

New York City TLC Commission Public Hearing
December 13, 2017

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NEW YORK CITY
TAXI & LIMOUSINE COMMISSION
PUBLIC HEARING
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December 13, 2017
10:07 a.m.
33 Beaver Street
New York, New York.

B E F O R E:
MEERA JOSHI, Chair and Chief Executive Officer.
CHRIS WILSON, General Counsel.
Board of Commissioners:
BILL AGUADO
JACQUES JIHA
LAUVIENSKA POLANCO
NORA C. MARINO
THOMAS SORRENTINO
VICTOR CALISE

James Tetta
Court Reporter

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S P E A K E R S

Angelique Meola, Director of Base and Business
Services

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PROCEEDINGS

CHAIR JOSHI: We have three things that are up for hearing this morning. Two relating to accessibility, and the third one relating to a connected vehicles pilot that the City Department of Transportation is running. So I'm going to give a little introduction about the accessibility and pilot that is up for vote today.

Today there are over 100,000 for-hire vehicles in New York City and less than 150 of these are accessible for people who use wheelchairs.

Every month, about 2000 non-accessible cars join the growing fleet of TLC licensed for-hire vehicles. Let this be our low point. Today, our comission, through authorizing a proposed frame work before us, can create greater access for all the residents and visitors of New York City.

We published rules in July 2017 and held a hearing in September 2017, where we heard hours of testimony from

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2 drivers, bases, passengers, and
3 advocates. The key to real accessible
4 service is vehicle availability.
5 Requiring each base to dispatch a
6 certain percentage of its trips to
7 vehicles that are wheelchair accessible,
8 puts these vehicles in circulation and
9 available to pick up passengers that use
10 wheelchairs, but who today are unable to
11 get this reliable service.

12 The rules as proposed, required
13 bases to phase in dispatches to
14 accessible vehicles for over 4 years,
15 reaching 25 percent in this 4th year.
16 The proposed start date for
17 implementation is January 1, 2018.

18 In the rules we will vote on today,
19 the timeline for reaching 25 percent has
20 been extended by a year, so the year one
21 requirement is now five percent.
22 Additionally, the start date is now July
23 1, 2018. These changes were made to
24 accommodate the transition challenges of
25 smaller bases.

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A coalition of the largest bases, including Uber, Carmel, Lyft, bus, and limousine bases, and the black car assistance corporation, presented us with a proposal to essential dispatch, which states that by the end of the first year, could provide service to passengers who use wheelchairs within 15 minutes on average.

They suggested the dispatch solution instead of the rules we proposed and offered a monetary bond which would be payable to the city if their dispatch solution did not meet the target.

We chose not to go to the dispatch in rulemaking because we want accessible vehicles as part of the fleet, and not as a separate service.

However, significant advances in dispatch technology, combined with the industry's willingness to pull resources that need to meet the passengers, gave us the confidence that was worth allowing bases to test dispatcher

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approach; as long as appropriate service requirements were in place with other safeguards to ensure that the TLC and the public can evaluate whether passengers are being served quickly and reliably.

So today before the commission, is also a pilot proposal. The similarities to the proposal presented by the coalition are limited to a 15-minute standard and the use of dispatch. They suggested an average of 15 minutes of wait time, and our proposal that for the first year 60 percent of the trips must be at or under 15 minutes, and for the second year 80 percent.

Additionally, 90 percent of all trips would be required to be served in under 30 minutes. And the differences between what is required of the dispatcher are stark.

The coalition proposes putting up money for nonperformance, but under the proposed rule of pilot. Those who did

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not meet the requirements of the pilot proposal must meet with the rules underlying trip percentage to remain licensed by the TLC.

We're also requiring with the dispatch, feedback so that passengers can book accessible cars the exact same way they today would book a non-accessible one. With the dispatching company's brand and name attached to both.

We're also requiring stringent reporting outreach to increase ridership and to insure that wheelchair accessible vehicles are in circulation throughout the city, and do not just serve passengers in wheelchairs.

Our proposed rule brought other groups together as well. Advocates for the disabled and for-hire drivers, spent time after our September hearing learning about each others challenges, and providing and receiving service, and who should bear the vehicle and

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maintenance cost providing for service.

In addition, at least two driver's groups, and many individual drivers, have expressed a great concern over the ability to earn a livable wage in the for-hire industry.

So in 2018 we will work to get a better understanding of the income protections needed, and these protections will include considerations of the added concept of owning and maintaining an accessible vehicle.

We also have before us today, a pro-pilot that will list descriptions on authorized equipment for yellow taxi owners who choose to work with New York City Department of Transportation to test connected vehicle technology.

