   my appreciation for specific and constructive

20   comments.

21   COMM. MARINO: Maybe we should

22   also, if we are going to consider that second

23   part we should also perhaps consider the

24   partition issue as well, because that is a

25   safety concern.

1   Proceedings - October 17, 2013

2   MR. TUNCEL: That's a very

3   important issue also, yes.

4   COMM. MARINO: Not for right now,

5   but I think that should be considered. That

6   is a safety issue.

7   CHAIR YASSKY: Understood. Okay,

8   thank you.

9   So I'm sorry, but we -- I

10   appreciate that, so now is it appropriate to

11   move to a vote on this rule?

12   COMM. DeARCY: I think so.

13   CHAIR YASSKY: All right. I move

14   that we approve the so-called Green Rule.

15   All in favor say aye.

16   (Chorus of ayes)

17   CHAIR YASSKY: Opposed, no.

18   Let the record show by a unanimous

19   vote of five Commissioners present the, that

20   rule is adopted.

21   Okay. Now, a hearing on Grant

22   Rules for Street Hail Liveries. Meera, will

23   you explain it very briefly.

24   MS. JOSHI: Today we take public

25   testimony on proposed rules that codify the

1   Proceedings - October 17, 2013

2   process for awarding grants to owners of

3   wheelchair accessible Street Hail Liveries,

4   as authorized by the state Street Hail Livery

5   law. The rules were published in the City

6   Record on September 16th and comment period

7   ended on October 16th. Eight comments were

8   received. Based on external and internal

9   comments received, the following changes were

10   made to the rules post publication.

11   The requirement that payments be

12   made in three equal annual installments was

13   removed;

14   The definition of accessible

15   vehicle was aligned with the definition in

16   the Street Hail Livery state law; and,

17   The requirement of participation

18   with National Mobility Equipment Dealers

19   Association Quality Assurance Program was

20   removed.

21   Finally, sections on

22   transferability of subsequent grant payments

23   were removed as unnecessary.

24   We have several speakers signed up.

25   First is Ethan Tuncel from LOMTO.

1   Proceedings - October 17, 2013

2   CHAIR YASSKY: Or Erhan. Again,

3   Mr. Tuncel.

4   As you're coming up, sir --

5   Commissioners, this does speak I think to the

6   issue that the gentlemen starred or raised

7   earlier. In order to get -- it's one thing

8   to issue the licenses for wheelchair

9   accessible vehicles, Street Hail Livery

10   vehicles. To actually get them on the road

11   will take some subsidy. That's what, you

12   know, that's what the state legislature

13   realized when they adopted the law. That's

14   why they provided for it. And that's, you

15   know -- and I think that's the truth.

16   We did not include these rules at

17   the outset because honestly we didn't think

18   it was necessary to have rules that speak to

19   it. A lot of city grant rules don't have

20   rules that codify it. As we continued to

21   think it through and work with the Law

22   Department, they advised us that the sensible

23   thing to do would be to codify the grant

24   program into a rule, which is what we are

25   doing here to today.

1   Proceedings - October 17, 2013

2   Mr. Tuncel.

3   MR. TUNCEL: Good morning once

4   again. My name is Erhan Tuncel.

5   The Hail Act calls for 20 percent

6   accessibility for the Street Hail Liveries.

7   As of yesterday -- that was as of Monday --

8   there are 3,994 SHL liveries licenses issued,

9   and of those, 1,206 are accessible. That's

10   30 percent accessibility. However, when we

11   look at the numbers of the SHLs that are

12   certified and hacked up, serving the public,

13   we get a much different picture.

14   As of Monday, there are 471 SHLs

15   hacked up, of which only 12 are accessible.

16   That's only two and a half percent

17   accessibility. Again, 30 percent

18   accessibility for the sold SHLs, compared to

19   two and a half accessibility for the hacked

20   up SHLs. Something is seriously wrong with

21   the process.

22   The main reason for this great

23   disparity is the discrepancy between the

24   amount of time allowed for the regular SHLs

25   to hack up and the amount of time allowed for

1   Proceedings - October 17, 2013

2   the accessible SHLs to hack up and start

3   serving the public. The regular SHLs are

4   given 90 days to finish the process, and

5   accessible SHLs are given 180 days.

6   In reality, the actual amount of

7   time needed for hack up of a regular SHL is

8   less than a week. Keep in mind, it takes a

9   medallion owner less than five days to put it

10   on the road. I did it in three and a half

11   days. However, I understand that an owner of

12   an accessible medallion or an SHL will need

13   additional time to convert the van to be

14   accessible. But still, there is no reason

15   for an accessible SHLs -- that's all

16   accessible SHLs -- there's still no reason

17   for an accessible SHL to have 180 days to

18   hack up. I don't think it's unreasonable to

19   require that all SHLs get hacked up within

20   three months of issuance.

21   I believe that the hack up deadline

22   for all SHLs and the consequences for not

23   complying with that deadline need to be the

24   same in order to make sure that the Hail

25   Act's 20 percent accessibility requirement is

1   Proceedings - October 17, 2013

2   met not only on paper but also on the road,

3   where it matters the most, because that's

4   what I believe the spirit of the Hail Act is

5   meant to accomplish.

6   Thank you for your time. Any

7   questions?

8   CHAIR YASSKY: Thank you. Thank

9   you.

10   MR. TUNCEL: Thank you.

11   CHAIR YASSKY: Next is Gary Farber,

12   and followed by Scott Yoars.

13   COMM. MARINO: Actually I do have a

14   question, I'm sorry. I know you look

15   uncomfortable.

16   MR. FARBER: No, I'm just perfectly

17   fine, it's all right.

18   COMM. MARINO: Does this -- what

19   does this have to do with the grant? I'm not

20   sure that I'm -- are you objecting to --

21   CHAIR YASSKY: Mr. Tuncel can

22   speak. I don't think he -- I think he's

23   raising kind of a related issue but it

24   doesn't -- do you object to the grant?

25   COMM. MARINO: Do you have a

1   Proceedings - October 17, 2013

2   problem with the grant rules the way they're

3   set up that we're voting on today or -- I

4   mean this is something we can definitely talk

5   about and consider, but do you have a problem

6   with the grant rules, the --

7   MR. TUNCEL: I don't necessarily

8   have a problem with the grant rules.

9   CHAIR YASSKY: Right.

10   MR. TUNCEL: No.

11   COMM. MARINO: Okay.

12   MR. TUNCEL: I just had

13   something --

14   CHAIR YASSKY: You wanted to raise

15   that issue.

16   COMM. MARINO: All right.

17   CHAIR YASSKY: Understood.

18   COMM. MARINO: And they're valid

19   points and I'm sure we'll -- all right, I

20   wanted to make sure we were on the same page

21   here.

22   CHAIR YASSKY: Thank you.

23   MR. FARBER: Okay. Good morning

24   once again. I'm sorry, I'm not as well

25   prepared as the other gentleman, but the

1   Proceedings - October 17, 2013

2   numbers speak for themselves, okay.

3   The sole reason why there are so

4   few vehicles on the road is only because the

5   people that you gave the licenses to are not

6   equipped to put the cars on the road. The

7   issue that he brought up, it's going to be

8   impossible to put the cars on the road in 180

9   days because the financing is not in place.

10   If you don't vote on a grant to be paid in

11   one shot, the process will be slowed down by

12   years, not by months.

13   CHAIR YASSKY: So just so you know,

14   our original -- the rule that we originally

15   published did provide for the grant to be

16   spread out over time.

17   MR. FARBER: We know that.

18   CHAIR YASSKY: We received

19   comments, perhaps from you, I don't know.

20   MR. FARBER: Yes, you did.

21   CHAIR YASSKY: And in response to

22   those comments the rule now will permit a

23   grant to be issued all in one lump sum at the

24   beginning.

25   MR. FARBER: We hope that when you

1   Proceedings - October 17, 2013

2   vote that you will keep it the same.

3   CHAIR YASSKY: Okay.

4   MR. FARBER: Keep it in one shot.

5   I also would like to suggest, we

6   know that once the vehicle passes inspection,

7   it takes six to eight weeks to receive that

8   payment. You have to cut it down to four

9   weeks if you want to put on the road even

10   faster.

11   CHAIR YASSKY: That is a very

12   legitimate issue, I understand that. We're

13   working to get that, you know, as fast as we

14   can. You know, it's a new program for us and

15   so some of the mechanics of it need to be --

16   need to be oiled and streamlined.

17   However, also I will say to

18   grantees that if you give us all your

19   information at the beginning, we need the tax

20   ID numbers, we need for a check to be issued

21   we have to run it through the city's -- I'm

22   blanking on the name of it, but the kind

23   of -- what's the name of the thing that you

24   check all grantees against?

25   STAFF MEMBER: (Inaudible)

1   Proceedings - October 17, 2013

2   CHAIR YASSKY: Against the data

3   base that makes sure that somebody is

4   eligible to receive funds, and that requires

5   some information from grantees. If we can

6   get that from you up front we can do it

7   quickly. But you could say back to me then

8   we have to tell you exactly what we need at

9   the earliest possible date, and you'd be

10   right about that. We will make every effort

11   to get the funds flowing, you know, as

12   quickly as possible.

13   MR. FARBER: That's great. But

14   keeping that in mind, you will see that

15   still, even if you speed up the process, the

16   amount of vehicles that it's going to put on

17   the road by March, which is the cut off date

18   from the time that you start issuing the

19   permits, going to when you stop issuing the

20   wheelchair accessible permits on September

21   28th, from September 28th going out to March

22   28, that's the cut off date for six months,

23   we will not have more than 400 vehicles on

24   the road.

25   My question is, there are no rules

1   Proceedings - October 17, 2013

2   in place what you can do with the permit. It

3   said in the outset of the program that the

4   permits are transferable, you can sell them.

5   We tried doing that. We were told that not

6   yet, you're not allowed to sell the permit,

7   you're not allowed to transfer the permit.

8   What's happening now is that we are

9   inundated by daily calls, at least 50 to 60

10   calls a day. People want to sell the permit

11   to us because they can't put cars on the road

12   and they know they won't be able to put the

13   car on the road. There are no rules in place

14   what you can do with the permit. There's no

15   definition of what the permit stands for. We

16   don't know what to do with this permit. No

17   drivers know what to do with the permit, no

18   base operators know what to do with the

19   permit. People are renting it, trying to

20   lease it, trying to sell it. There's no

21   definition.

22   CHAIR YASSKY: I'm glad you are

23   raising this, these are important things. We

24   are working through the mechanic -- the

25   permits are transferable, it says so in the

1   Proceedings - October 17, 2013

2   statute, as you say. For that to be real, we

3   have to have not just a rule, which we have,

4   but a process in place with, you know, forms

5   and mechanics that people have to go through

6   in order to transfer.

7   MR. FARBER: There are none.

8   CHAIR YASSKY: You are correct none

9   of -- that that does not exist. We want

10   to -- once the court decision came out

11   allowing us to go forward, there was, as you

12   see, great demand for people to get permits

13   in the first place. We are meeting that

14   demand. We know that the next wave of demand

15   will be for people to transfer.

16   In the ordinary course, as with

17   everything, if somebody decided they were

18   going to move to Florida and they want to

19   transfer their permit --

20   MR. FARBER: Only for the --

21   CHAIR YASSKY: -- we will get a

22   transfer process in place. If, you know, if

23   it's necessary now, then we have to start, we

24   have to --

25   MR. FARBER: It's essential.

 1   Proceedings - October 17, 2013

 2   CHAIR YASSKY: -- redouble our

 3   efforts to get it done now.

 4   What I would ask to do, because

 5   some of the things you've raised about

 6   leasing and what structures -- I think any of

 7   the structures short of transfer that you

 8   alluded to are permissible within our rules.

 9   It just may -- some people may need guidance

10   and confirmation that what they're doing is

11   appropriate. And I encourage you to contact

12   Meera, our general counsel's office, other

13   people have done that, and we can walk you

14   through some options that are available to

15   you outside of filing any paper with TLC.

16   However, we also need to have a process for

17   people to transfer.

18   Meera is pointing out there are

19   also some limits on who you can transfer to

20   and who you can't. But again, let me

21   encourage you to sit down with us and we can

22   walk you through what you can do and what you

23   can't.

24   MR. FARBER: I would like nothing

25   more than that.

1   Proceedings - October 17, 2013

2   CHAIR YASSKY: Okay. Thank you.

3   COMM. MARINO: And, sir, what is

4   your position?

5   MR. FARBER: I operate a SHL

6   endorsed base. Okay. And again, we're faced

7   with this problem.

8   COMM. MARINO: In which county?

9   MR. FARBER: In Kings County,

10   Brooklyn, New York.

11   COMM. MARINO: Okay. All right.

12   MR. FARBER: I don't think you guys

13   understand what's happening. A lot of these

14   permits have been purchased in order to

15   resell them as an investment, okay. So if

16   those -- if there's no guidelines for that,

17   they're not going to materialize as a vehicle

18   on the road.

19   COMM. MARINO: Those are valid

20   points.

21   CHAIR YASSKY: Meera is even

22   bringing me further up to speed. We're very

23   close to having a set of transfer forms that

24   will be -- that are available for people to

25   do that. They're not public, they're not on

1   Proceedings - October 17, 2013

2   our Web site yet, but we are very close to

3   that. Just let us know what you are looking

4   to do and I think we can facilitate your

5   doing whatever it is.

6   MR. FARBER: All right.

7   CHAIR YASSKY: Okay.

8   MR. FARBER: Thank you so much.

9   COMM. GONZALEZ: Okay, I have a

10   question, Mr. Chair. With respect to the

11   grant payment, the customer buys the vehicle,

12   the expectation is that there's going to be a

13   grant to help finance the vehicle. Does the

14   grant payment, once it passes inspection or

15   the vehicle passes inspection and everything,

16   does it go to the vehicle owner or can it be

17   assigned to the financing company?

18   CHAIR YASSKY: It can be assigned.

19   And we have already, you know, made a form

20   for that. We have a form for not just

21   everything -- not quite everything, but most

22   everything.

23   COMM. GONZALEZ: We don't have an

24   app, though.

25   CHAIR YASSKY: We do have a

1   Proceedings - October 17, 2013

2   forum -- no, we don't have an app for that.

3   (Laughter)

4   CHAIR YASSKY: And we are finding

5   that most people, as you would expect, want

6   to have it assigned to their -- to the

7   dealership or maybe the retrofitter, whoever

8   it is that's doing the work in expectation of

9   getting the money.

10   COMM. GONZALEZ: Okay. Thank you.

11   MR. FARBER: Thank you.

12   CHAIR YASSKY: Well, we have Scott

13   Yoars, followed by Jesse Love. I think Love.

14   If it's Lore, I apologize.

15   MR. YOARS: Thank you so much for

16   the opportunity to come and speak with you

17   briefly. I'm with Freedom Motors. We have

18   been in business for 25 years as a vendor

19   supplying conversion vehicles to the industry

20   as well as to the private individuals.

21   As Gary was saying, we kind of have

22   a similar concern regarding the actual

23   structuring of some of the rules and the

24   mechanics and the greasing of the grants

25   coming together. I did not realize and now

1   Proceedings - October 17, 2013

2   I'm glad to hear that there is an actual

3   opportunity for a form to be assigning the

4   dollar amount for the conversion to possibly

5   the bank, finance company, or even the

6   conversion company.

