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NEW YORK CITY

TAXI & LIMOUSINE COMMISSION

COMMISSION HEARING

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April 19, 2023
10:07 a.m.

H E L D B E F O R E:

DAVID DO, Chair/Commissioner

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Board of Commissioners:

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Jacky Lin

Zachary Zimmerman

CHAIR DO: Good morning, everyone. I am David Do, and I'm joined by Commissioners Velazquez and Sorrentino this morning. The time is now 10:07 and I'm calling this public hearing to order.

It's been a while since our last hearing. We had a big couple events that I'd like to report on. As many of you know, on March 15th and March 29th, we opened a combined total of 1,000 EV licenses on a first-come, first-served basis. They went very fast. Vehicle licenses are always in demand and we -- it was encouraging to see many of you out there embracing electric vehicles. Once all of these vehicles are hacked up, they will essentially double the amount of EVs in our cities or hire fleet. This is good news for our goal of electrifying our for-hire volume fleet by 2030.

On March 31st we also formally launched our mobile outreach unit, better known as Van Hailin'. I want to

congratulate all of our divisions, especially our external affairs team for leading the effort. We had a great turnout at Councilmember Brooks-Powers' in Laurelton, and I'm happy to report that we worked in conjunction with Councilmember Carlina Rivera, and NYPD, for another Van Hailin' event scheduled for the end of this month, on April 28th at, this time on the Lower East Side. It will be at Police Service Area 4 at 130 Avenue C. That's Police Service Area, or PSA, 4 Headquarters at 130 Avenue C. For more details, please check in at the pilot program page on the website, or follow us on social media.

I'm also happy to report that even sooner, on April 25th, we will be holding our ninth honor roll ceremony at the Queens Theater. We're honoring 500 of the city's safest drivers, as well as basis and accessibility leaders. If you're on the honorary -- honorary list, you should receive an invite. I

encourage you to come to our event. I will also be sending each of you a personal invitation. This is really your day, and we will have some refreshments. Bring your family.

Today we're holding a public hearing on proposed amendments to our rules. In accordance with Local Law 12, of 2020, we proposed consolidating the Critical Driver Program with the Persistent Violator Program based on the TLC point system for violations of TLC rules under the heading of the Persistent Violator Program. This will ensure that TLC-licensed drivers will not be penalized under the program more than once for the same violation or violations. In accordance with several New York State insurance law changes, we proposed rules that will uphold these changes. State law requires a combined single limit of at least 1.5 million for for-hire vehicles with a seating capacity of 8 or more, and let me be clear, this is not including the driver.

And at least $500,000 for commuter vans with a seating capacity for 8 or more. We reduced for vehicle -- for-hire vehicle bases and owners and commuter van bases and owners to respond to TLC directives from 10 to 3 business days. This will enable TLC's investigative process to operate more efficiently and to provide results for our consumers more quickly.

We will also clarify that the TLC-licensed driver cannot operate a TLC-licensed vehicle if the driver's state-issued first license has been suspended or revoked or if the driver's New York State driving privileges are suspended or revoked. This also requires medallion owners or their agents to pay sublessee drivers, including when that responsibility was delegated to other parties and those parties failed to pay the driver. The notice to comment on this rule was published in the City Record on March 6, 2023 and that comment period ended

yesterday. Of course, we're not voting on these rules today and we'll take in all of your comments to look at the rules, make any changes, and then vote at our upcoming commission hearing on May 3rd.

Thank you all for participating in today's public hearing. I will now hand it over to our general counsel, Sherryl Eluto, to begin the public hearing.

MS. ELUTO: Good morning.

When I call your name, you can unmute your microphone, and begin your testimony. Each speaker will be allotted three minutes to speak. The time limit will be strictly enforced. A 30-second warning will be provided and then you will need to conclude your testimony when your time is up. The video of this hearing and copies of all written comments will be provided to the commissioners prior to the vote at the next commission meeting.

With that, we will begin our public hearing, and I will call on our first

speaker. First speaker is Damon Sturdivant. So, Mr. Sturdivant, please unmute your mic and you can begin.

MR. STURDIVANT: Hi. Good afternoon. Good morning. My name is Damon Sturdivant. I'm a TLC driver. So, I purchased a car, a Tesla, in 2023, worth over $100,000. The insurance company that I had previous to buying the 2023 model X didn't -- does not want to give me collision insurance because my car is $100,000. There's only four -- four insurance companies. Now I have the liability, but I need collision insurance, and -- and I don't see how this is possible, you know, in 2019 I purchased a model 3, they gave me insurance, I had the collision. So now with the 2023, they don't want to give me the collision insurance. I don't see how -- again, I don't see how this is possible for these insurance companies to dictate how much your car should be worth to drive in.

