

Taxi and Limousine Commission Meeting
December 8, 2016

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TRANSCRIPT OF THE
NEW YORK CITY
TAXI & LIMOUSINE COMMISSION

THURSDAY, DECEMBER 8, 2016
33 Beaver Street
COMMISSION HEARING ROOM, 19TH FLOOR
BOROUGH OF MANHATTAN

10:21 a.m.

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HEARING CONVENED AT 10:21 a.m.

COMMISSIONERS PRESENT:

Meera Joshi, Chair

Jacques Jiha

Bill Aguado

Edward Gonzales

Lauvienska Polanco

Nora Constance Marino

ALSO PRESENT:

Chris Wilson, General Counsel

Staff

The Public

Reported by:
Jennifer Cassella

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THE CHAIR: Good morning. The time is 10:28 and we're going to begin our last meeting of the year, and it's also the last meeting for two of our treasured commissioners, Commissioner Ed Gonzales and Commissioner Frank Carone who are both leaving the Commission, Frank as of December 1st and Ed as of December 9th. So it's a tremendous loss for all of us. It sucks, but we'll start the new year without them. I just wanted to take a few minutes to go over what it is that Frank and Ed have brought to the Commission as Commissioners and as individuals.

Being a Commissioner is a chore. It's not a paid appointment. It involves much more than showing up here once a month. Commissioners, especially those as diligent as Ed and Frank, spend hours reviewing rules, raising questions with the staff and hearing out drivers, operators and advocates. Our issues are not straightforward and parsing through them while the industry members are lobbying for

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their preferred amendments is an incredible feat.

Ed joined the Commission in 2005. He spearheaded the FHV Rules overhaul and has championed drivers rights, voted for the first ever fare increase that went entirely to drivers and has consistently advocated and voted for more accountability taxi service in the boroughs, greater accessibility and increased street safety. Ed, I'm sure I'm not alone in describing you as one of the calmest, levelheaded, rational colleagues I could ever hope for. You have a way of making your point through facts and analysis, never once altering your voice level. You'll be missed and we wish you all the best in the future.

(Applause.)

THE CHAIR: Frank Carone joined the Commission in 2011 and has been an adamant supporter for service for all, advocating for outer borough taxi service which today we know as green taxis, and access to service for the disabled, including the

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2 taxi accessibility program under which 50
3 percent of our yellow cabs will be
4 wheelchair-accessible. There are already a
5 thousand of them on the streets today
6 providing service. Frank, thank you for
7 your outspokenness, your passion for causes
8 you believe in. In spite of an often
9 dizzying array of competing interest and
10 arguments, your ability to quickly sift
11 through other stuff and hone in on the
12 important issues has been a true service to
13 this Commission and to this City.

14 So Ed and Frank, on behalf of all of
15 the TLC, we would like to present you both
16 each with a plaque, and I'm sure my fellow
17 Commissioners have some things they would
18 like to share about Frank and Ed which we
19 could do as soon as I present them with
20 their plaques.

21 So Ed, "On behalf of the riding
22 public and for all those we serve, thank
23 you for your years of service, 2005 to
24 2016. Your dedication, focus and expertise
25 will be remembered but your humanity,

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appreciated the opportunity to serve in New York City. I look forward to the hearings and working behind the scenes to seek that objective balance among passengers, drivers and the industry. I kept in mind that there are always real people and their families behind the decisions made.

The TLC has accomplished a lot in the last 11 years. We've had new technology, purpose-built vehicles, e-hail, street hail livery service, FHV Rules overhaul, commuter van markings and the driver honor role to name a few. Throw in the spike in gasoline prices after Hurricane Katrina, a transit strike and Superstorm Sandy, I'd like to say the TLC, the drivers and industry met the call to keep New York City motion in both business as usual as well as challenging times.