7   And if there are any subcommittees

8   that actually work on the structure and how

9   this operates and how to make these grants

10   more effective, because at this point in time

11   there are several permits out there, as

12   you'll probably hear from other people, to

13   individuals that quite frankly can't afford

14   to go ahead and actually purchase a brand new

15   vehicle out of the gate.

16   CHAIR YASSKY: Right.

17   MR. YOARS: And so it's great, I've

18   got a Lottery ticket, but now what do I do.

19   So now they're going to sell them or transfer

20   them and such.

21   We're also as an industry just

22   trying to go ahead, as well as I'm sure

23   others in the industry, to just -- there is

24   uncertainty. We also want to go ahead and

25   see as quickly as possible, because it's

1   Proceedings - October 17, 2013

2   ultimately for those that are on the streets,

3   the wheelchair, you know, people that are

4   there, to make sure that this process and the

5   grants are administered as efficiently and

6   effectively as possible.

7   CHAIR YASSKY: Yeah. I really

8   would urge, you know, you in particular I

9   hope will come in and sit with us, because

10   we've had a couple of folks in your space

11   come in and look at the paperwork that we

12   did --

13   MR. YOARS: Yup.

14   CHAIR YASSKY: -- to say -- so we

15   could say does this work for you, is this

16   assignment form --

17   MR. YOARS: Right.

18   CHAIR YASSKY: -- something you'll

19   be able to rely on.

20   MR. YOARS: Right.

21   CHAIR YASSKY: But, you know, I

22   think your input would be very valuable

23   there. Okay?

24   MR. YOARS: Great.

25   CHAIR YASSKY: And our goal just is

1   Proceedings - October 17, 2013

2   we certainly want to facilitate that

3   transaction.

4   MR. YOARS: I believe you.

5   CHAIR YASSKY: We want the

6   permittee to be able to go to you or to go to

7   a dealer and say I have this, part of my

8   payment is the $15,000 grant, but then you

9   need to be able to rely on that before you

10   put a car out the door. The chicken and egg

11   problem, you know, Commissioners is, we want

12   to see the car at Woodside before we write

13   somebody a check. We don't want to write a

14   check to somebody and then -- you know,

15   before we've seen the car. So Mr. Yoar --

16   MR. YOARS: Yoars.

17   CHAIR YASSKY: I'm sorry, Mr.

18   Yoars --

19   MR. YOARS: That's fine.

20   CHAIR YASSKY: -- doesn't want to

21   give somebody a car until he's got the money

22   in hand. So we understand that chicken and

23   egg problem.

24   MR. YOARS: Right.

25   CHAIR YASSKY: We want to make sure

1   Proceedings - October 17, 2013

2   that people in his position can rely on the

3   city to let the car go out the door.

4   MR. YOARS: Exactly. And I know

5   you're working toward that, and if we are

6   able to provide input regarding that, that's

7   great to hear.

8   CHAIR YASSKY: Okay. You know,

9   We'll reach out to you.

10   MR. YOARS: Great. Thanks again.

11   CHAIR YASSKY: So is it Mr. Lore or

12   love?

13   MR. LORE: It's Lore.

14   CHAIR YASSKY: I apologize.

15   MR. LORE: That's okay. You're

16   going to love what I have to say, though.

17   CHAIR YASSKY: Excellent.

18   (Laughter)

19   CHAIR YASSKY: And then finally

20   Jenny Ahmed from Pia Car.

21   MR. LORE: Mr. Chairman, members of

22   the Commission, my name is Jesse Lore. I

23   work at Ride-Away. We have been selling

24   wheelchair accessible vehicles for the last

25   25 years.

1   Proceedings - October 17, 2013

2   We have been selling wheelchair

3   taxis in New York City for the last seven

4   years. We have seen many generations of

5   these vehicles come and go. I've personally

6   taken credit applications from dozens of

7   permit holders representing hundreds of

8   vehicles. And I strongly support the payment

9   of the $15,000. I did submit written

10   comments, so you can refer to those. I

11   really believe that the vast majority of

12   permit holders will not be able to secure

13   financing for these vehicles without that

14   grant up front. So we are happy with that

15   process and we are happy with that change,

16   thank you.

17   We are also a National Mobility

18   Equipment Dealers Association member, we are

19   a QAP member. As such, we have to adhere to

20   very high standards. We have to undergo

21   annual inspections. We have to comply with

22   federal Motor Vehicle Safety Standards. We

23   have to provide 24/7, 365 service to our

24   customers. We have to have all of our

25   technicians trained by the manufacturers of

1   Proceedings - October 17, 2013

2   these vehicles and the products. And, as

3   such, we provide a higher level of service to

4   our clients.

5   Quite frankly, not all wheelchair

6   accessible vehicles have stood the test of

7   time on the streets in the last seven years

8   that we've been here. Many vehicles we have

9   seen have failed in in-service on the ground.

10   And that's one of our biggest

11   concerns with this new program. Should the

12   vehicles not meet the highest standards of

13   production and engineering, the investment,

14   be it 35, 40 thousand dollars or 20 thousand

15   dollars on a used vehicle, the people who are

16   driving these, the permit holders, may not be

17   able to withstand some of the same problems

18   with the vehicle that a well financed

19   medallion holder would.

20   I'd encourage you to put back in

21   the NMEDA QAP requirement for dealers,

22   because we do uphold those highest standards,

23   and ensure that the permit holders and the

24   vehicle owners and drivers keep these

25   vehicles on the road.

1   Proceedings - October 17, 2013

2   I'd also encourage you to look at

3   the NMEDA compliance review program, which

4   ensures that the conversions have met federal

5   Motor Vehicle Safety Standards. Not all of

6   the converters have met federal Motor Vehicle

7   Safety Standard 208 for occupant crash

8   protection. Many of them have met compliance

9   on 310 for the -- or 301 for the fuel tank,

10   as well as for the seat belts, but occupant

11   crash protection safety, the safety and the

12   lives of the passengers in wheelchairs is the

13   most important thing, we believe, and we

14   believe that that's essential that the rules

15   reflect that the NMEDA compliance review

16   program is met by conversions.

17   CHAIR YASSKY: Thank you.

18   MR. LORE: Thank you for your time.

19   MR. YOARS: I would second that

20   from Freedom Motors. Because the QAP, that

21   is really an important thing to look real

22   closely at.

23   CHAIR YASSKY: Thank you. Thank

24   you.

25   Jenny, Ms. Ahmed.

1   Proceedings - October 17, 2013

2   MS. AHMED: Good afternoon,

3   Commissioners. I'm Jenny from Pia Car Limo.

4   My husband and I are the base owners. Our

5   base, we're a street hail endorsed base, and

6   we have the largest percentage of handicapped

7   accessible on our base.

8   You're getting a lot of testimony

9   from the finance people, and I'm definitely

10   in support for the one lump sum payment. But

11   I would like to give you some of the human

12   background of how this is impacting my

13   drivers.

14   The large percent of our base is

15   foreigners. English is their second

16   language. They look at this street hail

17   permit as their slice of the American dream.

18   They went and took five -- I mean obviously,

19   why would you want one when you can have

20   five. I teased them and I said you know

21   what, you're a mini fleet owner now, and

22   they're like really. And this -- I mean

23   they're becoming more responsible citizens.

24   My -- I'm also an attorney -- my

25   base, my husband and I, we help them do their

1   Proceedings - October 17, 2013

2   paperwork, we do their grant applications for

3   them. We have a direct contract with MTA for

4   the Access-a-Ride. The banks are kind of

5   scared because this is a new program. I've

6   actually had to deal with the banks,

7   guaranteeing them, you know, dispatch calls

8   so that they can make their payments. For a

9   base, I don't know if the other bases are

10   doing it but we're doing it for our drivers.

11   It's a lot of work.

12   But when they come to get their car

13   on the road the first time, they're like so

14   excited. I mean I have pictures of every one

15   of my green cars. They're like Jenny, take

16   my picture. And I have to email it or Skype

17   it to their family back in Pakistan, they're

18   like so excited.

19   This is -- they're filing tax

20   returns now. They have never filed tax

21   returns before. I'm helping them clean up

22   their credit. They're -- you know, they

23   never had credit before because, you know, if

24   they're only making a hundred dollars a day,

25   what could they possibly do with credit.

1   Proceedings - October 17, 2013

2   Something I'm really proud to say

3   is yesterday I helped two of them enroll in

4   Obamacare, when they were on Medicaid, you

5   know. So you're getting people paying taxes

6   now. So I know this wasn't the intent of the

7   grant, but this is really something the city

8   really needs to like pat themselves on the

9   back because this is helping people out of,

10   you know, out of poverty.

11   And I have my Veriphone, you know,

12   data to support how much money these people

13   are making, and this is great. At first they

14   were thinking oh, no, the LPEP is going to be

15   reported to HRA. And I'm like no, but this

16   can be a good thing. Why do you want to keep

17   getting this when, you know, now you can get

18   a house, you can get this, you can get that.

19   And it's like I see so much growth.

20   There's still challenges. And if

21   that grant comes in one lump sum it will

22   definitely, definitely just steam roll

23   everything. It's just doing so great.

24   I wish you could come in my office

25   and just see. I have ten, 20 people in my

1   Proceedings - October 17, 2013

2   office. My husband and I work until 12:30 in

3   the morning and we have people in our office.

4   CHAIR YASSKY: I think this sounds

5   like a Commission field trip. I don't know,

6   it could be --

7   (Laughter)

8   MS. AHMED: But it's great. And

9   I'm sure this wasn't one of the intentions of

10   this grant. But I just want you to know from

11   a human aspect.

12   Yes, they want to transfer

13   because -- this is what I tell them. You

14   know, the bank is not going to give you a

15   loan to put you in business. It's easier to

16   take a bite of the cookie than to take the

17   whole cookie. So get one permit, you know,

18   transfer another to your wife, transfer

19   another for your son, it's a family, youse

20   are all making the money, it's easier to get

21   one loan than get five. And I'm telling

22   you --

23   CHAIR YASSKY: That's good advice.

24   MS. AHMED: -- it's beautiful.

25   It's beautiful. It's working.

1   Proceedings - October 17, 2013

2   CHAIR YASSKY: Thank you. Well,

3   thank you -- thank you for the testimony and

4   the encouraging words --

5   MS. AHMED: You're doing a great

6   job.

7   CHAIR YASSKY: -- obviously. But

8   really for -- I mean, you know, what you

9   described is your relationship with the

10   drivers at your base.

11   MS. AHMED: I have pictures of

12   every one of my green cars.

13   CHAIR YASSKY: That's, I mean I've

14   seen that so many times in this industry that

15   it is, I mean, it's almost a stereotype of

16   the small business where everyone is a family

17   pulling together, trying to make it work.

18   And these are not easy because it's a lot of

19   hours, and some weeks there's a bad week and

20   you can't really survive a bad week that

21   easily. But when you have the kind of heart

22   that you're talking about, people make it

23   work and then it really is the American

24   dream.

25   MS. AHMED: Two enrolled in

        1   Proceedings - October 17, 2013

        2   Obamacare last night.

        3   CHAIR YASSKY: That's a --

        4   MS. AHMED: I was in the office

        5   until 12:30. They were on Medicaid. They're

        6   coming up in life. You have no idea how

        7   happy they are.

        8   CHAIR YASSKY: So anyway --

        9   MS. AHMED: They come in and

       10   they're just beaming when they get their car.

       11   I have to go take their picture and it gets

       12   sent to like, you know, ten addresses

       13   overseas. They're like so proud, you have no

       14   idea.

       15   CHAIR YASSKY: I can't think of a

       16   better note to end this meeting on. Thank

       17   you so much --

       18   MS. AHMED: You're welcome.

       19   CHAIR YASSKY: -- for your

       20   testimony.

       21   So all right. Actually it's not

       22   ending because we have one more rule I

       23   realize. But I call for a vote now on the

       24   grant rules before us. All in favor say aye.

       25   (Chorus of ayes)

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 1        Proceedings - October 17, 2013

 2              CHAIR YASSKY:  Opposed, no.  By

 3        unanimous vote with five Commissioners

 4        present the rule is adopted.

 5              We have one final rule that I don't

 6        know if we'll be able to act on it today but

 7        we can have at least have the hearing on it.

 8        The hearing -- this is a rule, and what

 9        Ms. Ahmed said about LPEP, I know we have had

10        a lot of discussion from folks in the

11        industry about LPEP and what does it mean.

12        And just like five years ago with TPEP where,

13        you know, kind of electronic monitoring and

14        reporting and it seems unnerving to people.

15        But on the other hand it enables all kinds of

16        things that from our perspective, credit

17        cards for passengers, but all kinds of

18        plugging into the system that wouldn't be

19        possible otherwise.  So I think your point is

20        extremely well taken.

21              At any rate, we have a bunch of

22        clean ups that we are proposing to make to

23        the LPEP rules.  Meera, please describe them,

24        then we'll have the public testimony.

25              COMM. MARINO:  All right.  Before
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1   Proceedings - October 17, 2013

2   Meera begins, I have an appointment, I need

3   to leave. We did -- I mentioned it to Meera

4   earlier. So I apologize. If anyone wants to

5   contact me and give me any information, my,

6   you know, my lines are always open.

7   (Commissioner Marino exits meeting

8   room)

9   MS. JOSHI: Okay. Today we'll take

10   public testimony on proposed technical clean

11   up amendments to the LPEP rules. In sum,

12   these changes align the LPEP rules with the

13   more recently passed TPEP rules and:

14   Require that the LPEP be capable of

15   dimming the roof light when a Street Hail

16   Livery vehicle is in the hail exclusionary

17   zone and the meter is disabled;

18   Require LPEPs to offer passengers

19   with visual disabilities the ability to pay

20   their fares unassisted;

21   Three, require distinctions within

22   LPEP between whether a trip is street haile d

23   or dispatched.

24   The rules were amended post

25   publication to further clarify which rate

1   Proceedings - October 17, 2013

2   codes should automatically prompt the

3   inclusion of an MTA tax and rename Borough

4   Taxi Information to Street Hail Information.

5   So today we'll take public testimony on these

6   rules.

7   CHAIR YASSKY: Do we have people

8   signed up to speak? Yes, we have people

9   signed up to speak. Oh, Mr. Tuncel from

10   LOMTO. And then Ethan Gerber from the

11   Greater New York Taxi Association.

12   MR. TUNCEL: Good morning,

13   Mr. Chairman --

14   CHAIR YASSKY: Good morning.

15   MR. TUNCEL: -- and Commissioners.

16   My name is Erhan Tuncel. I'm managing

17   director of the League of Mutual Taxi Owners.

18   I'm here to testify in support of

19   the proposed rule changes for the LPEP

20   update, especially the addition to the

21   paragraph one of Chapter 85, section 31,

22   subdivision (e), Automatic Vehicle Location

23   System and Location Services, which requires

24   the LPEP provider to turn off the roof light

25   while the Street Hail Livery vehicle is in

1   Proceedings - October 17, 2013

2   the Hail Exclusionary Zone and the taximeter

3   is disabled.

4   The single roof light system was

5   designed for the express purpose of

6   communicating to the riding public whether a

7   taxi is available for a street hail. If the

8   roof light is on, medallion taxi and Street

9   Hail Livery is available. If the roof light

10   is off, they're not available.

11   A lit roof light atop a Street Hail

12   Livery indicates to the riding public that

13   the Street Hail Livery, SHL, is available.