If -- now the other companies that

do accept cars, that much money won't accept a Tesla. It's -- it's -- so, I'm on here to ask TLC Commission to please get in touch with these insurance companies and start making rules. Us as drivers have to abided by so many rules, which I abide by them, but these insurance companies should -- should -- it's like a monopoly, it doesn't make sense.

So, also with the insurance companies, if you have an issue as far as an accident, or somebody makes a claim, or you have to make a claim, they take six months to pay out.

MS. ELUTO: Sir, Mr. Sturdivant.

MR. STURDIVANT: Yes?

MS. ELUTO: So, it doesn't appear that you actually have comments on the rules, but what we can do is have someone from external affairs reach out to you later today --

MR. STURDIVANT: Okay.

MS. ELUTO: -- to deal with your specific issue. If that's okay?

MR. STURDIVANT: That's fine. That's fine.

CHAIR DO: And then we'll also --

MR. STURDIVANT: I have a flood of emails, also.

CHAIR DO: We'll also connect you with the State Department of Financial Services who regulates the insurers in this field.

THE WITNESS: Awesome. Thank you. I appreciate your help and allowing me to speak here today.

CHAIR DO: Thank you, Damon.

MS. ELUTO: Thank you.

Our next speaker is Peter Mazer from MTBOT. Mr. Mazer, you can unmute your microphone and begin. There you are.

THE WITNESS: Yes. Good morning, Chairman Do and members of the commission. My name is Peter Mazer and I am general counsel to the Metropolitan Taxicab Board of Trade, a 70-year-old association representing owners and operators of licensed medallion taxicabs. Our full-service driver

center has provided free representation for taxicab drivers in more than 14,000 traffic court proceedings.

Today's rule practices deals first with the Persistent Violator Program. Drivers can lose their licenses based on a combination of TLC and DMV points. Let's look at how these points can be assessed: maybe in traffic court after a police officer has appeared to testify and a driver or his attorney has cross-examined the officer, and a judge has found a violation based on clear and convincing evidence. That's how a driver gets DMV points. Or maybe a driver attended an oath hearing and the TLC attorney readily summoned it to the record, but there was no cross-examination of the issuing officer because he wasn't there, or maybe some individual's walking down the street and they thought they saw a cab driver do something wrong a few blocks away and decided to call 3-1-1 and file a complaint, or maybe a cab was seen in a

red light camera film and the TLC used taxi technology to identify the driver. In the last three examples, that's how the driver gets TLC points. No other driving professional or otherwise would lose his livelihood based on a summons that is not backed up by testimony, or by a red light camera violation, or some individual having nothing to do with the cab driver filing a complaint.

I know the administrative code is clear and you have no authority over the program and the combination of DMV and TLC points, but the method by which TLC points are ultimately assessed is fully in the control of the commissioners. I urge the commissioners to take a hard look at how TLC points are assessed and reach out to the industry, both drivers and owners representatives on how to insure safe driving and at the same time provide due process to drivers.

Second, I'd like to address an item related to lease drivers and credit card payments. Suppose I lease a cab from a

taxicab driver, and then I sublease it to another driver who I know. I receive credit card monies that belong to this other driver and I refuse to pay them for no good reason. Shouldn't I be punished? Unfortunately, OATH has said such misconduct does not violate existing TLC roles, but the proposed solution you have before you today is not to penalize the driver who improperly --

CHAIR DO: 30 seconds remaining.

(Inaudible due to crosstalk.)

THE WITNESS: -- from, but to make the owner pay twice for the same trips. Wouldn't it make more sense to pass a rule that punishes a licensee who improperly withholds money belonging to another licensee? I urge you not to approve the change of the leasing rules and request that staff re-craft the rules. As I stated, I have also provided -- I fully provided my concerns in written comments and I ask that they are included as part of the record as

well.

Thank you for your time and consideration this morning.

MS. ELUTO: Thank you.

Our next speaker is Zubin Soleimany from NYTWA. You can unmute your microphone and begin.

MR. SOLEIMANY: Good morning, Chair Do, commissioners, Deputy Commissioner Eluto. I'd like to begin my testimony on the last point that Mr. Mazer raised about the rule regarding sublessee payments. And forgive me, I'm an attorney at the New York Taxi Works Alliance.