I would like to both acknowledge and thank the following individuals and groups: For former Mayor Michael Bloomberg, the current Mayor Bill de Blasio, the City Council, especially Transportation

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2 Committee Chair Councilman Ydanis
3 Rodriguez; NYPD, especially Chief Thomas
4 Chan who has been a very partner and
5 advocate for the TLC, and TLC enforcement.
6 For current staff, I would like to
7 especially thank Allan Fromberg, Chris
8 Wilson, Dawn Miller, Gary Weiss, Elaine
9 Moore and Brian Switzer. I also would like
10 to thank former Chairs Matt Daus and David
11 Yassky, and former staff members Andy
12 Salkin, Ira Goldstein, Ashwini Chhabra,
13 Charles Frasier and Conan Freud. Also, my
14 former Commissioners, Elias Arout, Iris
15 Weinshall, LaShann De'Arcy Hall, and Frank
16 Carone, Mark Gjonaj, and especially
17 Commissioner Arout who helped me immensely
18 from my first day on the Board.

19 Thanks to my wife and daughters as
20 well as management and coworkers at my
21 office to enable me the flexibility to
22 serve NYC while still being a husband, a
23 dad and a portfolio manager. A special
24 thanks goes to State Supreme Court Justice,
25 the honorable Ernest Hart who encouraged me

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to interview as a favor for the opening on the Board back in 2005. In a nutshell, what turned out to be a favor became a purpose.

While I leave with unfinished business on accessibility in Vision Zero, I feel the strong foundation laid down will champion future initiatives for these necessary public endeavors. Also, having been bitten by the public service bug, I intend to serve New York City in the public capacity somewhere down the road.

I always want to mention that last year I gave my Godson Jadell (phonetic), a replica of a toy taxicab for Christmas. I just want to let you know since he got that gift, for the last year he takes it with him everywhere, and I mean everywhere. At this rate, I figure in 20 years or so, he's either destined to own a few medallions or he may take my seat here on the Board.

In closing, may good fortunes bless you and your families and I wish everyone in the TLC nothing but the best. Merry

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Christmas, Happy Hanukkah, Happy Holidays
and Happy New Year to everyone and their
families.

(Applause.)

COMM. CARONE: Thank you, Ed. I'd
like to join in your thanks and your kind
words. You were as articulate and sincere
as always, and thank you Madam Chair for
your kind words and for this wonderful
plaque and recognition.

I said to the Chair earlier this
morning that I was at a Bar Association
event this week and they acknowledged that
I was there as former Commissioner and it
sort of sunk in hearing the words, and I
know it's a cliché that it feels like
yesterday, but it does feel like yesterday
when I was sitting in the audience watching
the Commission trying to learn about what
task was in store for me and how I could
make the most -- make the most of my time
on the Commission.

And without naming all the names
like my wonderful colleague, Commissioner

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Gonzales just did, I've always said and I mean this sincerely, that the staff that work here at TLC is some of the finest staff I've ever encountered in private industry and public service any place, and they are the incredible, hardworking, intelligent, sincere staff and that goes throughout. I spent time in each division trying to learn what everyone does and everyone was just kind, articulate and fully prepared and I'm proud to sit on the Commission knowing and having an incredible staff behind you to give you the information that you need timely and objectively.

So I join in the thanks of Commissioner Gonzales and I wish Commissioner Gonzales the best in future endeavors, and I will do my best and I hope you feel the same, to maintain our friendship.

It's been an incredible journey and it's only about the people and fellow Commissioners sitting here today, those who

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2 are no longer here, without going through
3 the names once again, made the job
4 rewarding. We had healthy debate. Always
5 professional, always objective, and we
6 always learned from one another both in our
7 mutual experiences and our views on a
8 particular issue as they present it to us.
9 So thank you for your friendship and
10 guidance and support during these past six
11 years.