14   However, the SHLs are not permitted to pick

15   up, thus not available to the riding public

16   in the Hail Exclusionary Zone. Therefore, a

17   lit SHL roof light in the Hail Exclusionary

18   Zone relays an incorrect and confusing

19   message to the riding public.

20   Allowing LPEP to turn the SHL roof

21   lights off in the SHL Hail Exclusionary Zone

22   can only strengthen the message to both the

23   Street Hail Livery drivers and the riding

24   public that Street Hail Livery hails in the

25   exclusionary zone are prohibited.

1   Proceedings - October 17, 2013

2   Thank you very much.

3   CHAIR YASSKY: Thank you.

4   Mr. Gerber, and then Ronnie Ellen.

5   (No response)

6   CHAIR YASSKY: All right, Ronnie

7   Ellen. Is that you, Ronnie? It is.

8   MS. ELLEN: It is. But my comments

9   were about the grant.

10   CHAIR YASSKY: What?

11   MS. ELLEN: My comments were not

12   about this. I'm sorry.

13   CHAIR YASSKY: Well, all right. We

14   had you signed up on this one. If that's our

15   error, I apologize.

16   MS. ELLEN: Okay.

17   CHAIR YASSKY: Would you like to be

18   heard on the grant? I mean out of courtesy

19   to you. Obviously we voted already.

20   MS. ELLEN: Sure. I know you voted

21   already.

22   CHAIR YASSKY: Yes.

23   MS. ELLEN: The only suggestion, I

24   think that it's of real paramount importance

25   to get these vehicles on the road as soon as

 1   Proceedings - October 17, 2013

 2   possible.

 3   CHAIR YASSKY: Indeed.

 4   MS. ELLEN: And all of you

 5   appreciate that.

 6   I'm wondering if it would be

 7   possible to create some kind of voucher to

 8   give to the converter --

 9   CHAIR YASSKY: Ah. So in essence

10   we have that -- just Ms. Ellen -- that when

11   somebody -- if one of the permittees comes to

12   us and says I want this grant, I want to be

13   able to buy a vehicle but the person I'm

14   buying it from or the person who's doing the

15   upfitting needs to know I am getting this

16   grant.

17   MS. ELLEN: Yes.

18   CHAIR YASSKY: We have a letter,

19   and we've worked with some of the industry

20   but probably not everybody. So again, people

21   in the industry who are in the financing or

22   retrofitting side, and there are things you

23   would like to see from us along these lines,

24   come in and tell us.

25   MS. ELLEN: Yes.

1   Proceedings - October 17, 2013

2   CHAIR YASSKY: We worked out a

  3   letter that says dear upfitter, dear dealer,

4   dear vendor, this permittee will be getting

5      $15,000 --

6   MS. ELLEN: Okay.

7   CHAIR YASSKY: -- upon presentation

8   of the vehicle you can count on that.

9   Sincerely, City of New York. So --

10   MS. ELLEN: Okay. My suggestion --

11   CHAIR YASSKY: -- that functions as

12   a voucher.

13   MS. ELLEN: My suggestion is that

14   the money go directly to the converter --

15   CHAIR YASSKY: And again --

16   MS. ELLEN: -- not to the permit

17   owner.

18   CHAIR YASSKY: Understood. I don't

19   want to waste your time. And again, if the

20   permittee wishes, they can sign a form, they

21   can fill out a form and execute -- and we

22   will execute a form that does assign the

23   payment so that they can then bring that to

24   the converter or the dealer or the vendor.

25   MS. ELLEN: Okay.

1   Proceedings - October 17, 2013

2   CHAIR YASSKY: And again, so that

3   does function like a voucher.

4   MS. ELLEN: Thank you very much.

5   CHAIR YASSKY: You're welcome.

6   Luis Ramos, followed by Bill

7   Lindauer.

8   MR. RAMOS: I was going to comment

9   on the grant but you already voted on it,

10   Commissioner.

11   CHAIR YASSKY: Okay, thank you.

12   Mr. Lindauer.

13   MR. LINDAUER: I pass.

14   CHAIR YASSKY: Thank you.

15   And then the two remaining are

16   Carolyn Castro, representing the Livery

17   Roundtable, and Tarek Mallan, representing

18   Dial 7. Ms. Castro is --

19   MS. CASTRO: Good morning,

20   Commissioners. Mr. Mallan had to leave so he

21   will not be providing testimony this morning.

22   My name is Carolyn Castro and I'm

23   the executive director of the Livery

24   Roundtable. Thank you for allowing me the

25   opportunity to talk with you today regarding

1   Proceedings - October 17, 2013

2   the rules that are up for Commission action.

3   While the LRT does not object to

4   most of the proposed rules, we ask that the

5   Commissioners not vote -- which obviously

6   you're not now -- consider not voting in the

7   future in favor of the proposed rules because

8   they follow some of the guidelines promoting

9   one sector of the industry while minimizing

10   another.

11   The TLC -- the purpose of the pilot

12   we feel is to make the pilot more attractive

13   to SHLs and minimize liveries' overall role

14   in the industry. The proposed rules allow

15   the Street Hail Livery car to use the meter

16   on prearranged trips, which is against the

17   TLC's original ruling.

18   The proposed change of subdivision

19   (b), section 8331 of title 35(b)-52 talks

20   about on duty, unfavorable -- unavailable

21   codes. And 10(b)-62 states that if a driver

22   indicates that the trip originated as a

23   dispatch, the taximeter must not include the

24   MTA   tax for any of the rate codes input by

25   the Street Hail livery driver, indicating

1   Proceedings - October 17, 2013

2   that the prearranged trip will be priced

3   using the meter and in violation of ATthe TLC's

4   own rule regarding the prea rranged fare.

5   ProposedUN rule 10(b)-62 violates

6   TLC's cur rent rule of 59(b)-23, Operations,

7   Rates and Tolls, w here it says, rate quotes

8   livery base only. A base s tation owner must

9   provide an accurate and binding pric e quote

10   to any prospective passenger contacting the

11   base for transportation to a specified

12   destination and immediate stops.

13   On top of the violation of the

14   rule, allowing the Street Hail Livery base to

15   now   accept prearranged requests without the

16   need of obtai ning the destination from the

17   passenger, or providin g the passenger with a

18   binding quote, places the Stree t Hail Livery

19   in a superior position to the regular li very

20   license and base. It is an illegal and

21   brutal way of forcing livery drivers to

22   convert to the Street Hail Livery program.

23   On behalf of the livery vehicles

24   and drivers currently in the industry, I'd

25   like to thank you for the time to listen to

1   Proceedings   - October 17, 2013

2   us this morning.

3   CHAIR YASSKY: Thank you very much.

4   MS. CASTRO: Thank you.

5   CHAIR YASSKY: So that concludes

6   the public hearing on these proposed rules.

7   We are not -- we don't have a quorum present

8   to vote on this proposed rule today, so we

9   will have to put it over to our next meeting.

10   Commissioners, I anticipate that we will vote

11   on these proposed rules at our next meeting.

12   Other than that, that concludes the

13   agenda for today. With that, today's meeting

14   is adjourned at 12:00 o'clock, 12:03 to be

15   precise, p.m., thank you. And thank you as

16   always to our intrepid court reporters.

17   (Time noted: 12:03 p.m.)

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2   C E R T I F I C A T E

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4   E OF NEW YORK   )
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5   TY OF ORANGE   )

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7

            I, KARI L. REED, a Registered
8
    Professional Reporter (Stenotype) and Notary
9
    Public with and for the State of New York, do
10
    hereby certify:
11
            I reported the proceedings in the
12
    within-entitled matter and that the within
13
    transcript is a true record of such
14
    proceedings.
15
            I further certify that I am not
16
    related, by blood or marriage, to any of the
17
    parties in this matter and that I am in no
18
    way interested in the outcome of this matter.
19
            IN WITNESS WHEREOF, I have hereunto
20
    set my hand this 23rd day of October, 2013.
21

22

                    _____
23
                    KARI L. REED, RPR
24

25

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$100,000 [1] **15:15**
$15,000 [3] **60:8 62:9 77:5**
$150,000 [1] **15:14**

0

0 [1] **80:8**

1

1,206 [1] **45:9**
10(b)-62 [2] **79:21 80:5**
10:45 [1] **4:17**
11th [2] **24:17,18**
12 [1] **45:15**
12:00 [1] **81:14**
12:03 [2] **81:14,17**
12:30 [2] **68:2 70:5**
12th [2] **14:16,20**
13,237 [1] **14:2**
13,437 [1] **14:4**
13th [2] **14:16,20**
14th [1] **14:21**
16th [2] **43:6,7**
17 [78] **4:1 5:1 6:1 7:1 8:1 9:1 10:1**
 11:1 12:1 13:1 14:1 15:1 16:1 17:1
 18:1 19:1 20:1 21:1 22:1 23:1 24:1
 25:1 26:1 27:1 28:1 29:1 30:1 31:1
 32:1 33:1 34:1 35:1 36:1 37:1 38:1
 39:1 40:1 41:1 42:1 43:1 44:1 45:1
 46:1 47:1 48:1 49:1 50:1 51:1 52:1
 53:1 54:1 55:1 56:1 57:1 58:1 59:1
 60:1 61:1 62:1 63:1 64:1 65:1 66:1
 67:1 68:1 69:1 70:1 71:1 72:1 73:1
 74:1 75:1 76:1 77:1 78:1 79:1 80:1
 81:1
18 [1] **11:15**
180 [3] **46:5,17 49:8**
19 [1] **28:13**

2

20 [5] **5:14 45:5 46:25 63:14 67:25**
200 [2] **14:4,21**
2013 [80] **4:1 5:1 6:1 7:1 8:1 9:1 10:**
 1 11:1 12:1 13:1 14:1 15:1 16:1 17:
 1 18:1 19:1 20:1 21:1 22:1 23:1 24:
 1,17,18 25:1 26:1 27:1 28:1 29:1 30:
 1 31:1 32:1 33:1 34:1 35:1 36:1 37:
 1 38:1 39:1 40:1 41:1 42:1 43:1 44:
 1 45:1 46:1 47:1 48:1 49:1 50:1 51:
 1 52:1 53:1 54:1 55:1 56:1 57:1 58:
 1 59:1 60:1 61:1 62:1 63:1 64:1 65:
 1 66:1 67:1 68:1 69:1 70:1 71:1 72:
 1 73:1 74:1 75:1 76:1 77:1 78:1 79:
 1 80:1 81:1
208 [1] **64:7**
24/7 [1] **62:23**
25 [2] **57:18 61:25**
28 [1] **51:22**
28th [5] **8:8,11,12 51:21,21**
29 [2] **26:2,13**
29th [1] **8:12**

3

3,994 [1] **45:8**
30 [2] **45:10,17**
301 [1] **64:9**
30th [1] **8:13**
31 [1] **73:21**
310 [1] **64:9**
311 [1] **5:24**
35 [1] **63:14**
35(b)-52 [1] **79:19**
365 [1] **62:23**

4

4,000 [5] **4:25,25 5:3,11 31:16**
40 [1] **63:14**
400 [1] **51:23**
471 [1] **45:14**

5

5 [1] **73:2**
5:30 [1] **13:9**
50 [1] **52:9**
500 [2] **5:5 18:2**
59(b)-23 [1] **80:6**
59a [1] **25:25**
59b [2] **26:13 35:18**

6

6:00 [2] **13:11,12**
60 [2] **33:6 52:9**

7

7 [1] **78:18**
70 [1] **33:6**
700 [1] **12:3**
7th [2] **14:16,20**

8

8331 [1] **79:19**
85 [1] **73:21**
89 [1] **26:25**
8th [2] **14:16,20**

9

90 [3] **26:23 32:10 46:4**

A

a.m [1] **4:17**
abeyance [1] **23:8**
ability [1] **72:19**
able [14] **9:20 12:6,22 13:2 34:9 52:**
 12 59:19 60:6,9 61:6 62:12 63:17
 71:6 76:13
absolutely [2] **28:7 29:18**
academy [1] **10:19**
accept [4] **21:2 32:24 34:20 80:15**
accepted [1] **14:24**
accepting [1] **21:21**
access-a-ride [1] **66:4**
accessibility [6] **45:6,10,17,18,19**
 46:25
accessible [22] **5:16 6:10,13 28:10,**
 25 29:24 43:3,14 44:9 45:9,15 46:2,
 5,12,14,15,16,17 51:20 61:24 63:6
 65:7
accomplish [2] **26:10 47:5**
accomplishment [1] **5:22**
accurate [1] **80:9**
achievement [1] **11:20**
across [1] **18:21**
act [5] **13:14 27:20 45:5 47:4 71:6**
acting [1] **33:24**
action [2] **24:2 79:2**
activation [1] **8:9**
activity [1] **12:15**
acts [1] **9:4**
act's [1] **46:25**

actual [3] **46**:6 **57**:22 **58**:2

actually [10] **20**:23 **23**:17 **36**:23 **37**:4 **44**:10 **47**:13 **58**:8,14 **66**:6 **70**:21

added [2] **11**:14 **36**:4

adding [2] **37**:17,22

addition [5] **12**:4 **36**:11 **38**:5,9 **73**:20

additional [3] **4**:5 **19**:6 **46**:13

addresses [1] **70**:12

adhere [1] **62**:19

adhered [1] **22**:12

adjourned [1] **81**:14

adjudication [1] **13**:7

administered [1] **59**:5

adopted [5] **7**:9 **35**:3 **42**:20 **44**:13 **71**:4

advance [2] **13**:6 **21**:8

advice [1] **68**:23

advised [1] **44**:22

affiliate [1] **36**:22

affiliating [1] **38**:11

afford [1] **58**:13

affordable [1] **13**:14

afternoon [1] **65**:2

age [1] **17**:13

agency [2] **16**:14,15

agenda [3] **4**:20 **28**:24 **81**:13

agent [1] **16**:13

ago [5] **12**:22 **18**:10 **19**:4 **33**:19 **71**:12

agreed [1] **39**:23

ah [1] **76**:9

ahead [6] **13**:7 **40**:7,20 **58**:14,22,24

ahmed [12] **61**:20 **64**:25 **65**:2 **68**:8,24 **69**:5,11,25 **70**:4,9,18 **71**:9

air [1] **9**:25

align [2] **24**:14 **72**:12

aligned [1] **43**:15

allow [1] **79**:14

allowed [5] **27**:3 **45**:24,25 **52**:6,7

allowing [5] **19**:19 **53**:11 **74**:20 **78**:24 **80**:14

alluded [1] **54**:8

almost [1] **69**:15

already [6] **20**:13 **25**:7 **56**:19 **75**:19,21 **78**:9

although [1] **36**:8

amended [4] **26**:14 **37**:12,14 **72**:24

amending [2] **37**:7 **38**:25

amendment [4] **25**:24 **26**:4 **27**:6 **39**:12

amendments [1] **72**:11

amenities [1] **10**:2

american [2] **65**:17 **69**:23

among [1] **26**:3

amount [11] **7**:2 **15**:2,7 **17**:12 **18**:7 **32**:8 **45**:24,25 **46**:6 **51**:16 **58**:4