The Taxi Works Alliance fully supports this rule regarding the taxi owners direct payments to sublessee, the situation that this rule addresses. We have seen many times situations where there was a conflict by the main lessee and a fleet or an agent and due to that conflict, both drivers would not get paid. The sublessee would get punished as a result of the owner's conflict with

the main lessee.

We have also seen the potential for that framework to allow -- to create conflict between drivers and this would eliminate that potential, as the main lessee would no longer have to be an intermediary for payment.

As for concerns that Mr. Mazer raised, we understand that, I think that can be addressed by TLC rules. It would require the registration of any lessee that drives a car to be registered with the taxi that's owned by the owner. There should be a relationship there that would avoid a situation in the first place, where that setup is being made, payments are being made to both accounts.

Regarding the proposed rule on the directive in shortening the time, I would urge the TLC to reconsider the timeframe as to vehicle owners under Chapter 59A. They may very well be the case that a for-hire base can turn around a directive within -- within

three days. I do not believe that's realistic for vehicle owners -- FHV vehicle owners, many of whom who are full-time drivers, many of whom have limited English proficiency, limited technological proficiency. If there's a situation where somebody gets an email and they have to get a form notarized and turned around in three days, I guarantee it, there will be hundreds, if not thousands of people, who will facing fines in the suspension of their FHV license as they're not going to be able to meet that timeframe. I urge you not to apply that three-day standard to Chapter 59A.

Finally, on a -- on the proposed changes to the PVP rule, I echo much of what Mr. Mazer had to say about administrative due process in this regard, but my main point here is that --

CHAIR DO: 30 seconds remaining.

MR. SOLEIMANY: Thank you.

The TLC has exceeded the authority

by the ad code in limiting the application and the point reduction to either a point reduction for a defensive driving class to DMV points, or a point reduction for TLC points through a refresher course.

Sections 19507.1 A1 and A2, respectively, each allow for deduction of points assessed by the commission and points assessed by the DMV and nothing in that section, and I'll be brief wrapping up, nothing in that section or anywhere else in the ad code for the limitation that says only one or the other category of those points may be reduced. It simply isn't in the ad code, TLC does not have the authority to impose that further limitation on point reduction.

Happy to take on questions on that point. Thank you for your time.

CHAIR DO: Thanks, Zubin. On the directive, what do you think is more fair than three business days?

MR. SOLEIMANY: I think 10

minutes -- I'm sorry. Not 10 minutes. Strike that, please. I think -- I think 10 days is a reasonable amount of time looking at if somebody -- if somebody gets an email, they have to go to somebody to figure out what it means, maybe they need translation assistance, then they have to seek out a notary, and send it back. In those situations, I think for that -- for that owner/driver situation, I think that's a reasonable timeframe.

CHAIR DO: Thank you, Zubin. Appreciate it.

MR. SOLEIMANY: Thank you, Chair Do.

MS. ELUTO: Thank you.

Our next speaker is Jose Altamirano.

MR. ALTAMIRANO: Good morning, everyone. Thanks for having me here. Good morning, Commissioner Do, and the rest of the commission. I'm Jose Altamirano, I'm a local owner of El Barrio Car Service in East Harlem as well as the president of the Livery Base Owners, which represents over 200 livery

bases in the city. These are bases that are mom and pops, minority, women-owned, mostly immigrants that service transportation deserts throughout the city. We have been here since the very beginning and hope to continue to be here. We've been a little beaten up and bruised by the E-Hail companies, further affected tremendously by blanket approaches to control these E-Hails by the city. Most notably, the vehicle cap that has decimated us and dwindled our numbers. Reluctantly, working with Commissioner Do and his team, we're looking and finally seeing some changes, hopefully something positive is coming our way.

Today, we'd like to -- I'd like to speak about these proposed rules, particularly this change in the -- from 10 days to 3 days. We have a lot of concerns regarding this. After 10 days that a business does not respond to a directive, they will go -- I believe it's a $200 summons and it is expensive.

I'm not sure how much more grave it can get, but three days is really an unreasonable amount of time. It requires certain time to get these done. Most of our communities have a language barrier and and need people to translate and do other things for them, and these things take time. I mean, there have been moments when you miss it sometimes. You miss an email, sometimes you get an email, sometimes you get a letter, sometimes you get both, and if you miss it, you could end up being suspended without really knowing what happened. So, it is an issue we have great concern over and hope that the commissioner reconsiders this situation. If 10 days -- 3 days is definitely too short. We were thinking minimum 6 days, but if it can be kept at 10, that would be preferable.