12 There is a lot to do. I do
13 feel -- I don't feel great about leaving a
14 position that I love and industry that I
15 love. The plaque that was handed to me
16 starts with, "On behalf of millions of
17 riders", and that means something, millions
18 of riders. Transportation is the most
19 important industry in this city in my
20 estimation. You ask folks what is their
21 most stressful part of the day and it's
22 usually coming and going to work, getting
23 around. It's incredibly important to our
24 economy and to our City and I will do my
25 best to continue to advocate for issues

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2 that I think foster a more efficient,
3 fairer system and whatever I can to
4 preserve the stakeholders that are feeling
5 a lot of anxiety and change in this great
6 City of New York, and that includes
7 advocating for issues that cross industry
8 lines whether it's yellow, green, livery or
9 black. The most important -- the most
10 important aspect of, which is accessibility
11 which I've said all along is a fundamental
12 right and I believe it should be available
13 to all, and I believe the entire industry
14 should have access to meaningful,
15 accessible vehicles and I'm going to do
16 whatever I can outside of the Commission as
17 a private citizen to continue to push that
18 that becomes a reality whenever it becomes
19 a reality.

20 It's been a wonderful experience.
21 Thank you, Chair, for your insight. Since
22 you took over as Chair, you've gone I think
23 to an incredible level of communication and
24 high level discussion and that's strictly
25 because of your leadership, and your work

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2 ethic, and your objective voice on every
3 issue, and it was great, great pleasure.
4 Chris, you as well, and everyone at TLC.
5 It's going to be terrific memories,
6 bittersweet, and I hope that I did the best
7 that I can and I made the City proud, and
8 thank you all.

9 (Applause.)

10 COMM. POLANCO: I will be brief
11 because I know we have to continue with our
12 business here, but I will greatly miss both
13 of them and I truly consider them friends.
14 Besides fellow Commissioners, I consider
15 both of them friends. I will miss them,
16 miss their advice, and it's always -- I
17 always turn to Ed when I'm confused about
18 something, and to Frank, I always give him
19 a call to find out about certain issues,
20 and hope to continue our relationship and I
21 wish you both the best.

22 COMM. MARINO: Obviously they'll
23 both be missed very much. I also agree, I
24 don't want to take up too much of the
25 audience's time today but I don't think I

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need to say anything to these guys. They know how I feel. I'm livid with both of them.

COMM. AGUADO: As a newbie of a year and a couple months, I'm grateful for the model they set, for -- they led by example. They taught me what public service is all about at TLC and in this industry, and more importantly, they -- I know more about questions to ask than I have about answers. I think that's the most important part is what are the issues and what are the questions, and I'm very grateful to -- for Ed and Frank. Thank you very much.

COMM. JIHA: Well, I second everything that everyone around this table has said before. You guys will be greatly missed and you've been very good friends and provide good advice and guidance through the entire Board. So we will miss you greatly. Thank you, again, for your service to the City because you have made a significant difference in the lives of people in the City. Thank you.

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THE CHAIR: Thank you.

So, Commissioner Marino is not present for the vote but we have five votes for adoption.

Next on the agenda is the vote on the proposed rules for -- to a City-wide accessible dispatch program. We had the hearing last week and before Chris goes through the technical changes, I just want to note that before, during and after the last meeting, there was -- been a lot of discussions about the responsibilities between the accessible dispatch provider and the TPEP and LPEP vendors. The rules before us and the contract both require them to work together, and whether or not that's happening is a question of fact. So one company's assertion of noncooperation alone will not constitute a breach of the contract for a violation of the rule.

The underlying -- so I just want to reiterate because there was some sense that this is a strict liability provision, the provision to integrate and it is not. It

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2 is a question of fact and we will determine
3 that based on the evidence presented before
4 us, but we hope that day never comes and
5 that the TPEP and the LPEP providers and
6 the dispatch provider are able to work
7 seamlessly together.

8 And with that, I turn it over to
9 Chris.

10 MS. WILSON: So on the agenda this
11 morning, as the Commissioner said, there
12 are rules expanding the TLC's accessible
13 dispatch service for taxis into a City-wide
14 service using both taxis and ultimately
15 street hail liveries. These rules were
16 published in the City Record on
17 October 7th, 2006 -- 2016, excuse me, with
18 a comment deadline of November 7th, 2016.
19 One written comment was received after the
20 hearing which was provided to the
21 Commissioners, and a public hearing was
22 held on these rules on November 10th.