annual [2] **43**:12 **62**:21

another [9] **5**:2 **10**:18,21 **15**:15 **37**:17,23 **68**:18,19 **79**:10

answer [6] **7**:12,13,14 **31**:7 **32**:19,20

anticipate [1] **81**:10

anyway [1] **70**:8

apart [1] **30**:24

apologize [4] **57**:14 **61**:14 **72**:4 **75**:15

app [2] **56**:24 **57**:2

appeal [1] **7**:21

appealing [1] **7**:18

appellate [3] **7**:24 **8**:17 **9**:4

applause [1] **10**:25

apple [7] **24**:24 **25**:5 **38**:2,3,8,11,22

applicant [1] **23**:3

applications [3] **22**:24 **62**:6 **66**:2

applied [1] **28**:15

appointment [1] **72**:2

appreciate [8] **40**:25 **41**:7,9,12,14,16 **42**:10 **76**:5

appreciating [1] **41**:17

appreciation [1] **41**:19

approached [1] **18**:10

appropriate [4] **35**:24,25 **42**:10 **54**:11

approval [1] **23**:5

approve [1] **42**:14

approved [2] **9**:9 **34**:18

aren't [1] **19**:7

around [3] **5**:5 **6**:2 **7**:3

arrested [1] **16**:6

arrests [1] **15**:17

art [1] **8**:10

aspect [1] **68**:11

assign [1] **77**:22

assigned [3] **56**:17,18 **57**:6

assigning [1] **58**:3

assignment [1] **59**:16

assistance [1] **24**:11

assistant [1] **11**:11

association [3] **43**:19 **62**:18 **73**:11

associations [1] **21**:25

assurance [1] **43**:19

atop [1] **74**:11

atthe [1] **80**:3

attorney [4] **16**:5,6,9 **65**:24

attract [2] **11**:4,8

attractive [1] **79**:12

auction [3] **14**:5,10,14

auctioned [1] **14**:23

auditorium [1] **10**:21

authorized [3] **32**:24 **34**:8 **43**:4

automatic [1] **73**:22

automatically [1] **73**:2

available [11] **6**:11,15,21 **28**:18 **54**:14 **55**:24 **74**:7,9,10,13,15

awarding [1] **43**:2

aye [3] **34**:22 **42**:15 **70**:24

ayes [3] **34**:23 **42**:16 **70**:25

B

back [11] **21**:10,11,18 **29**:8,9 **40**:10,17 **51**:7 **63**:20 **66**:17 **67**:9

background [1] **65**:12

bad [3] **30**:16 **69**:19,20

bank [2] **58**:5 **68**:14

banks [2] **66**:4,6

base [33] **6**:9 **20**:8,16 **22**:11,23 **24**:15 **26**:14 **34**:4 **35**:21 **36**:10 **37**:9,12,14 **38**:9,16 **39**:9,11 **51**:3 **52**:18 **55**:6 **65**:4,5,5,7,14,25 **66**:9 **69**:10 **80**:8,8,11,14,20

based [3] **24**:13,19 **43**:8

bases [4] **23**:5 **34**:18,21 **66**:9

basically [1] **37**:16

beaming [1] **70**:10

beautiful [2] **68**:24,25

beaver [2] **14**:17,19

becoming [1] **65**:23

begin [3] **4:**10,20 **24:**3
beginning [2] **49:**24 **50:**19
begins [1] **72:**2
behalf [1] **80:**23
believe [8] **9:**16 **35:**17 **46:**21 **47:**4 **60:**4 **62:**11 **64:**13,14
below [1] **6:**3
belts [1] **64:**10
benefit [1] **9:**19
besides [1] **32:**6
best [1] **9:**7
better [1] **70:**16
between [3] **8:**10 **45:**23 **72:**22
beyond [1] **19:**10
bid [1] **14:**25
bids [4] **14:**15,20,22,24
biggest [1] **63:**10
bill [2] **30:**4 **78:**6
binding [2] **80:**9,18
bit [2] **16:**20,23
bite [1] **68:**16
blanking [1] **50:**22
book [2] **7:**10 **19:**21
borne [1] **15:**13
boro [1] **25:**6
borough [1] **73:**3
boroughs [3] **6:**5 **33:**8,12
both [2] **35:**25 **74:**22
brand [1] **58:**14
briefly [3] **24:**5 **42:**23 **57:**17
bring [1] **77:**23
bringing [1] **55:**22
brooklyn [1] **55:**10
brought [1] **49:**7
brutal [1] **80:**21
bulk [1] **31:**21
bunch [1] **71:**21
burden [1] **20:**3
business [5] **4:**20 **22:**22 **57:**18 **68:**15 **69:**16
buy [1] **76:**13
buying [1] **76:**14
buys [1] **56:**11

C

cab [4] **17:**25 **19:**14,20 **32:**12

call [5] **4:**11,16 **5:**24 **35:**7 **70:**23
called [2] **6:**9 **31:**2
calling [1] **35:**5
calls [5] **34:**4 **45:**5 **52:**9,10 **66:**7
came [2] **18:**21 **53:**10
candid [1] **21:**10
cannot [1] **28:**19
cap [1] **15:**12
capable [1] **72:**14
car [20] **6:**10 **18:**14,19 **30:**13,14 **36:**22 **37:**19,24 **38:**11 **52:**13 **60:**10,12,15,21 **61:**3,20 **65:**3 **66:**12 **70:**10 **79:**15
card [2] **9:**17 **31:**10
cards [1] **71:**17
care [2] **13:**14 **21:**13
carolyn [2] **78:**16,22
cars [11] **6:**13,15 **30:**18,19 **31:**3 **39:**2 **49:**6,8 **52:**11 **66:**15 **69:**12
case [1] **37:**18
cases [2] **18:**13 **34:**19
castro [5] **78:**16,18,19,22 **81:**4
cause [1] **26:**25
cell [1] **12:**7
certain [1] **17:**12
certainly [7] **8:**2 **10:**7 **16:**17 **35:**15,21 **39:**15 **60:**2
certified [1] **45:**12
cha [1] **73:**13
chairman [2] **25:**17 **61:**21
challenges [1] **67:**20
change [7] **24:**21 **36:**20,20 **40:**8,18 **62:**15 **79:**18
changes [6] **8:**10,17 **9:**5 **43:**9 **72:**12 **73:**19
changing [1] **18:**2
chapter [1] **73:**21
charged [2] **15:**7 **16:**10
charging [2] **10:**2 **15:**25
check [5] **14:**19 **50:**20,24 **60:**13,14
chicken [2] **60:**10,22
chief [1] **11:**12
choice [1] **10:**9
choose [2] **7:**24,25
chorus [3] **34:**23 **42:**16 **70:**25
chosen [1] **25:**7

chris [3] **22:**24 **23:**2,11
citizens [1] **65:**23
city [11] **5:**20 **7:**17 **13:**19 **22:**9 **24:**17 **43:**5 **44:**19 **61:**3 **62:**3 **67:**7 **77:**9
city's [1] **50:**21
claimed [1] **19:**8
clarification [1] **25:**5
clarify [1] **72:**25
class [2] **10:**18,22
clean [3] **66:**21 **71:**22 **72:**10
clear [2] **26:**18 **41:**13
clearly [1] **10:**12
clients [1] **63:**4
close [3] **28:**21 **55:**23 **56:**2
closely [1] **64:**22
codes [3] **73:**2 **79:**21,24
codify [3] **42:**25 **44:**20,23
collecting [2] **14:**15 **17:**23
color [3] **24:**4 **25:**6 **30:**14
come [12] **13:**18 **29:**8,9 **41:**6 **57:**16 **59:**9,11 **62:**5 **66:**12 **67:**24 **70:**9 **76:**24
comes [2] **67:**21 **76:**11
coming [3] **44:**4 **57:**25 **70:**6
comm [32] **25:**4 **32:**7 **35:**11,13 **38:**2,23 **39:**7,10,20,24 **40:**11,14,24 **41:**4,16,21 **42:**4,12 **47:**13,18,25 **48:**11,16,18 **55:**3,8,11,19 **56:**9,23 **57:**10 **71:**25
command [1] **11:**13
commend [1] **11:**23
commensurate [1] **20:**3
comment [6] **24:**17,19 **27:**10 **36:**5 **43:**6 **78:**8
comments [12] **22:**21 **24:**19,20 **40:**20 **41:**20 **43:**7,9 **49:**19,22 **62:**10 **75:**8,11
commission [9] **5:**21 **7:**9 **8:**19 **22:**22 **23:**4 **24:**2 **61:**22 **68:**5 **79:**2
commissioner [7] **11:**11,12 **23:**9 **28:**4 **35:**11 **72:**7 **78:**10
commissioners [16] **4:**18 **5:**21 **22:**20 **25:**19 **34:**15,25 **41:**11 **42:**19 **44:**5 **60:**11 **65:**3 **71:**3 **73:**15 **78:**20 **79:**5 **81:**10
communicate [1] **22:**16

communicating [1] 74:6
companies [4] 17:18 21:13 31:14, 18
company [3] 56:17 58:5,6
compared [1] 45:18
completed [1] 16:3
compliance [5] 6:7 26:11 64:3,8, 15
complicated [1] 16:21
comply [1] 62:21
complying [1] 46:23
concern [3] 28:6 41:25 57:22
concerned [1] 38:21
concerns [1] 63:11
concludes [2] 81:5,12
concrete [2] 41:2,8
conditioning [1] 9:25
confidence [1] 9:20
confident [1] 10:8
confirmation [1] 54:10
conforming [1] 40:17
confusing [1] 74:18
confusion [3] 26:3 27:2,8
consequence [1] 17:15
consequences [2] 17:10 46:22
consider [6] 14:14 35:15 41:22,23 48:5 79:6
considerable [3] 7:2 15:13 18:7
consideration [1] 5:18
considered [1] 42:5
consistency [2] 39:22,24
consistency's [1] 39:21
consistent [1] 17:20
consistently [1] 6:2
constructive [2] 41:4,19
contact [2] 54:11 72:5
contacting [1] 80:10
continue [7] 10:12 11:4,8,23 20:21 22:5 34:9
continued [1] 44:20
continues [2] 10:5 12:23
contract [1] 66:3
conversion [3] 57:19 58:4,6
conversions [2] 64:4,16
convert [4] 28:18,19 46:13 80:22
converter [3] 76:8 77:14,24

converters [1] 64:6
convictions [1] 16:8
convinced [1] 19:25
cookie [2] 68:16,17
corollary [3] 35:20 39:4,7
correct [7] 25:10,11,12 29:25 31: 12 34:5 53:8
counsel's [1] 54:12
count [1] 77:8
county [3] 16:5 55:8,9
couple [7] 6:19 12:21 18:22 22:6, 15 34:19 59:10
course [6] 8:20 9:10 11:25 32:14 34:8 53:16
court [6] 7:10,18,23 8:18 53:10 81: 16
courtesy [1] 75:18
courts [1] 10:13
cover [1] 15:24
crash [3] 9:21 64:7,11
create [3] 8:24,24 76:7
credit [7] 9:17 31:10 62:6 66:22,23, 25 71:16
cur [1] 80:6
currently [4] 17:2 31:11 38:25 80: 24
customer [1] 56:11
customers [1] 62:24
cut [3] 50:8 51:17,22

D

daily [1] 52:9
data [5] 20:8,16 22:11 51:2 67:12
date [6] 5:13 8:9 18:24 51:9,17,22
dates [1] 14:6
david [4] 17:8,24 18:4,17
day [9] 5:3 9:2 12:17,17 17:24 18:2 26:25 52:10 66:24
days [10] 26:23,25 27:4 32:10 46:4, 5,9,11,17 49:9
deadline [2] 46:21,23
deal [2] 21:25 66:6
dealer [3] 60:7 77:3,24
dealers [3] 43:18 62:18 63:21
dealership [1] 57:7
dear [3] 77:3,3,4

dearcy [13] 4:19 32:7 35:11,13 38: 23 39:7,10,20 40:11,14,24 41:4 42: 12
debate [1] 36:12
decades [1] 6:5
decal [2] 31:4,5
decals [1] 27:3
decided [1] 53:17
decision [5] 7:11,19 8:2,3 53:10
defended [1] 12:16
defined [2] 24:24 25:8
definitely [4] 48:4 65:9 67:22,22
definition [4] 43:14,15 52:15,21
degrade [1] 11:22
deleted [1] 24:22
delusional [1] 28:8
demand [3] 53:12,14,14
denials [1] 23:6
denied [1] 34:19
department [2] 16:2 44:22
deputy [1] 11:10
describe [2] 24:5 71:23
described [1] 69:9
designate [3] 17:3,11 20:22
designated [1] 18:13
designations [2] 21:2,21
designed [1] 74:5
destination [2] 80:12,16
detail [1] 41:8
determined [1] 14:10
deterrence [1] 36:4
dial [1] 78:18
different [1] 45:13
dimming [1] 72:15
direct [1] 66:3
directly [1] 77:14
director [4] 23:2 25:20 73:17 78:23
disabilities [1] 72:19
disabled [2] 72:17 74:3
discontinue [2] 20:15 21:20
discovered [1] 18:12
discrepancy [1] 45:23
discussion [3] 5:17 37:5 71:10
disparity [1] 45:23
dispatch [2] 66:7 79:23
dispatched [1] 72:23

distinction [1] 21:4
distinctions [1] 72:21
district [3] 16:5,6,9
division [7] 7:24 8:17 9:4 11:14 20:6 34:18,21
documents [1] 15:23
doing [15] 12:9 22:5 33:14 36:13 37:17 44:25 52:5 54:10 56:5 57:8 66:10,10 67:23 69:5 76:14
dollar [1] 58:4
dollars [3] 63:14,15 66:24
done [8] 11:16 12:2,10 15:21 32:8,10 54:3,13
door [2] 60:10 61:3
doors [1] 30:21
double [1] 11:20
down [3] 49:11 50:8 54:21
dozen [2] 6:17,18
dozens [1] 62:6
drastically [1] 27:6
dream [2] 65:17 69:24
drive [4] 17:12 19:20,24 20:10
driven [1] 27:18
driver [23] 17:11,12,20,21 18:14,17 19:12,13,20,24 20:7,10,16,22,23 21:6,12 22:17 27:14,18 31:23 79:21,25
drivers [21] 15:8,15,25 16:24 17:5 21:3,21 22:3,11 24:11 27:11 31:22 32:13 52:17 63:24 65:13 66:10 69:10 74:23 80:21,24
driver's [1] 27:19
drives [1] 20:24
driving [7] 17:9,25 18:5,14,18 19:14 63:16
drop [1] 14:19
drove [1] 18:20
dutifully [1] 18:5
duty [1] 79:20