We also have some questions and concerns regarding the Persistent Violator Program and how it's going to work with the critical driver because we

have a lot of issues with Vision Zero. Vision Zero caused many drivers to lose their -- to lose their licenses. We thought it was very unfair at the time that something done on a personal time can affect your business. I don't think that happens anywhere else. We did -- we're hoping we could get some clarification.

We have further notes that we will submit by writing, but we just need some clarifications in terms of the actual mesh that will be in the Persistent Program taking over the Critical Program.

Thank you very much.

CHAIR DO: Thank you, Jose. We'll look at your notes and your comments. Thank you.

MR. ALTAMIRANO: Thank you.

MS. ELUTO: Our next speaker is Jeremy Moskowitz from Voyager Global Mobility.

THE WITNESS: Hi. Thank you. Thank you, Commissioner Do, and the other

commissioners. As you said, I'm testifying on behalf of Voyager Global Mobility and we are the parent company of two of New York's largest FHV rental companies, Buggy and Fast Track in Brooklyn and Long Island City.

We want to take this opportunity to comment on rule 59A-06, which wasn't highlighted or mentioned in the beginning, but is a part of this rule change adding the work voluntary regarding the surrender of plates and that process.

So, first, we just wanted to highlight our concern about the transparency and accountability of the process. We know there is bureaucracy and hoops to jump through and we genuinely believe in those. We do think that it makes New York safer, and it makes the industry safer, but it's not there just for the sake of bureaucracy, it's there for the spirit of the law to do just that, to make it safer. And unfortunately, over the past -- over the

past three years, especially with the storage program, which we're very grateful for your support during COVID. In doing that, that involved surrendering plates and surrendering plates to the DMV, getting certain forms in FSX6T, right, and then following up with the TLC to get a plate letter, and do a transfer to do all the things we have to do as corporations to keep new vehicles on the road for our drivers who want them. Unfortunately, there hasn't been clarity and it is not written clearly what the timelines are, what the deadlines are, and during COVID, all of those timelines and deadlines, even if people said them verbally, 60 days, 90 days, they went away, because -- as did so many things during COVID. Even now, we will submit certain -- we will submit forms and be told that that plate is dead, because it was surrendered, which is part of the process that you have to do if you lose a plate, or get a plate stolen, which is just normal process in

New York, you get in an accident, or unfortunately, the TLC plate is ripped off your car by a thief, and that is part of the process.

So, our concern is that by adding the word "voluntary" and by continuing to use this rule and saying --

CHAIR DO: 30 seconds remaining.

MR. MOSKOWITZ: -- it's up to the discretion of whoever's reviewing the list to -- to -- that they can terminate the license, we are concerned because we don't have clarity and our emails go unanswered and our phone calls aren't necessarily returned, and I'm sitting 150 feet from the TLC office, but I'm not allowed in there because all of our stuff has to be done online.

So we're asking for more transparency. We have 19 licenses that we've been working hard to try to reinstate because we did not voluntarily surrender them. We applied for the EV licenses, we didn't get them, which is fine, but we're doing our part to try to

work with you and we would like some support in return.

CHAIR DO: Thank you, Jeremy.

MS. ELUTO: Thank you.

Our next speaker is Michele Dottin from IDG.

MS. DOTTIN: Good morning, Commissioner Do, and commissioners.

I actually would to talk about, first, the affidavit. It's absolutely insane. Commissioner, three days for a driver to respond, it's -- it's just not reasonable. Where a driver will find a notary in this day and age now, notaries are difficult. If we were talking about 20 -- 2000, a notary was everywhere. Now we had COVID, notaries are a dime a dozen. You cannot find them that easily. You should actually take that away from an individual licensee. They shouldn't need to notarize a letter that you sent to their email, and to their home. Allow them the opportunity to just respond without that, and I believe you should continue to send them mail,

if it's an individual owner. A fleet owner, they've got time. Leases, rental companies, they got the system down pat. So, give individual owners the opportunity to at least just respond. You think they have a lot of other issues that's going on.