23 Following publication based on staff
24 comment and recommendation, following
25 feedback from stakeholders, as the

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Commissioner indicated, there was one change made to the rule and that was regarding TPEP integration provision based on feedback from the providers among others. As Local Rules -- as Local Law requires, the final rule for Commission action was posted on the TLC's website on December 5th, 2016 and sent to all the Commissioners on that date.

All in favor?

(Hands are raised.)

MS. WILSON: Okay. It passes unanimously.

And then next up are -- next up are proposed rules expanding the Commission's accessible or green grant programs. I think we have a presentation. So I think we're ready for that.

MR. JOYCE: Madam Chair, members of the Commission and members of the audience, good morning, everyone. My name is Patrick Joyce. I'm the Deputy Director of Accessibility here at the TLC, and this morning I will present to you a synopsis of

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2 some proposed changes in the TLC's
3 Accessible Street Hail Grants program.

4 By way of background, the New York
5 State legislature in 2011, an act of
6 legislation which provided for the issuance
7 of street hail livery licenses. Part of
8 that legislation provided that a portion of
9 these licenses would be reserved for
10 accessible taxis, and secondly, that grants
11 would be available for owners of permits
12 for these -- to purchase these accessible
13 vehicles.

14 Subsequently, the TLC authorized
15 rules allowing for SHL vehicles and
16 accessible street hail livery grants.
17 Grants for accessible street hail livery
18 vehicles have been distributed to a
19 accessible street hail livery permit owner
20 system since September, 2013.

21 Now, earlier, as it notes, but not
22 the subject of today's rule package
23 hearing, recall that in 2014, the TLC
24 created the Taxi Improvement Fund and the
25 Street Hail Livery Improvement Fund to

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2 provide financial support to those segments
3 of the industry whose revenue stream is
4 conditioned by City set metered fares, and
5 unlike other industry segments, may not
6 adjust their metered fares to compensate
7 for costs associated with the purchase of
8 accessible vehicles.

9 Now, you might ask, why change the
10 current program? Initial grants, as I
11 said, were dispersed in September, 2013.
12 Many of those have now, their contracts
13 have expired and others will be expiring
14 over the next four to five months for a
15 total of 600 expiring by the middle of
16 2017. The TLC held many focus groups and
17 got feedback from the industry and their
18 feeling was that this program be more
19 aligned with the yellow accessible program
20 where the TLC gives grants up to 30,000 for
21 a four-year period.

22 Now, this proposal that we are
23 presenting today here, it provides patterns
24 with the yellow taxis by increasing the
25 total amount of the grant to be able to

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1
2 choose street hail livery permits and
3 provides other incentives not part of the
4 current program. For instance, currently,
5 it's one grant per permit. We are
6 proposing that sometimes there will be a
7 second grant.

8 Now, the current program is -- it's
9 main points are the following: It provides
10 for \$15,000 grants for new vehicles. A new
11 vehicle is defined as one with less than
12 1,000 miles on the odometer, be of the
13 current model year or the measly proceeding
14 year. There is also a second grant,
15 \$10,000, for a used vehicle defined as one
16 with over 1,000 miles on the odometer but
17 less than 30,000, and be no more than three
18 years over the most recent model year.

19 In the current program, the permit
20 holder may also lease the vehicle. He need
21 not necessarily purchase or own it. And
22 secondly, there is a provision that he
23 assign the payment to a third-party. Now,
24 that's strictly between the permit holder
25 and whoever the third-party is. The TLC is

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not involved.

The last condition in this current program is that the contract is for three years. So the deal is the TLC pledges to give a grant to the permit holder provided he in turn keep the vehicle and service for three years.