E

each [1] 25:14
eak [1] 73:9
earlier [2] 44:7 72:4
earliest [1] 51:9
easier [4] 40:7,20 68:15,20
easily [1] 69:21

easy [1] 69:18
effect [3] 9:6,11,14
effective [1] 58:10
effectively [1] 59:6
efficiently [1] 59:5
effort [1] 51:10
efforts [1] 54:3
egg [2] 60:10,23
eight [2] 43:7 50:7
either [2] 13:6,8
electronic [1] 71:13
eligible [1] 51:4
eliminate [2] 26:3 33:15
ellen [17] 75:4,7,8,11,16,20,23 76:4,10,17,25 77:6,10,13,16,25 78:4
email [2] 18:3 66:16
enables [2] 17:3 71:15
enacted [2] 8:6,19
enactment [1] 8:14
encourage [6] 10:7 40:19 54:11,21 63:20 64:2
encouraging [1] 69:4
end [2] 6:11 70:16
ended [2] 24:18 43:7
ending [1] 70:22
endorsed [2] 55:6 65:5
ends [1] 14:11
energetically [1] 7:18
enforce [7] 7:14 8:16,21 9:2,5 21:15 22:17
enforced [1] 15:6
enforcement [10] 10:14,17,22 11:8,13,15,24 15:12 33:7,17
enforcing [2] 33:3,20
engineering [1] 63:13
english [1] 65:15
enough [4] 19:9 22:18 28:14,17
enroll [1] 67:3
enrolled [1] 69:25
ensure [3] 10:4,5 63:23
ensures [1] 64:4
entitled [3] 18:25 19:7 29:7
equal [1] 43:12
equipment [10] 5:10 31:8,9,11,18 32:19,21 33:24 43:18 62:18
equipped [2] 5:6 49:6

er [1] 73:1
erhan [5] 25:2,20 44:2 45:4 73:16
error [1] 75:15
especially [2] 16:14 73:20
essence [1] 76:9
essential [4] 26:3 32:12 53:25 64:14
established [1] 15:12
ethan [2] 43:25 73:10
even [5] 26:21 50:9 51:15 55:21 58:5
event [1] 8:7
everybody [2] 13:15 76:20
everyone [3] 22:7 26:18 69:16
everything [7] 15:5 53:17 56:15,21,21,22 67:23
evidence [1] 16:2
exactly [2] 51:8 61:4
excellent [3] 14:12 30:7 61:17
excited [2] 66:14,18
exclusionary [6] 72:16 74:2,16,17,21,25
execute [2] 77:21,22
executive [1] 78:23
exempt [1] 27:16
exemption [1] 19:7
exercise [1] 19:5
exist [1] 53:9
exists [4] 35:20,24 37:9 39:10
exits [1] 72:7
expansive [1] 9:22
expect [4] 5:10 22:14 24:2 57:5
expectation [2] 56:12 57:8
explain [2] 20:19 42:23
express [1] 74:5
extended [3] 17:14,14 18:25
extension [5] 19:2 20:17,21,25 21:5
external [1] 43:8
extremely [1] 71:20

F

faced [1] 55:6
facilitate [2] 56:4 60:2
fact [3] 18:14 40:25 41:12
failed [1] 63:9

fair [2] **19**:9 **22**:17
family [3] **66**:17 **68**:19 **69**:16
fan [1] **30**:10
far [4] **4**:24 **6**:17 **29**:11 **38**:20
farber [25] **27**:24 **28**:3,6 **29**:4,8,14, 18 **47**:11,16 **48**:23 **49**:17,20,25 **50**:4 **51**:13 **53**:7,20,25 **54**:24 **55**:5,9,12 **56**:6,8 **57**:11
fare [1] **80**:4
fares [1] **72**:20
fast [1] **50**:13
faster [1] **50**:10
favor [4] **34**:22 **42**:15 **70**:24 **79**:7
fax [1] **18**:3
federal [3] **62**:22 **64**:4,6
feel [2] **21**:22 **79**:12
felony [2] **16**:10,10
few [2] **11**:2 **49**:4
fhv [3] **24**:15 **26**:19 **38**:7
fhvs [2] **24**:8 **27**:7
field [3] **12**:16 **33**:7 **68**:5
fifteen [1] **6**:3
filed [1] **66**:20
filing [2] **54**:15 **66**:19
fill [2] **14**:17 **77**:21
final [1] **71**:5
finally [3] **16**:20 **43**:21 **61**:19
finance [3] **56**:13 **58**:5 **65**:9
financed [1] **63**:18
financing [8] **28**:15,17,25 **29**:9 **49**: 9 **56**:17 **62**:13 **76**:21
find [1] **17**:17
finding [1] **57**:4
fine [6] **13**:3,6 **39**:19 **40**:5 **47**:17 **60**: 19
fines [1] **15**:16
finish [1] **46**:4
first [9] **4**:22 **13**:16 **22**:23 **25**:2 **34**: 16 **43**:25 **53**:13 **66**:13 **67**:13
five [10] **18**:19 **34**:16,25 **42**:19 **46**:9 **65**:18,20 **68**:21 **71**:3,12
fleet [1] **65**:21
flip [1] **13**:12
florida [1] **53**:18
flowing [1] **51**:11
focused [2] **33**:8,9

folks [10] **4**:23 **10**:23 **11**:7,15 **18**:7 **22**:19 **30**:25 **40**:4 **59**:10 **71**:10
follow [3] **19**:21 **20**:10 **79**:8
followed [5] **27**:25 **28**:2 **47**:12 **57**: 13 **78**:6
following [2] **23**:5 **43**:9
forcing [1] **80**:21
foreigners [1] **65**:15
for-hire [5] **26**:2,5,13,15 **35**:21
form [9] **14**:18 **21**:3 **56**:19,20 **58**:3 **59**:16 **77**:20,21,22
forms [2] **53**:4 **55**:23
forum [1] **57**:2
forward [2] **10**:3 **53**:11
four [4] **31**:13 **32**:6 **34**:16 **50**:8
fourteen [1] **6**:2
frankly [2] **58**:13 **63**:5
freedom [3] **29**:23 **57**:17 **64**:20
front [2] **51**:6 **62**:14
fruit [1] **15**:14
fuel [1] **64**:9
full [1] **26**:10
fully [2] **5**:6 **33**:13
function [1] **78**:3
functions [1] **77**:11
fundamental [2] **12**:8 **16**:12
funds [2] **51**:4,11
further [2] **55**:22 **72**:25
future [1] **79**:7

G

gary [6] **5**:2 **13**:11,23 **27**:24 **47**:11 **57**:21
gate [1] **58**:15
gave [1] **49**:5
general [3] **21**:5 **40**:4 **54**:12
generations [1] **62**:4
gentleman [1] **48**:25
gentlemen [3] **4**:2,10 **44**:6
geofencing [3] **32**:12,16,23
gerber [2] **73**:10 **75**:4
gets [2] **36**:18 **70**:11
getting [10] **5**:9 **7**:5 **26**:7,17 **57**:9 **65**: 8 **67**:5,17 **76**:15 **77**:4
give [9] **40**:6,9,19 **50**:18 **60**:21 **65**: 11 **68**:14 **72**:5 **76**:8

given [4] **17**:15 **26**:22 **46**:4,5
gives [1] **26**:25
giving [1] **15**:23
glad [4] **30**:23,24 **52**:22 **58**:2
goal [1] **59**:25
gold [1] **10**:5
gonzalez [4] **4**:18 **56**:9,23 **57**:10
got [4] **28**:16 **39**:6 **58**:18 **60**:21
gotten [1] **31**:17
government [3] **16**:13,14,14
gracious [1] **10**:20
graduated [2] **10**:18,21
grant [27] **42**:21 **43**:22 **44**:19,23 **47**: 19,24 **48**:2,6,8 **49**:10,15,23 **56**:11, 13,14 **60**:8 **62**:14 **66**:2 **67**:7,21 **68**: 10 **70**:24 **75**:9,18 **76**:12,16 **78**:9
grantees [3] **50**:18,24 **51**:5
grants [6] **29**:15,24 **43**:2 **57**:24 **58**:9 **59**:5
grave [1] **15**:23
greasing [1] **57**:24
great [12] **12**:11 **45**:22 **51**:13 **53**:12 **58**:17 **59**:24 **61**:7,10 **67**:13,23 **68**:8 **69**:5
greater [1] **73**:11
green [29] **24**:9,22,24 **25**:2,5,8 **26**:7, 18,20,24 **27**:7 **29**:12 **30**:5,10,14,19 **31**:3 **35**:5,7 **37**:24 **38**:2,3,8,12,22 **39**: 3 **42**:14 **66**:15 **69**:12
ground [1] **63**:9
group [1] **19**:3
growth [1] **67**:19
grunfeld [1] **13**:23
guarantee [1] **7**:16
guaranteeing [1] **66**:7
guess [9] **10**:24 **13**:11 **15**:19 **16**:7, 16,23 **32**:19,25 **36**:23
guidance [3] **9**:7 **16**:22 **54**:9
guidelines [2] **55**:16 **79**:8
guys [1] **55**:12

H

hack [9] **9**:15 **10**:10 **26**:23 **27**:5 **45**: 25 **46**:2,7,18,21
hacked [5] **6**:16 **45**:12,15,19 **46**:19
hail [42] **4**:22 **5**:4,7 **12**:5 **25**:22 **26**:6,

16,19,22 **33:**4,13,14 **42:**22 **43:**3,4, 16 **44:**9 **45:**5,6 **46:**24 **47:**4 **65:**5,16 **72:**15,16 **73:**4,2 **74:**2,7,9,11,13,16, 17,21,23,24 **79:**15,25 **80:**14,18,22

haile [1] **72:**22
hails [4] **25:**7 **32:**24 **33:**15 **74:**24
half [10] **15:**10 **20:**9,11 **22:**11,12 **33:** 5,5 **45:**16,19 **46:**10
hand [2] **60:**22 **71:**15
handicapped [1] **65:**6
hands [1] **10:**23
happening [2] **52:**8 **55:**13
happy [4] **15:**18 **62:**14,15 **70:**7
head [1] **13:**24
hear [4] **7:**25 **58:**2,12 **61:**7
heard [5] **21:**10,11,18 **35:**9 **75:**18
hearing [6] **4:**3 **23:**25 **42:**21 **71:**7,8 **81:**6
hearings [1] **25:**13
heart [1] **69:**21
heck [1] **37:**5
help [3] **27:**8 **56:**13 **65:**25
helped [1] **67:**3
helping [2] **66:**21 **67:**9
hen [1] **73:**10
high [2] **11:**7 **62:**20
higher [1] **63:**3
highest [4] **14:**22,23 **63:**12,22
history [1] **14:**11
hold [2] **23:**7 **33:**18
holder [1] **63:**19
holders [7] **5:**5 **10:**8 **26:**22 **62:**7,12 **63:**16,23
honestly [1] **44:**17
hope [4] **5:**21 **16:**17 **49:**25 **59:**9
hours [2] **20:**7 **69:**19
house [1] **67:**18
however [5] **45:**10 **46:**11 **50:**17 **54:** 16 **74:**14
hra [1] **67:**15
huge [1] **39:**18
human [2] **65:**11 **68:**11
hundred [4] **5:**3 **11:**14 **14:**23 **66:**24
hundreds [3] **6:**20 **20:**6 **62:**7
hunt [1] **11:**12
husband [3] **65:**4,25 **68:**2

I

id [1] **50:**20
idea [2] **70:**6,14
illegal [5] **12:**3,5,15 **33:**15 **80:**20
imagine [1] **16:**11
immediate [1] **80:**12
impacting [1] **65:**12
implementing [1] **22:**15
importance [2] **37:**11 **75:**24
important [4] **42:**3 **52:**23 **64:**13,21
imposed [1] **38:**6
impossible [2] **28:**11 **49:**8
improve [1] **11:**23
improvements [1] **9:**18
inaudible [1] **50:**25
incidents [1] **16:**18
include [4] **33:**2 **39:**3 **44:**16 **79:**23
including [3] **32:**21,22,22
inclusion [1] **73:**3
incorporate [2] **40:**8,21
incorrect [1] **74:**18
increase [1] **24:**13
indeed [1] **76:**3
indicates [2] **74:**12 **79:**22
indicating [1] **79:**25
indicted [1] **16:**9
individual [2] **17:**4,4
individuals [2] **57:**20 **58:**13
indulging [1] **22:**20
industry [24] **6:**25 **7:**21 **10:**4 **12:**12 **16:**22 **18:**9 **20:**3,18 **21:**9,19,22 **22:** 14 **26:**19 **31:**2 **57:**19 **58:**21,23 **69:**14 **71:**11 **76:**19,21 **79:**9,14 **80:**24
infinity [1] **6:**4
information [7] **17:**23 **18:**6 **50:**19 **51:**5 **72:**5 **73:**4,4
initiative [3] **7:**3 **9:**17 **15:**16
input [3] **59:**22 **61:**6 **79:**24
in-service [1] **63:**9
inspection [3] **50:**6 **56:**14,15
inspections [1] **62:**21
inspectors [2] **10:**22 **12:**9
install [1] **31:**15
installing [1] **31:**18
installments [1] **43:**12

insurance [3] **17:**18,18 **21:**13
intent [1] **67:**6
intentions [1] **68:**9
interested [1] **14:**7
internal [1] **43:**8
intrepid [1] **81:**16
inundated [1] **52:**9
invade [1] **32:**17
invalid [1] **7:**11
invalidated [1] **7:**19
investigate [1] **35:**23
investigation [2] **16:**3,4
investment [2] **55:**15 **63:**13
investors [1] **14:**13
inviting [1] **37:**5
involved [1] **25:**9
irman [1] **73:**13
island [1] **13:**19
isolated [1] **16:**18
issuance [2] **14:**5 **46:**20
issue [14] **14:**24 **16:**24 **19:**22 **22:**14 **30:**5 **41:**24 **42:**3,6 **44:**6,8 **47:**23 **48:** 15 **49:**7 **50:**12
issued [8] **4:**24,24 **5:**15 **6:**12 **28:**13 **45:**8 **49:**23 **50:**20
issues [1] **12:**7
issuing [5] **20:**4 **33:**12,19 **51:**18,19
item [2] **16:**20 **23:**22

J

jeff [1] **13:**23
jenny [4] **61:**20 **64:**25 **65:**3 **66:**15
jesse [2] **57:**13 **61:**22
jets [1] **30:**10
job [1] **69:**6
joining [1] **4:**16
joshi [5] **18:**4 **24:**6 **25:**12 **42:**24 **72:**9
justice [1] **15:**21
justifiably [1] **11:**6