With regard to the inspection, come on, don't give them 60 days to respond. I'm an owner. Sometimes I don't even realize that my inspection expired because it says a year on it, so every month we have to count back. "Oh, man, I got to take the inspection. Oh, man, I got to take it. I've got 60 days." We're busy. Drivers are trying to make money. Another fee on them, it's really, really not fair. Come on. We are still struggling, we are still getting back on our feet from COVID. We haven't had a chance to breathe, and every time a new rule comes, it doesn't affect the corporation, the rental company, the leasing company. It affects the individual owner. Let's

protect an individual owner. The licensee that struggles every day, that has a family to protect, this is their livelihood. They move New York City. They're leasing -- and rental companies, they don't do that. The drivers are up, taking care of this city. Put them first. Put them first with all the rules that you do. Punish those that have the ability to have hundreds of licenses.

CHAIR DO: 30 seconds remaining.

MS. DOTTIN: Leasing rental companies are fleecing their drivers. With regard to the storage program, please keep it for the individual owners who may have an emergency that comes about and may be out of the country. We are foreigners. We don't leave for one month. We leave for two, three, four months sometimes because it's so expensive to do so.

And I echo Mr. Mazer's thing on the points system. Please. Please. Please. Let's talk about it and see how

we can make it better.

Thank you so much.

CHAIR DO: Thank you, Michele. Just as FYI, while we're ending the existing Storage Program, we're going to reimagine a new storage program in its place for those, exactly that, that travel abroad for months at a time.

MS. DOTTIN: I just had a driver who came to me. He suffered with cancer. He has been suffering, just now trying to get back on his feet. We need to individually look at situations. Okay?

CHAIR DO: All right. Thank you, Michele. I appreciate your comments today.

MS. DOTTIN: You're welcome.

MS. ELUTO: Our next speaker is Pedro Acosta from IDG. Mr. Acosta, you can unmute your mic and begin.

MR. ACOSTA: Hello. Good morning, everyone. Good morning, Commissioner. Good morning, all TLC staff, everybody in the meeting. I appreciate so much for being given the opportunity to talk.

My name is Pedro Acosta and I'm a driver for over 25 years, and I see that every day the TLC, instead of looking for the way to protect the drivers, they are looking for some type of logistic to make things harder for us. Like, strongly, like Michele and Mr. Soleimany said, we need the 10 days to answer that when you are -- when we are called to do things. Three days is not enough.

Every day you are creating things to make things harder for us. For example, I know a driver who was unable to deal with problems that he had with you, and he lost his license, and he just got killed himself about six weeks ago. So, if you continue to make things harder for us, all these things are going to start happening to us because things -- you're making this too hard for us.

In terms of the point of the insurance -- also, I have to say, just to consider that we, TLC drivers, drive 10 times whatever a regular driver drives every day. We have more chances

to get in -- in trouble. So, if we only have a chance to do the TLC class in five months, we are going to be at high risk to lose our license very soon.

We have -- we need protection from you. I don't know what the protection from the TLC is doing. I don't know if they hide. I don't know what they're doing. I think they are part of the logistic that the TLC is creating against the T -- the FHV drivers.

So, please be more considerable with us. We need your help instead of being tied up by yourself. Thank you so much.

MS. ELUTO: Thank you.

Our next speaker is Sonam Lama from IDG.

(No response.)

MS. ELUTO: No? All right. I'm going to go to the next person.

Arifa Tirmizi from IDG. Arifa?

THE WITNESS: Yes.

Good morning, Commissioner, and TLC staff. I was, you know, worried to hear that the form that we have to respond in

3 days than 10 days. As a parent, as a mother, as a mother of 7 children, and I have a disabled daughter, I always come to these meetings and hearings, and I try to stress that, you know, we're not just TLC drivers. We, you know, we are also parents. We have families. It's not unusual that -- immigrants having big families.

And with this respect, I just want to bring in that, you know, having only three days to submit the form, receive it, get it notarized. I just think this is impossible. This is ridiculous. Even having children, the teachers are calling me, I have to fill out forms, I have to put up a lot with having children, to having -- to putting food on the table, with all these stringents that are coming from TLC. I mean, that just makes it difficult as a parent to put anything on the table for my kids, but having these kind of laws that, you know, make it more difficult for drivers, it's like impossible to have

any flexibility. You know, I joined this adventure of becoming a TLC driver because of the flexibility, but these rules are kind of making it difficult as a parent, you know, to do these things, and at the same time I just think the 60-day rule is kind of impossible, because you know, I just don't understand the point of getting the inspection within 60 days, and then there's an inspection with the DMV that we have to get every year, and then when you work with Uber, I notice that every four months they tell us to get an inspection done. So, you know, I don't understand how are you regulating all of these laws, knowing that, you know, you are the governing authority that regulates all of these different companies that come in as Uber and Lyft, they are pushing us to do inspections every four months, and, you know, now you come in and tell us to do it within 60 days. I think that is kind of impossible, because that's like the

cost --

CHAIR DO: 30 seconds remaining.