The pilot will also extend the retirement dates for certain participating vehicles to minimize destruction of the pilot. That is what we have on the schedule for today.

Before that, we're going to move to

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adopt the minutes from the
September 28th hearing. All in favor.

(Whereupon, a vote was taken.)

CHAIR JOSHI: And with that, the
minutes are unanimously adopted. We'll
go to the base applications for
determination.

MS. MEOLA: Good morning
commissioners. My name is Angelique
Meola, Director of the Base and Business
Services.

Today we have placed a base for the
duration to new applications. 15
renewals, 5 Bay Ridge, Kings, and 4 for
denial.

CHAIR JOSHI: All in favor of
accepting the list of the
recommendations.

(Whereupon, a vote was taken.)

CHAIR JOSHI: And with that, the
recommendation is accepted.

Now, we'll move on to a vote for
rules acquiring wheelchair accessible
FHV trips.

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CHAIR WILSON: On the commissioner agenda is a vote on the rules required of FHV bases to provide a percentage of their trips in wheelchair accessible vehicles. These rules were published in the city record of July 7, 2017, to the comment of September 21, 2017.

A public hearing was held on September 28, 2017. Numerous comments were received and supplied to all the commissioners. The filing rules for agency action were overall required, circulating to all commissioners on the commission's website on December 8, 2017.

All in favor.

(Whereupon, a vote was taken.)

CHAIR JOSHI: And with that, the rules requiring wheelchair accessibility and FHV trips pass. Next is a pilot resolution --

CHAIR MARINO: I'd like a make a statement if I could, please.

CHAIR JOSHI: We're going to move to

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the next vote and then we're going to do statements after.

Next is pilot resolution for the dispatch of wheelchair accessible vehicles.

CHAIR WILSON: It is required by local law that pilot resolution is sent to the commissions website on December 8, 2017.

All in favor.

(Whereupon, a vote was taken.)

CHAIR JOSHI: And with that vote, the pilot resolution also passes.

So I understand, Commissioner Marino would like to make a statement and there are several other commissioners that would like to make statements, as well, following this vote. Commissioner Marino.

MS. MARINO: I just want to make this clear; I'm not voting for these rules, not because I don't think we need a plan and a solution for wheelchair accessible transportation in the city

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and in fact, at the last hearing some of the testimony that was presented from the wheelchair community brought me to tears.

However, I don't think these rules best solve that problem, and I think that the proposed pilot has some very good ideas that we should give a better chance than the actual pilot we voted on today gives them. I think these rules invite litigation, which can delay an actual implementation of a real solution far longer than another month or two to get this right.

So for those reasons, I'm voting no today, or I voted no today. I just think we can do better than what we have done here today. And I think these plans that were presented by the coalition at the last public hearing was in infancy and its come a long way from what I understand, the last couple of months. And I would like to have seen a public hearing on that plan, as well, so

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everyone can hear what it has to offer including this commission, and then we could have had a more informed vote and understand more what's at stake.

I think people that are in the industry, and have been in the industry for decades, have a pretty good idea on how to solve problems in the industry. As opposed to people who are not in the industry, who are reading books or looking at charts and flow sheets and all of that.

So for those reasons, I'm voting no. I definitely think we need a solution for the community that requires wheelchair accessibility, and I just think we can do better than what's been proposed today. And I think this is going to invite litigation, and it's going to delay things, and it's not going to solve the problems in the long run. So that's why I voted no and I just wanted to make that very clear.

CHAIR JOSHI: Are there any other

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commissioners that would like to say anything?

CHAIR AGUADO: I respect the opinion of the commissioner that presented. But I would also like to state that this is just the beginning of the process. This is just the tip of the iceberg. This is a community that has been closeted for far too long and it's not just that they haven't had access to transportation. But each and every one of us has had a situation where we have been burdened by someone in our families or a colleague of ours, and we feel sometimes it's an imposition on us.

Well the time has come that we have to respect the rights of all. It's not just a TLC issue, it's not just a private car issue, it's an issue for all of us to come and change the culture of how we look at our families and friends; to change the culture of how we will respect all members of every part of this great city of ours.

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2 I do feel that there is an economic
3 possibility that will benefit the
4 drivers. I do not drive, so I depend on
5 public transportations and certainly a
6 lot of taxis, and I see, I frequently
7 see, where a wheelchair-bound person has
8 to get on a bus on a crowded part of the
9 the day and to take it to a subway where
10 there is an elevator. Somehow that
11 could bring an economic opportunity.
12 Nonetheless, I do applaud TLC, I am
13 concerned about the small car owners,
14 the small fleet owners, but I think it's
15 a process we have to -- we have to
16 undertake at this point. You know, as
17 one person once told me, you can't be
18 for human rights a little bit. You
19 either do it all or you do nothing at
20 all.