K

keep [7] **22:**3,17 **46:**8 **50:**2,4 **63:**24 **67:**16
keeping [2] **22:**10 **51:**14
kind [8] **30:**15 **47:**23 **50:**22 **57:**21 **66:** 4 **69:**21 **71:**13 **76:**7

kinds [2] **71**:15,17
kings [1] **55**:9
knowing [1] **15**:20

L

lack [1] **27**:13
ladies [2] **4**:2,9
language [1] **65**:16
large [2] **10**:16 **65**:14
largest [1] **65**:6
last [16] **4**:11 **11**:10,15 **12**:2,18,18, 19 **15**:10,11 **16**:20 **18**:20 **27**:10 **61**: 24 **62**:3 **63**:7 **70**:2
later [2] **27**:21 **40**:18
laughter [5] **23**:16 **41**:15 **57**:3 **61**: 18 **68**:7
law [8] **7**:14,16 **9**:2 **27**:14 **43**:5,16 **44**: 13,21
league [2] **25**:21 **73**:17
leap [1] **10**:3
lease [2] **15**:12 **52**:20
leasing [1] **54**:6
least [3] **14**:12 **52**:9 **71**:7
leave [3] **22**:13 **72**:3 **78**:20
leg [1] **9**:22
legislature [1] **44**:12
legitimate [1] **50**:12
lending [1] **10**:20
less [2] **46**:8,9
letter [3] **22**:2 **76**:18 **77**:3
level [3] **11**:17 **36**:4 **63**:3
li [1] **80**:19
lic [1] **73**:5
license [6] **12**:16 **24**:13,15 **26**:22 **31**:17 **80**:20
licensed [5] **5**:7 **26**:5,16,19 **33**:13
licensee [1] **38**:7
licensees [8] **7**:7 **12**:12,22,25 **15**: 22 **16**:7 **31**:21,22
licenses [9] **5**:4,14 **6**:13 **12**:23 **28**: 12 **33**:20 **44**:8 **45**:8 **49**:5
licensing [9] **7**:6 **13**:24 **18**:8 **20**:6, 12 **23**:3 **34**:17,21 **35**:2
life [1] **70**:6
light [12] **30**:20 **31**:5,6 **32**:3,22 **72**: 15 **73**:24 **74**:4,8,9,11,17

lights [2] **9**:25 **74**:21
limit [1] **25**:14
limits [1] **54**:19
limo [1] **65**:3
limousine [1] **23**:4
lincoln [1] **30**:18
lindauer [17] **30**:4,6,8,9,12 **31**:24 **32**:11,15 **33**:10,22 **34**:3,6,10,13 **78**: 7,12,13
lines [2] **72**:6 **76**:23
listen [1] **80**:25
lit [2] **74**:11,17
litigation [3] **7**:2 **8**:23 **10**:11
little [2] **4**:25 **16**:23
live [3] **21**:16,24 **30**:18
liveries [6] **5**:7 **33**:13 **42**:22 **43**:3 **45**: 6,8
liveries' [1] **79**:13
livery [33] **4**:22 **5**:4 **6**:9 **24**:4 **25**:23 **26**:6,17,20,22 **31**:22,23 **34**:8 **38**:7 **43**:4,16 **44**:9 **72**:16 **73**:2 **74**:9,12,13, 23,24 **78**:16,23 **79**:15,25 **80**:8,14,18, 21,22,23
lives [2] **27**:21 **64**:12
loan [2] **68**:15,21
location [2] **73**:22,23
log [2] **13**:15,20
lomto [3] **25**:3 **43**:25 **73**:10
long [1] **13**:19
longer [4] **5**:24 **6**:14 **18**:4 **21**:2
look [10] **20**:8 **23**:13 **28**:11 **35**:15 **45**: 11 **47**:14 **59**:11 **64**:2,21 **65**:16
looked [1] **18**:11
looking [2] **16**:21 **56**:3
lore [8] **57**:14 **61**:11,13,13,15,21,22 **64**:18
lot [12] **5**:17 **7**:4 **8**:21 **22**:21 **30**:25 **31**: 3 **44**:19 **55**:13 **65**:8 **66**:11 **69**:18 **71**: 10
lots [1] **14**:23
lottery [1] **58**:18
love [4] **57**:13,13 **61**:12,16
low [6] **14**:8,8,9,9,11,11
lpep [15] **31**:9 **32**:3,19,23 **67**:14 **71**: 9,11,23 **72**:11,12,14,22 **73**:19,24 **74**: 20

lpeps [1] **72**:18
lrt [1] **79**:3
luis [1] **78**:6
lump [3] **49**:23 **65**:10 **67**:21

M

made [7] **15**:22 **24**:21 **34**:17 **35**:16 **43**:10,12 **56**:19
main [1] **45**:22
maintaining [3] **11**:16 **20**:7,15
majority [1] **62**:11
mallan [2] **78**:17,20
managing [2] **25**:20 **73**:16
mandate [1] **24**:10
manhattan [4] **5**:23 **16**:6,9 **33**:9
manufacturers [1] **62**:25
many [9] **10**:9 **11**:3 **18**:12,12 **31**:20 **62**:4 **63**:8 **64**:8 **69**:14
march [2] **51**:17,21
marino [19] **4**:18 **25**:4 **38**:2 **39**:24 **41**:16,21 **42**:4 **47**:13,18,25 **48**:11,16, 18 **55**:3,8,11,19 **71**:25 **72**:7
materialize [1] **55**:17
matter [1] **7**:17
matters [1] **47**:3
mean [15] **11**:19 **29**:6 **36**:19 **37**:13, 15 **40**:10 **48**:4 **65**:18,22 **66**:14 **69**:8, 13,15 **71**:11 **75**:18
means [3] **12**:13,15 **22**:7
meant [2] **38**:14 **47**:5
meantime [1] **9**:8
mechanic [1] **52**:24
mechanics [3] **50**:15 **53**:5 **57**:24
medallion [20] **9**:14 **10**:8,9 **14**:2 **15**: 9 **16**:25 **17**:3,5,7,16,23 **18**:16,22 **19**: 6,18,23 **46**:9,12 **63**:19 **74**:8
medallions [4] **14**:5,25 **18**:24 **19**:3
medicaid [2] **67**:4 **70**:5
meera [9] **18**:4 **24**:4 **42**:22 **54**:12,18 **55**:21 **71**:23 **72**:2,3
meet [1] **63**:12
meeting [9] **4**:17 **11**:10 **22**:22 **53**: 13 **70**:16 **72**:7 **81**:9,11,13
meets [2] **9**:10,13
member [4] **23**:12 **50**:25 **62**:18,19
members [1] **61**:21

mentioned [1] **72**:3
message [2] **74**:19,22
met [5] **47**:2 **64**:4,6,8,16
meter [7] **30**:20 **31**:7 **32**:2,22 **72**:17 **79**:15 **80**:3
might [2] **36**:3,13
mind [3] **36**:24 **46**:8 **51**:14
mini [1] **65**:21
minimize [2] **27**:8 **79**:13
minimizing [1] **79**:9
minute [1] **6**:3
minutes [3] **13**:16 **25**:15 **29**:7
mis [1] **13**:24
mission [1] **12**:8
mistake [1] **15**:23
mistaken [1] **38**:24
mobility [2] **43**:18 **62**:17
modify [1] **21**:3
moment [1] **23**:8
momentarily [1] **4**:5
monday [2] **45**:7,14
money [6] **22**:10 **57**:9 **60**:21 **67**:12 **68**:20 **77**:14
monitoring [1] **71**:13
month [7] **5**:12 **12**:3 **15**:11 **18**:20 **23**:5 **28**:9 **32**:4
months [8] **6**:19 **7**:17 **11**:16 **12**:22 **18**:10 **46**:20 **49**:12 **51**:22
morning [19] **4**:9,15,16,21 **13**:10, 17 **23**:2 **25**:16,18 **28**:3,5 **45**:3 **48**:23 **68**:3 **73**:12,14 **78**:19,21 **81**:2
most [5] **47**:3 **56**:21 **57**:5 **64**:13 **79**: 4
motor [3] **62**:22 **64**:5,6
motorist [1] **30**:13
motors [3] **29**:23 **57**:17 **64**:20
move [6] **22**:21 **34**:19 **35**:4 **42**:11,13 **53**:18
ms [33] **24**:6 **25**:12 **42**:24 **64**:25 **65**:2 **68**:8,24 **69**:5,11,25 **70**:4,9,18 **71**:9 **72**:9 **75**:8,11,16,20,23 **76**:4,10,17, 25 **77**:6,10,13,16,25 **78**:4,18,19 **81**: 4
mta [3] **66**:3 **73**:3 **79**:24
much [16] **6**:8 **23**:18 **26**:7 **27**:14,22 **34**:11 **36**:11 **45**:13 **56**:8 **57**:15 **67**:12,

19 **70**:17 **75**:2 **78**:4 **81**:3
must [5] **26**:14 **27**:19,20 **79**:23 **80**:8
mutual [2] **25**:21 **73**:17

N

name [10] **14**:18 **23**:2 **25**:20 **35**:17 **45**:4 **50**:22,23 **61**:22 **73**:16 **78**:22
named [21] **16**:24 **17**:5,11 **18**:13,17 **19**:12,13,20,24 **20**:7,10,16,22,23 **21**: 2,6,12,21 **22**:3,10,17
national [2] **43**:18 **62**:17
necessarily [1] **48**:7
necessary [4] **5**:9 **36**:8 **44**:18 **53**: 23
necessity [1] **26**:11
need [13] **36**:5 **46**:12,23 **50**:15,16, 19,20 **51**:8 **54**:9,16 **60**:9 **72**:2 **80**:16
needed [3] **16**:12,16 **46**:7
needs [3] **36**:19 **67**:8 **76**:15
never [3] **28**:16 **66**:20,23
new [16] **5**:20 **10**:5,22 **11**:5,6,14 **16**: 5 **24**:11 **50**:14 **55**:10 **58**:14 **62**:3 **63**: 11 **66**:5 **73**:11 **77**:9
next [10] **22**:5 **27**:24 **28**:9,24 **29**:20 **30**:3 **47**:11 **53**:14 **81**:9,11
night [1] **70**:2
ning [1] **80**:16
nmeda [3] **63**:21 **64**:3,15
nobody [4] **13**:3 **36**:15,18,19
none [3] **6**:10 **53**:7,8
nor [1] **37**:4
note [1] **70**:16
noted [1] **81**:17
nothing [2] **8**:10 **54**:24
notice [2] **20**:18 **22**:14
noticed [2] **10**:15 **30**:17
november [4] **14**:6,16,20,21
number [2] **10**:16 **27**:6
numbers [3] **45**:11 **49**:2 **50**:20
nv200 [2] **9**:9,15
nv200s [1] **10**:10
nyc.gov/taxi [1] **13**:20
nypd [1] **10**:20

O

obamacare [2] **67**:4 **70**:2

object [2] **47**:24 **79**:3
objecting [1] **47**:20
obtai [1] **80**:16
obviously [4] **65**:18 **69**:7 **75**:19 **79**: 5
occupant [2] **64**:7,10
o'clock [3] **13**:11,12 **81**:14
octob [1] **73**:1
october [84] **4**:1 **5**:1 **6**:1 **7**:1 **8**:1,8, 11,12,12,13 **9**:1 **10**:1 **11**:1 **12**:1 **13**:1 **14**:1 **15**:1 **16**:1 **17**:1 **18**:1 **19**:1 **20**:1 **21**:1 **22**:1 **23**:1 **24**:1,18 **25**:1 **26**:1 **27**:1 **28**:1 **29**:1 **30**:1 **31**:1 **32**:1 **33**:1 **34**:1 **35**:1 **36**:1 **37**:1 **38**:1 **39**:1 **40**:1 **41**:1 **42**:1 **43**:1,7 **44**:1 **45**:1 **46**:1 **47**: 1 **48**:1 **49**:1 **50**:1 **51**:1 **52**:1 **53**:1 **54**: 1 **55**:1 **56**:1 **57**:1 **58**:1 **59**:1 **60**:1 **61**: 1 **62**:1 **63**:1 **64**:1 **65**:1 **66**:1 **67**:1 **68**: 1 **69**:1 **70**:1 **71**:1 **72**:1 **74**:1 **75**:1 **76**: 1 **77**:1 **78**:1 **79**:1 **80**:1 **81**:1
odd [1] **12**:3
offenses [1] **16**:11
offer [3] **9**:7 **14**:7 **72**:18
office [5] **54**:12 **67**:24 **68**:2,3 **70**:4
officers [2] **10**:17 **33**:7
officially [1] **11**:5
oftentimes [1] **41**:5
oiled [1] **50**:16
okay [33] **9**:8 **21**:14 **22**:19 **23**:10,20, 23 **29**:16 **30**:2 **34**:10 **36**:2 **40**:23 **42**: 7,21 **48**:11,23 **49**:2 **50**:3 **55**:2,6,11, 15 **56**:7,9 **57**:10 **59**:23 **61**:8,15 **72**:9 **75**:16 **77**:6,10,25 **78**:11
old [1] **17**:21
ompt [1] **73**:2
once [6] **11**:24 **45**:3 **48**:24 **50**:6 **53**: 10 **56**:14
one [39] **8**:23 **12**:19 **13**:8 **14**:7 **15**:17 **16**:17,21 **17**:4,10,20 **18**:22 **20**:24 **24**: 18,20 **26**:25 **27**:15 **31**:14 **34**:15 **39**: 12 **41**:18 **44**:7 **49**:11,23 **50**:4 **63**:10 **65**:10,19 **66**:14 **67**:21 **68**:9,17,21 **69**: 12 **70**:22 **71**:5 **73**:21 **75**:14 **76**:11 **79**: 9
online [4] **12**:21,23 **13**:2,9
only [16] **18**:18 **25**:8 **26**:19 **27**:16 **28**:

13 **29**:4 **31**:17 **45**:15,16 **47**:2 **49**:4
53:20 **66**:24 **74**:22 **75**:23 **80**:8
open [1] **72**:6
opened [1] **14**:21
operate [4] **17**:2 **26**:6,16 **55**:5
operates [1] **58**:9
operating [1] **30**:22
operation [2] **11**:9,21
operations [1] **80**:6
operators [1] **52**:18
opportunity [5] **6**:6 **20**:22 **57**:16
 58:3 **78**:25
opposed [2] **42**:17 **71**:2
options [1] **54**:14
order [6] **4**:17 **26**:10 **44**:7 **46**:24 **53**:
 6 **55**:14
ordinary [1] **53**:16
oriented [1] **41**:8
original [2] **49**:14 **79**:17
originally [1] **49**:14
originated [1] **79**:22
other [16] **18**:19 **19**:13,19,23 **20**:16,
 25 **27**:18 **30**:13 **35**:8 **39**:13 **48**:25 **54**:
 12 **58**:12 **66**:9 **71**:15 **81**:12
others [2] **5**:8 **58**:23
otherwise [1] **71**:19
out [23] **5**:6 **12**:9,17 **14**:17 **20**:8,18
 27:2 **30**:15 **31**:16 **49**:16 **51**:21 **53**:10
 54:18 **58**:11,15 **60**:10 **61**:3,9 **67**:9,
 10 **75**:18 **77**:2,21
outcome [1] **10**:11
outer [1] **25**:6
outfitted [1] **6**:16
outreach [1] **21**:9
outset [2] **44**:17 **52**:3
outside [2] **11**:3 **54**:15
over [10] **4**:25 **6**:12 **10**:19 **11**:14,15
 15:10,15 **16**:2 **49**:16 **81**:9
overall [1] **79**:13
overburdened [1] **20**:13
overcharged [2] **15**:5,9
overflow [1] **4**:6
overseas [1] **70**:13
own [1] **80**:4
owner [12] **18**:16 **27**:18 **36**:10,11
 38:5,9 **46**:9,11 **56**:16 **65**:21 **77**:17

80:8
owner-driven [1] **27**:16
owners [24] **9**:14,15 **10**:9 **15**:9 **16**:
 25 **17**:3,16,24 **19**:7,18,23 **25**:21 **26**:
 2,14 **35**:21 **37**:7,10,12,14 **38**:17 **43**:
 2 **63**:24 **65**:4 **73**:17
owner's [1] **37**:18
ownership [1] **17**:6