Now, this next slide presents the current program on the left column and the proposed changes on the right column. And the major change is that the grant upper threshold of \$15,000 is now increased to 30,000. Only new vehicles will be allowed and a new vehicle in this context is designed as one with less than 1,000 miles on the odometer and must be of the current model year or the two model years before this. So if you had a 2016 vehicle which is the current year, then 2015 and 2014 will qualify as well. Only permit owners will be allowed in this case. There's no leasing or assignment of payment will be allowed either. So it's an owner/driver is the one that's going to get the grant. And

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lastly, the period of the grant, the contract between the permit holder at TLC extends from three years to four years.

Now, this last slide describes the process for payment. As I said, eligible permit holders get up to \$30,000 grants for over four-year period. The application cost is the same as the current process. Once that application is approved, they take the vehicle to Woodside for inspection, and if they pass inspection then they will get initial payment of \$14,000. Over the next four years, the term of the contract, they will get 2,000 -- \$4,000 every year, \$2,000 after every successful inspection. The green accessible taxis are inspected twice a year, so over a four-year period there will be eight inspections for a total of \$16,000.

In addition, there are two other conditions -- two other conditions. They have to log 250 -- 250 accessible trips within each inspection period. And lastly,

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they must log into the accessible street hail livery program, City-wide dispatch while the vehicle is in operation.

Now, if all of these requirements are met, they get \$16,000 over four years plus the initial 14,000 for a total of \$30,000. Now, we argue that this is a good program for keeping the current permit holders in the program. As I said, about 600 will expire over the next six months, and secondly, it will give an incentive to attract new permit holders, people that can purchase the remaining accessible street hail livery permits that are available. And lastly, \$30,000 we argue is a good incentive because it constitutes about 30 something percent of the cost of a new accessible vehicle.

So, thanks for listening. If you have any questions, we'll try to answer them.

COMM. GONZALES: I have a question. On the current slide here, you say that 2,000 subsequent payments and in the next

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2 to last line it says 250 passenger trips
3 recorded via LPEP. The 250 passenger
4 trips, is that regular and accessible
5 trips?

6 MR. JOYCE: They're regular and
7 accessible, yes.

8 COMM. GONZALES: Okay. Thank you.

9 COMM. MARINO: I have a couple
10 questions. What if -- so these grants,
11 it's free money for these people?

12 MR. JOYCE: I beg your pardon?

13 COMM. MARINO: Free money, correct?

14 MR. JOYCE: Yes, it is.

15 COMM. MARINO: Okay. And what
16 happens if they don't --

17 MR. JOYCE: Well, they'll have to
18 pay a tax on it. It's income.

19 COMM. MARINO: Okay. What happens
20 if they cannot or don't want to meet the
21 four-year requirement?

22 MR. JOYCE: That's a question the
23 TLC will have to address in the future.
24 The contract between them is for four years
25 and let's take for instance, that they lose

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2 the vehicle in a crash or an accident, they
3 will be obliged -- they're obliged to have
4 insurance to replace that vehicle.

5 COMM. MARINO: Well, right,
6 insurance is going to cover that, but what
7 happens if something comes up in their
8 life, or they're not making money, they
9 just don't want to do it anymore?

10 MR. JOYCE: Well, then they'll be
11 obliged to pay the balance of the grant
12 back to the TLC. If they say have -- just
13 finish two years, they still have two years
14 left, they'd have to pay that balance back
15 to the TLC.

16 COMM. MARINO: So half of it?

17 MR. JOYCE: Half of it, a quarter
18 of it, whatever the part is based on the
19 time that they will be serving.

20 MS. WILSON: And they'd also get
21 none of the subsequent \$2,000 payments as
22 well.

23 MR. JOYCE: Thank you very much for
24 listening.

25 MS. WILSON: Okay. There were no

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Raza, R-A-Z-A.

In the matter of Mohammad,
M-O-H-A-M-M-A-D, Khalek, K-H-A-L-E-K, the
Commissioner's did not modify the
determination below, which was a revocation
and a fine, so that was undisturbed.

And in the matter of Baldev Singh,
B-A-L-D-E-V S-I-N-G-H, the Commissioner's
did not disturb the determination below
again, a revocation and a fine.

And with that, the Commission
meeting is adjourned.

(Time noted: 11:46 a.m.)

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