21 CHAIR JOSHI: Anybody else?

22 (No response.)

23 CHAIR JOSHI: At this point, I just
24 want to give a little bit of thanks,
25 because it was a long road to get here.

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And also, Commissioner Marino, it is not only a thread of litigation that has been articulated to us verbally, and in letters, that passes this pilot of the rules will likely bring on litigation. That's not uncommon when it comes to the TLC and TLC rules.

CHAIR MARINO: I'm aware of that.

CHAIR JOSHI: And also, this generally doesn't stop us from moving forward on something that we think is correct.

MS. MARINO: It's not that I feel we should be intimidated by it in any way, but the reality is, a litigation delays things.

MS. JOSHI: It can. It can.

I do want to acknowledge that it did take a lot of work and patience to get to this point. I'm incredibly proud of the commission, the agency, the industry, and the advocates for the disabled and the passenger and driver groups who have been part of getting us

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to this day. By making the for-hire more accessible, we make our city richer and passengers who use wheelchairs can increasing live, work, and play without restrictions.

Thank you to our Mayor Bill de Blasio, for his commitment to making our city a city for everyone, and that commitment is the foundation for today's work. Thank you to the commission members who sacrificed their personal time to do this complex work without compensation.

Now, more than ever, your public service is needed and appreciated. And thank you especially, for the rigor and attention that you applied to the task. As always, your questions and feedback are vital.

Thank you to our former commissioner Frank Carone, who was a relentless advocate of this commission for increasing accessibility in every sector that the TLC regulates. And thank you

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to our partner in this initiative,
commissioner of the Mayor's Office and
People with Disabilities, Victor Calise.
A huge thanks to the staff of the TLC,
whose objectivity, integrity, and
smarts, are the best in the city. I
want to call out two individuals, our
Deputy General Counsel, Ryan Wanttaja,
and our Accessibility Program Manager of
Disability Service Facilitator, Alex
Elegudin. Through all the ups and downs
they never lost their wit, brains, or
judgment; and we're all better off
because of it.

And a final thanks to the many
passengers who testified at our
September hearing. Getting there and
back was no small feat, but your voices
were heard.

Thank you.

MR. WILSON: And lastly, before the
commissioners this morning,
considerations connected the vehicle
pilot resolutions, this pilot program

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2 will support the New York City
3 Department of Transportations testing
4 connected vehicle technology in vehicles
5 that use our city's streets, including,
6 buses, delivery trucks, city-owned
7 vehicles, and taxi cabs. Specifically,
8 the pilot resolution authorizes the use
9 of connected vehicle technology which
10 requires with the DOJ reporting
11 requirements, and includes measures to
12 minimize disruptions that will result in
13 vehicles being removed from service.

14 The pilot will run for 2 years. Any
15 vehicle can contact technology at
16 TLC.NYC.GOV, it is required by pilot
17 resolution and sent to all the
18 commissioners, and posted on the
19 commissions website on December 8, 2017.

20 All in favor.

21 (Whereupon, a vote was taken.)

22 CHAIR JOSHI: With that, the
23 connected vehicle pilot is approved.

24 Will all in favor of moving now to
25 the executive sessions, the

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commissioners have two appeals from driver license ratification to consider.

All in favor.

(Whereupon, a vote was taken.)

CHAIR JOSHI: And with that, we'll close the meeting at 10:25, and move to executive session. Thank you.

(A recess was taken.)

CHAIR WILSON: We just heard the appeal of Imam Hussein, of the revocation of license as a fine.

The commissioners vowed to uphold the ratification in the fine of \$2,350. Also in an executive session, the commissioners heard the appeal of Mario Bahaf, the ratification of his license as a fine. In an executive session, the commissioners voted to convert the ratification to an extension for time already served and reduced the fine from \$2,000 to \$250. With that, the meeting is closed. Thank you.

(Thereupon, the examination was concluded at 11:06 A.M.)

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C E R T I F I C A T E
STATE OF NEW YORK)
: ss
COUNTY OF NASSAU)

I, JAMES A. TETTA, a Notary Public within
and for the State of New York, do hereby
certify:

That the witness whose examination is
hereinbefore set forth was duly sworn and that
such an examination is a true record of the
testimony given by such a witness.

I further certify that I am not related to
any of these parties to this action by blood or
marriage, and that I am not in any way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my
hand this 13th day of December, 2017.



James Tetta

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