P

p.m [2] **81**:15,17
page [1] **48**:20
paid [1] **49**:10
paint [6] **27**:3 **28**:20 **29**:13 **30**:13 **37**:
 19,24
painted [10] **24**:8 **26**:7,8,17,20,24
 30:19 **38**:8,11 **39**:2
pakistan [1] **66**:17
panoramic [1] **9**:24
paper [2] **47**:2 **54**:15
paperwork [2] **59**:11 **66**:2
paragraph [1] **73**:21
paramount [1] **75**:24
paratransit [1] **24**:13
part [3] **32**:18 **41**:23 **60**:7
participating [1] **14**:14
participation [1] **43**:17
particular [5] **5**:23 **6**:23 **17**:5 **31**:9
 59:8
partition [4] **27**:12,17,19 **41**:24
partners [3] **6**:25 **16**:22 **18**:10
pass [1] **78**:13
passed [1] **72**:13
passenger [5] **12**:7 **24**:10 **80**:10,17,
 17
passengers [11] **9**:19,20,22,24 **10**:
 3 **12**:14 **15**:4,7 **64**:12 **71**:17 **72**:18
passes [3] **50**:6 **56**:14,15
pat [1] **67**:8
pause [1] **4**:14
pay [5] **13**:2,3,6,19 **72**:19
paying [1] **67**:5
payment [8] **14**:25 **50**:8 **56**:11,14
 60:8 **62**:8 **65**:10 **77**:23
payments [3] **43**:11,22 **66**:8
penalized [1] **36**:19

penalizing [1] **36**:10
people [41] **5**:19 **6**:22 **9**:8 **14**:6 **15**:
 18 **18**:13,20 **20**:9,20 **21**:17 **28**:15 **31**:
 16 **33**:12 **40**:19 **41**:5 **49**:5 **52**:10,19
 53:5,12,15 **54**:9,13,17 **55**:24 **57**:5
 58:12 **59**:3 **61**:2 **63**:15 **65**:9 **67**:5,9,
 12,25 **68**:3 **69**:22 **71**:14 **73**:7,8 **76**:
 20
percent [9] **5**:14 **33**:6,6 **45**:5,10,16,
 17 **46**:25 **65**:14
percentage [1] **65**:6
perfectly [2] **40**:6 **47**:16
perhaps [2] **41**:23 **49**:19
period [5] **6**:8 **24**:18 **32**:24 **33**:17
 43:6
periods [1] **24**:14
permissible [1] **54**:8
permit [19] **5**:4 **49**:22 **52**:2,6,7,10,
 14,15,16,17,19 **53**:19 **62**:7,12 **63**:16,
 23 **65**:17 **68**:17 **77**:16
permits [10] **28**:16,16 **29**:15 **51**:19,
 20 **52**:4,25 **53**:12 **55**:14 **58**:11
permitted [1] **74**:14
permittee [3] **60**:6 **77**:4,20
permittees [1] **76**:11
person [4] **18**:18 **20**:7 **76**:13,14
personal [1] **30**:14
personally [2] **41**:7 **62**:5
personnel [1] **11**:25
perspective [1] **71**:16
phones [1] **12**:7
phony [1] **15**:23
pia [2] **61**:20 **65**:3
pick [1] **74**:14
picture [3] **45**:13 **66**:16 **70**:11
pictures [2] **66**:14 **69**:11
pilot [2] **79**:11,12
place [7] **39**:13 **49**:9 **52**:2,13 **53**:4,
 13,22
places [2] **35**:25 **80**:18
plan [2] **8**:22 **21**:20
planning [1] **13**:12
please [3] **4**:10,13 **71**:23
pleased [1] **5**:13
plugging [1] **71**:18
plus [1] **31**:20

podium [2] 4:4,12
point [6] 6:23 12:18 17:25 37:11 58:10 71:19
pointing [1] 54:18
points [4] 12:18,19 48:19 55:20
polanco [2] 4:18 23:9
police [1] 10:19
port [1] 10:2
position [4] 13:5 55:4 61:2 80:19
possible [7] 51:9,12 58:25 59:6 71:19 76:2,7
possibly [2] 58:4 66:25
post [4] 13:8 24:20 43:10 72:24
poverty [1] 67:10
pr [1] 73:2
practice [1] 20:15
prea [1] 80:4
prearranged [3] 79:16 80:2,15
precise [1] 81:15
prefer [1] 17:19
prepared [2] 21:24 48:25
present [5] 4:17 34:25 42:19 71:4 81:7
presentation [2] 23:19 77:7
presenting [1] 23:4
pretending [1] 33:25
pretty [2] 6:2,8
prevent [1] 15:8
pric [1] 80:9
price [3] 14:8,9,11
priced [1] 80:2
pride [2] 5:22 6:23
printed [1] 7:9
prior [4] 8:5,14 9:12 27:4
private [1] 57:20
probably [8] 4:25 6:20 29:24 33:5,6,16 58:12 76:20
problem [10] 8:23 23:14,15 29:19 48:2,5,8 55:7 60:11,23
problems [1] 63:17
proceedings [79] 4:1,14 5:1 6:1 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1 41:1 42:1

43:1 44:1 45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1 53:1 54:1 55:1 56:1 57:1 58:1 59:1 60:1 61:1 62:1 63:1 64:1 65:1 66:1 67:1 68:1 69:1 70:1 71:1 72:1 73:1 74:1 75:1 76:1 77:1 78:1 79:1 80:1 81:1
process [11] 17:2 43:2 45:21 46:4 49:11 51:15 53:4,22 54:16 59:4 62:15
processing [1] 31:10
production [1] 63:13
productivity [1] 11:17
products [1] 63:2
professionalism [1] 11:18
program [11] 4:23 6:7 43:19 44:24 50:14 52:3 63:11 64:3,16 66:5 80:22
prohibit [3] 24:8 26:5,15
prohibited [3] 26:8 38:10 74:25
prohibition [3] 24:21,23 38:6
prohibits [1] 39:2
promoting [1] 79:8
properly [1] 5:7
propose [1] 20:14
proposed [12] 24:7 25:2 42:25 72:10 73:19 79:4,7,14,18 81:6,8,11
proposedun [1] 80:5
proposing [3] 23:18 38:12 71:22
prospective [1] 80:10
protect [3] 15:4 27:13 37:25
protected [1] 12:14
protection [3] 27:20 64:8,11
proud [2] 67:2 70:13
proudest [2] 11:5,6
provide [5] 49:15 61:6 62:23 63:3 80:9
provided [2] 20:23 44:14
provider [1] 73:24
provides [3] 9:23 31:14 39:18
providin [1] 80:17
providing [1] 78:21
pub [1] 73:5
public [19] 4:3 5:8 19:17 20:2 24:6 26:4 27:9 42:24 45:12 46:3 55:25 71:24 72:10 74:6,12,15,19,24 81:6
publication [3] 24:21 43:10 72:25

published [3] 24:16 43:5 49:15
pulling [1] 69:17
purchase [1] 58:14
purchased [1] 55:14
purpose [6] 19:17 20:2,17 21:6 74:5 79:11
put [13] 14:18 27:3 46:9 49:6,8 50:9 51:16 52:11,12 60:10 63:20 68:15 81:9
putting [3] 12:20 14:4 27:17

Q

qap [3] 62:19 63:21 64:20
qualified [1] 28:17
quality [3] 11:7,22 43:19
queens [1] 30:17
question [5] 29:12 32:20 47:14 51:25 56:10
questions [3] 7:6 8:22 47:7
quick [1] 4:19
quickly [4] 7:25 51:7,12 58:25
quite [3] 56:21 58:13 63:5
quorum [2] 23:22 81:7
quote [2] 80:9,18
quotes [1] 80:7

R

raise [2] 10:23 48:14
raised [2] 44:6 54:5
raising [2] 47:23 52:23
ramos [2] 78:6,8
ran [1] 6:7
rate [4] 71:21 72:25 79:24 80:7
rates [1] 80:7
rather [2] 13:7 27:20
ray [1] 11:9
reach [1] 61:9
readily [1] 6:15
real [4] 32:20 53:2 64:21 75:24
reality [2] 31:20 46:6
realize [2] 57:25 70:23
realized [1] 44:13
really [18] 5:13 6:6 11:4 12:19 14:22 16:18 19:17 35:8 59:7 62:11 64:21 65:22 67:2,7,8 69:8,20,23
rear [1] 9:25

reason [10] **7:**15,22 **10:**7 **26:**24 **39:** 16 **40:**18 **45:**22 **46:**14,16 **49:**3
recall [1] **18:**9
receive [2] **50:**7 **51:**4
received [5] **24:**19,20 **43:**8,9 **49:**18
receiving [1] **13:**5
recently [1] **72:**13
recess [1] **4:**8
recommend [2] **14:**13 **35:**14
recommendations [3] **34:**17,20 **35:**2
record [5] **18:**5 **24:**17 **35:**2 **42:**18 **43:**6
records [3] **18:**12,15,16
redo [1] **40:**10
redouble [1] **54:**2
refer [2] **35:**8 **62:**10
reflect [2] **35:**2 **64:**15
regarding [4] **57:**22 **61:**6 **78:**25 **80:** 4
regardless [1] **10:**10
register [2] **17:**6,7
regular [5] **26:**21 **45:**24 **46:**3,7 **80:** 19
regulars [1] **10:**15
regulates [1] **16:**15
regulating [1] **16:**15
reinstates [1] **8:**18
related [2] **29:**11 **47:**23
relating [1] **24:**3
relationship [1] **69:**9
relays [1] **74:**18
rely [3] **59:**19 **60:**9 **61:**2
remaining [1] **78:**15
remarkable [2] **11:**19,20
remarks [1] **33:**3
reminder [2] **16:**11,16
removed [3] **43:**13,20,23
rename [1] **73:**3
render [1] **8:**2
renew [1] **12:**22
renewed [1] **34:**18
rent [1] **80:**6
renting [1] **52:**19
replaced [1] **24:**23
reported [1] **67:**15

reporters [1] **81:**16
reporting [1] **71:**14
representing [3] **62:**7 **78:**16,17
requests [1] **80:**15
require [4] **46:**19 **72:**14,18,21
required [1] **30:**20
requirement [4] **43:**11,17 **46:**25 **63:**21
requires [2] **51:**4 **73:**23
resell [1] **55:**15
reset [3] **18:**23 **19:**2,9
respect [5] **22:**4 **35:**17,20 **39:**12 **56:** 10
response [2] **49:**21 **75:**5
responsible [1] **65:**23
restitution [1] **15:**14
results [2] **7:**4 **11:**25
retirement [7] **17:**13 **18:**23,24 **20:** 17,20,25 **21:**5
retrofitter [1] **57:**7
retrofitting [1] **76:**22
return [3] **23:**9,21 **34:**16
returning [1] **15:**14
returns [2] **66:**20,21
review [2] **64:**3,15
revising [1] **38:**25
ride-away [1] **61:**23
riding [8] **5:**8 **26:**4 **27:**8 **74:**6,12,15, 19,23
rights [1] **40:**6
road [20] **6:**14,21 **27:**7 **28:**10,14 **44:** 10 **46:**10 **47:**2 **49:**4,6,8 **50:**9 **51:**17, 24 **52:**11,13 **55:**18 **63:**25 **66:**13 **75:** 25
role [1] **79:**13
roll [1] **67:**22
ronnie [3] **75:**4,6,7
roof [14] **9:**24 **30:**20 **31:**5,6 **32:**3,21 **72:**15 **73:**24 **74:**4,8,9,11,17,20
room [4] **4:**6 **9:**22 **10:**24 **72:**8
roundtable [2] **78:**17,24
rranged [1] **80:**4
rule [48] **7:**10 **19:**21 **21:**16 **24:**3 **25:**2, 10,24 **26:**12,14 **28:**23 **29:**7,11 **30:**24 **34:**14 **35:**5,5,7,9,20,24 **36:**20 **37:**2,6, 18 **38:**6,14,25 **39:**8,12 **40:**15,16 **42:**

11,14,20 **44:**24 **49:**14,22 **53:**3 **70:**22 **71:**4,5,8 **73:**19 **80:**4,5,6,14 **81:**8
rules [53] **7:**7,8,11,20 **8:**6,10,15,19 **9:**5,12 **15:**4,6,8,19 **19:**12,14 **23:**25 **24:**2,7,16 **25:**23 **27:**12 **33:**4,21 **42:** 22,25 **43:**5,10 **44:**16,18,19,20 **48:**2, 6,8 **51:**25 **52:**13 **54:**8 **57:**23 **64:**14 **70:**24 **71:**23 **72:**11,12,13,24 **73:**6 **79:** 2,4,7,14 **81:**6,11
ruling [2] **8:**18 **79:**17
run [1] **50:**21
running [1] **6:**2

S

safety [8] **27:**11 **41:**25 **42:**6 **62:**22 **64:**5,7,11,11
sake [1] **39:**21
same [10] **8:**12 **11:**17 **20:**4 **37:**2,6 **38:**22 **46:**24 **48:**20 **50:**2 **63:**17
satisfaction [1] **15:**20
saved [1] **27:**21
saying [8] **37:**23 **38:**4,9,19,24 **39:**4, 25 **57:**21
says [9] **7:**11 **13:**11 **18:**3 **21:**16 **22:**2 **52:**25 **76:**12 **77:**3 **80:**7
scanlon [2] **11:**9,11
scared [1] **66:**5
schedules [1] **24:**15
scott [4] **27:**25 **28:**2 **47:**12 **57:**12
seat [2] **23:**19 **64:**10
seating [1] **4:**6
seats [1] **4:**11
second [4] **17:**15 **41:**22 **64:**19 **65:** 15
section [4] **26:**2,13 **73:**21 **79:**19
sections [1] **43:**21
sector [1] **79:**9
secure [1] **62:**12
see [12] **5:**10 **16:**19 **19:**16 **26:**23 **40:** 18 **51:**14 **53:**12 **58:**25 **60:**12 **67:**19, 25 **76:**23
seems [2] **35:**22 **71:**14
seen [5] **31:**3 **60:**15 **62:**4 **63:**9 **69:**14
seize [1] **12:**6
sell [5] **52:**4,6,10,20 **58:**19
selling [2] **61:**23 **62:**2

send [1] 22:2
sending [1] 18:3
sense [2] 20:5 22:9
sensible [2] 40:8 44:22
sent [1] 70:12
separate [1] 28:23
september [4] 24:17 43:6 51:20, 21
seriously [1] 45:20
serve [4] 5:19 6:22 19:15 20:2
service [5] 10:3,6 12:7 62:23 63:3
services [1] 73:23
serving [4] 5:8 6:21 45:12 46:3
set [3] 7:8 48:3 55:23
seven [2] 62:3 63:7
several [3] 18:10 43:24 58:11
shade [9] 24:9,22,23 25:8 26:7,9,17 37:22,24
sheer [1] 20:12
sheet [1] 4:4
sheets [1] 4:12
shl [13] 24:15 27:11,12,17 45:8 46:7, 12,17 55:5 74:13,17,20,21
shls [15] 27:16 45:11,14,18,20,24 46:2,3,5,15,16,19,22 74:14 79:13
short [4] 7:12,13 14:18 54:7
shortly [2] 14:3 33:19
shot [2] 49:11 50:4
show [2] 4:6 42:18
side [1] 76:22
sign [4] 4:11 14:18 31:13 77:20
signed [5] 29:14 43:24 73:8,9 75: 14
significant [1] 19:17
sign-up [2] 4:4,12
similar [1] 57:22
simple [6] 7:12,13,15,22 27:5 28:7
simplified [1] 27:14
simply [1] 28:11
since [3] 9:16 14:4,22
sincerely [1] 77:9
single [3] 6:8 17:11 74:4
sinks [1] 33:18
sir [3] 28:23 44:4 55:3
sit [2] 54:21 59:9
site [1] 56:2

six [2] 50:7 51:22
size [1] 11:21
sky [1] 73:7
skype [1] 66:16
slash [1] 27:6
slice [1] 65:17
slowed [1] 49:11
small [2] 14:18 69:16
smoothly [1] 12:24
sober [1] 15:20
sobers [1] 11:12
so-called [1] 42:14
sold [1] 45:18
sole [1] 49:3
somebody [7] 31:12 51:3 53:17 60:13,14,21 76:11
someone [4] 5:23 19:13,19,23
sometimes [1] 21:12
somewhat [1] 21:4
somewhere [1] 5:5
son [1] 68:19
soon [1] 75:25
sorry [8] 27:25 28:22 35:13 42:9 47: 14 48:24 60:17 75:12
sorts [1] 27:2
sounds [2] 29:23 68:4
sp [1] 73:9
space [1] 59:10
spea [1] 73:8
speaker [2] 25:14 27:24
speakers [1] 43:24
speaks [1] 28:24
specific [2] 17:19 41:19
specifically [2] 9:9 25:6
specifications [4] 8:5,11 9:11,13
specified [1] 80:11
speed [2] 51:15 55:22
spell [1] 20:18
spend [2] 20:6 22:10
spirit [1] 47:4
spread [1] 49:16
staff [4] 20:13 23:12 24:20 50:25
stages [1] 5:9
stakeholders [2] 12:13 36:17
stand [1] 23:12
standard [2] 10:6 64:7

standards [5] 62:20,22 63:12,22 64:5
stands [4] 7:15 9:2 30:15 52:15
starred [1] 44:6
start [3] 46:2 51:18 53:23
started [2] 33:19,20
starting [4] 4:5 13:9,20 33:18
state [3] 43:4,16 44:12
states [1] 79:21
statistics [1] 28:12
statute [2] 5:17 53:2
steam [1] 67:22
stereotype [1] 69:15
still [8] 6:3,18 33:8,9 46:14,16 51: 15 67:20
stood [1] 63:6
stop [1] 51:19
stops [1] 80:12
straightforward [1] 19:16
streamlined [1] 50:16
stree [2] 73:4 80:18
street [40] 4:22 5:4,6,7,11 12:5 14: 17,19 25:7,22 26:6,16,19,22 32:24 33:3,13,14,15 42:22 43:3,4,16 44:9 45:6 65:5,16 72:15,22 73:2 74:7,8, 11,13,23,24 79:15,25 80:14,22
streets [5] 12:2,4,9 59:2 63:7
strength [2] 12:17 27:13
strengthen [1] 74:22
stress [1] 26:11
stressing [1] 37:11
strongly [1] 62:8
structure [2] 11:13 58:8
structures [2] 54:6,7
structuring [1] 57:23
stuff [2] 30:21 40:7
subchapter [3] 25:25 26:13 35:18
subcommittees [1] 58:7
subdivision [8] 25:25 26:12 35:18, 19 37:17,23 73:22 79:18
submit [1] 62:9
submitted [1] 40:5
subsequent [1] 43:22
subsidy [1] 44:11
suggest [1] 50:5
suggesting [1] 37:10

suggestion [7] **35**:16 **36**:9 **41**:5,9 **75**:23 **77**:10,13
suggests [1] **14**:12
sum [4] **49**:23 **65**:10 **67**:21 **72**:11
summons [5] **13**:4,5,18 **21**:17 **22**:8
summonses [3] **12**:5 **13**:2 **20**:4
summonsing [1] **19**:18
superior [1] **80**:19
supplying [1] **57**:19
support [5] **25**:22 **62**:8 **65**:10 **67**:12 **73**:18
suppose [1] **36**:21
supreme [2] **7**:18 **8**:18
survive [1] **69**:20
suspect [1] **19**:6
switch [1] **13**:13
switzer [2] **4**:2,9
system [3] **71**:18 **73**:23 **74**:4

T

talked [2] **11**:9 **29**:10
talks [1] **79**:19
tamus [2] **18**:6,15
tank [1] **64**:9
tarek [1] **78**:17
tation [1] **80**:8
tax [5] **50**:19 **66**:19,20 **73**:3 **79**:24
taxes [1] **67**:5
taxi [24] **5**:24 **6**:24 **7**:3,19 **8**:6,14 **9**:10,12,14,17,23 **10**:6 **18**:5 **23**:3 **24**:11 **25**:21 **26**:9 **33**:25 **37**:22 **73**:4,11,17 **74**:7,8
taxicab [1] **17**:9
taxicabs [1] **14**:2
taximeter [2] **74**:2 **79**:23
taxis [6] **12**:3 **27**:15 **37**:3 **39**:3,3 **62**:3
team [1] **11**:24
teased [1] **65**:20
technical [1] **72**:10
technically [1] **19**:20
technicians [1] **62**:25
tells [1] **18**:19
ten [4] **13**:16 **27**:4 **67**:25 **70**:12
term [3] **8**:9 **24**:24 **25**:5
terms [1] **17**:17

terrific [1] **9**:18
territory [1] **32**:17
test [1] **63**:6
tested [1] **9**:21
testify [2] **25**:22 **73**:18
testimony [11] **24**:7,25 **35**:10 **42**:25 **65**:8 **69**:3 **70**:20 **71**:24 **72**:10 **73**:5 **78**:21
thanks [1] **61**:10
themselves [2] **49**:2 **67**:8
theory [2] **19**:10,11
therefore [2] **9**:13 **74**:16
there's [16] **4**:5 **18**:15 **20**:10 **21**:4 **28**:14,17 **31**:11 **39**:4,7 **46**:16 **52**:14,20 **55**:16 **56**:12 **67**:20 **69**:19
thinking [1] **67**:14
though [4] **6**:5 **26**:21 **56**:24 **61**:16
thousand [5] **6**:12,21 **28**:9 **63**:14,14
thousands [4] **12**:4 **19**:3,18,22
three [17] **12**:18 **15**:17,22 **16**:7,10 **23**:25 **24**:14 **25**:13,15 **29**:7 **31**:13 **32**:6 **34**:15 **43**:12 **46**:10,20 **72**:21
thrilled [1] **11**:3
throughout [3] **5**:20 **11**:19,23
ticket [2] **34**:2 **58**:18
tickets [1] **33**:12
timeliness [1] **41**:10
timing [1] **7**:21
title [1] **79**:19
tlc [10] **4**:24 **7**:14 **8**:15,20,25 **10**:16 **17**:22 **28**:7 **54**:15 **79**:11
tlc's [3] **79**:17 **80**:3,6
today [29] **5**:23 **6**:25 **8**:4,13 **9**:14 **10**:17 **14**:3 **19**:22 **22**:21 **23**:25 **24**:6 **25**:14 **31**:19 **33**:4,8 **35**:6 **37**:7 **40**:5,15,17 **42**:24 **44**:25 **48**:3 **71**:6 **72**:9 **73**:5 **78**:25 **81**:8,13
today's [1] **81**:13
together [3] **16**:4 **57**:25 **69**:17
tolls [1] **80**:7
tomorrow [10] **6**:24 **7**:3,20 **8**:6,15 **9**:12,18,23 **13**:10 **33**:16
tonight [3] **12**:25 **13**:9,21
tons [1] **7**:5
took [1] **65**:18

top [1] **80**:13
tormey [6] **22**:25 **23**:2,10,14,20,23
totally [1] **36**:24
toward [1] **61**:5
town [2] **30**:18,19
tpep [3] **18**:19 **71**:12 **72**:13
track [3] **21**:11,15 **22**:10
tracking [1] **22**:3
tracks [1] **15**:24
trade [1] **21**:24
trained [1] **62**:25
training [1] **24**:11
transaction [1] **60**:3
transactions [1] **12**:21
transfer [13] **52**:7 **53**:6,15,19,22 **54**:7,17,19 **55**:23 **58**:19 **68**:12,18,18
transferability [1] **43**:22
transferable [2] **52**:4,25
transportation [1] **80**:11
tried [1] **52**:5
tries [1] **13**:15
trip [4] **68**:5 **72**:22 **79**:22 **80**:2
trips [1] **79**:16
true [5] **8**:7 **11**:18 **18**:23 **29**:22 **39**:5
truth [2] **16**:13 **44**:15
try [1] **15**:24
trying [4] **52**:19,20 **58**:22 **69**:17
tuncel [35] **25**:3,16,19,20 **35**:16 **36**:5,15,18 **37**:2,6,9,16,21 **38**:3,13,16,20 **40**:22,23 **41**:11 **42**:2 **43**:25 **44**:3 **45**:2,3,4 **47**:10,21 **48**:7,10,12 **73**:9,12,15,16
turn [2] **73**:24 **74**:20
turned [1] **15**:25
turns [1] **20**:8
two [12] **12**:18 **14**:23 **17**:10 **23**:6,25 **31**:17 **34**:15 **45**:16,19 **67**:3 **69**:25 **78**:15

U

ultimately [1] **59**:2
unanimous [3] **34**:24 **42**:18 **71**:3
unassisted [1] **72**:20
unauthorized [1] **27**:7
unavailable [1] **79**:20
uncertainty [3] **7**:5 **8**:25 **58**:24

uncomfortable [2] **23**:13 **47**:15
under [1] **5**:18
undergo [1] **62**:20
understand [8] **17**:16 **22**:7 **38**:23 **40**:12 **46**:11 **50**:12 **55**:13 **60**:22
understood [3] **42**:7 **48**:17 **77**:18
undertaking [1] **19**:4
unfavorable [1] **79**:20
unfortunately [1] **7**:4
uniformed [1] **10**:16
uniformly [1] **21**:18
unit [1] **15**:12
unless [1] **33**:23
unlimited [1] **32**:8
unnecessary [1] **43**:23
unnerving [1] **71**:14
unreasonable [1] **46**:18
until [12] **13**:9,16 **27**:4 **29**:17 **30**:3 **31**:15,25 **32**:20 **33**:17 **60**:21 **68**:2 **70**:5
unusually [1] **10**:16
up [35] **4**:11 **6**:16 **9**:15 **10**:10 **14**:5,11 **26**:23 **27**:5 **29**:14 **31**:14 **43**:24 **44**:4 **45**:12,15,20,25 **46**:2,7,18,19,21 **48**:3 **49**:7 **51**:6,15 **55**:22 **62**:14 **66**:21 **70**:6 **72**:11 **73**:8,9 **74**:15 **75**:14 **79**:2
update [4] **4**:23 **25**:23 **26**:12 **73**:20
updates [1] **4**:19
upfitter [1] **77**:3
upfitting [1] **76**:15
uphold [1] **63**:22
ups [1] **71**:22
urge [1] **59**:8
using [1] **80**:3

V

valid [4] **26**:6,16 **48**:18 **55**:19
valuable [2] **17**:17 **59**:22
value [2] **14**:12 **39**:18
van [1] **46**:13
various [1] **5**:9
vast [1] **62**:11
vehicle [42] **8**:4 **9**:21,23 **17**:8,13,19 **18**:15,25 **19**:24 **20**:24 **26**:2,23 **27**:5, 13 **28**:19,21 **36**:11 **37**:7,18,21 **38**:5, 6,7 **43**:15 **50**:6 **55**:17 **56**:11,13,15,

16 **58**:15 **62**:22 **63**:15,18,24 **64**:5,6 **72**:16 **73**:22,2 **76**:13 **77**:8
vehicles [29] **5**:16 **24**:4 **26**:5,15,20 **27**:4 **28**:9,14,18 **29**:2 **32**:16 **38**:21 **44**:9,10 **49**:4 **51**:16,23 **57**:19 **61**:24 **62**:5,8,13 **63**:2,6,8,12,25 **75**:25 **80**: 23
vendor [3] **57**:18 **77**:4,24
vent [1] **41**:6
veriphone [1] **67**:11
violate [1] **15**:19
violates [1] **80**:5
violation [3] **19**:11 **80**:3,13
violations [2] **12**:6 **19**:22
violators [1] **22**:8
visual [1] **72**:19
vitality [1] **10**:4
vote [13] **23**:22 **34**:25 **35**:4,14 **42**:11, 19 **49**:10 **50**:2 **70**:23 **71**:3 **79**:5 **81**:8, 10
voted [3] **75**:19,20 **78**:9
voting [2] **48**:3 **79**:6
voucher [3] **76**:7 **77**:12 **78**:3

W

wait [10] **5**:24 **6**:3,4 **13**:9,16 **23**:8 **29**: 17 **30**:3 **31**:13 **32**:6
walk [3] **31**:19 **54**:13,22
wanted [2] **48**:14,20
wants [2] **13**:3 **72**:4
waste [2] **20**:12 **77**:19
watch [1] **10**:12
wave [1] **53**:14
way [3] **35**:8 **48**:2 **80**:21
web [1] **56**:2
week [4] **31**:13 **46**:8 **69**:19,20
weeks [8] **7**:17 **22**:6,15 **32**:6 **33**:19 **50**:7,9 **69**:19
weiss [1] **13**:23
welcome [3] **10**:14 **70**:18 **78**:5
whatever [3] **14**:10 **38**:13 **56**:5
wheelchair [14] **5**:15 **6**:10,13 **24**: 10 **28**:10,18,25 **43**:3 **44**:8 **51**:20 **59**: 3 **61**:24 **62**:2 **63**:5
wheelchairs [3] **5**:19 **6**:22 **64**:12
whether [6] **35**:23 **36**:10 **39**:17,17

72:22 **74**:6
whoever [1] **57**:7
whole [1] **68**:17
who's [2] **18**:4 **76**:14
wife [1] **68**:18
will [74] **4**:6 **5**:10,25 **7**:14,16,21,23, 24 **8**:2,3,11,16,20 **9**:2,6 **10**:2,4,9 **12**: 25 **14**:3,9,15,21,24,24 **15**:21 **18**:9, 18 **19**:8,15 **20**:18,21,24 **21**:2,6 **22**:4, 4,4,8,13 **24**:4 **26**:4 **27**:6 **29**:8,9,20 **30**:13 **31**:12 **33**:15,16 **36**:3,13 **42**:22 **44**:11 **46**:12 **49**:11,22 **50**:2,17 **51**:10, 14,23 **53**:15,21 **55**:24 **59**:9 **62**:12 **67**: 21 **77**:4,22 **78**:21 **80**:2 **81**:9,10
wish [5] **7**:13 **9**:15 **20**:20 **29**:6 **67**:24
wishes [1] **77**:20
within [6] **5**:11 **6**:19 **40**:6 **46**:19 **54**: 8 **72**:21
without [2] **62**:13 **80**:15
withstand [1] **63**:17
wondering [1] **76**:6
woodside [2] **7**:6 **60**:12
words [1] **69**:4
work [16] **12**:2,24 **13**:25 **31**:22,23 **33**:14 **34**:9 **44**:21 **57**:8 **58**:8 **59**:15 **61**:23 **66**:11 **68**:2 **69**:17,23
worked [2] **76**:19 **77**:2
working [5] **16**:4 **50**:13 **52**:24 **61**:5 **68**:25
worldwide [1] **10**:6
worried [1] **27**:11
worth [1] **36**:13
worthwhile [1] **21**:23
write [2] **60**:12,13
written [1] **62**:9

Y

yas [1] **73**:7
year [3] **11**:15 **15**:10 **19**:4
years [8] **17**:22 **24**:14 **49**:12 **57**:18 **61**:25 **62**:4 **63**:7 **71**:12
yellow [7] **26**:9 **27**:15 **32**:12 **37**:3,22 **38**:20 **39**:2
yesterday [5] **10**:18 **15**:3,16 **45**:7 **67**:3
yield [1] **41**:18

yielded [1] **15:**17
yoar [1] **60:**15
yoars [21] **27:**25 **28:**2 **29:**22,25 **47:**
 12 **57:**13,15 **58:**17 **59:**13,17,20,24
 60:4,16,16,18,19,24 **61:**4,10 **64:**19
york [7] **5:**20 **10:**5 **16:**5 **55:**10 **62:**3
 73:11 **77:**9
york's [2] **11:**5,6
youse [1] **68:**19
yup [1] **59:**13

Z

zero [1] **6:**18
zone [6] **72:**17 **74:**2,16,18,21,25