MS. TIRMIZI: These costs are not helping us, especially the inflation that's happening right now. That's not helping us at all. So, if there are some kind of incentives that will help us as drivers, I think that is something that should be looked at, with parents, with children, these things add up, and with due respect, you know, I would like TLC to look at individual drivers with plates owned, how they can help us, and I thank you so much for your time.

CHAIR DO: Thank you, Arifa, for your testimony today. I appreciate it.

MS. TIRMIZI: Thank you.

MS. ELUTO: Thank you.

Our next speaker is William Calderon Taveras. Mr. Taveras?

MR. TAVERAS: Yes. Can you hear me?

MS. ELUTO: Yes.

MR. TAVERAS: Good morning, everyone, commissioners, everyone in the chat -- on the Zoom, sorry. I'm a

gentleman growing up in New York City in the borough of Manhattan. Growing up and committed -- I made wrong choices growing up at a young age, in which I totally regret because I made wrong decisions and now growing up, getting older, at this age, I'm a family of a lot, a daughter 5 years old -- she's going to be 5, and an unborn child on the way. I live with my wife, and I would like the opportunity to get back into society and get a better job and to provide better for my family.

I applied for the TLC license to get a better job, as I said earlier. I completed all of the requirements that I needed, everything went through, thank God I passed the test. Now it's on behalf of this meeting that would make a decision if they give me a chance to get a license and to get a -- start working at another better job than what I have at the moment.

I was raised in Manhattan, you know --

MS. ELUTO: Mr. Taveras -- Mr. Taveras, just so I understand. You applied for a TLC license, you got a fitness interview letter, and you were interviewed?

MR. TAVERAS: Well, this is my interview at the moment for the Zoom to -- to -- it was for -- they required me to interview -- to speak with the commissioners to explain my situation about --

MS. ELUTO: Sir, this --

CHAIR DO: Sir, what we'll do is connect you with our licensing division and our external affairs. This is a live broadcast so, you don't have to defend you or your record here. We'll work with you outside of this Zoom meeting to talk a little bit about your options. Okay, William?

MR. TAVERAS: Oh, this is the link they sent me in my email to speak with the (inaudible) about the situation. I just applied for my license, I completed everything, the test, the classes,

everything is done already.

CHAIR DO: Got it. I'll follow up -- I'll follow up with the licensing department right after this. This is for proposed rules to TLC rules as a whole. So, we'll connect with you right after this. Thank you.

Go ahead, Sherryl.

MS. ELUTO: Okay. Our next speaker is Raul Rivera. Go right ahead.

MR. RIVERA: Can you hear me?

MS. ELUTO: Yes.

MR. RIVERA: Good morning. Good morning, everyone. Good morning, commissioner -- commissioners. Good morning, Chair Do.

As you can hear the testimony, you hear people are struggling to get the words out. If the TLC is going to streamline any programs to make it easier for the TLC to operate, that's great. But in the same process of making it easier for you guys, don't make it harder for the drivers, don't start restricting things and making it

more difficult. A 10-day period is short enough. We don't need it shorter. Three days is ridiculous. It should not happen. If you're going to streamline the program, it should work for the TLC and the drivers.

I'll give you an example. We've been trying to get business cards for the inspectors, right, and it's been over a year. We've been working with the old commissioner, and thankfully, with the new commissioner we got the cards produced and inspectors are now carrying cards.

Now, what we need is for the commissioner to send an official email so the driver will know about the cards. You can see on our end, when we advocate, it takes years, and now TLC wants to streamline things and make it easier for themselves, but in the process, making things very difficult for the drivers.

Also, I want to mention Cooper's Law. Cooper's Law is about safety and

that -- that law came about in 2014 and from 2014 until now there's only been one driver that's lost his license. The TLC driving New York professional, they are safe. I myself have zero points on my license. I was hit five times and I'm unable to get onto any insurance companies because they're putting -- they're putting profit before safety. I'm a professional driver. Over 23,000 trips and I'm not allowed to be on the road.

Another thing I want to mention is that (inaudible sentence.) They're an organization here in New York. They've been here over 40 years and they have a lot of say and a lot of power over the mayor, and over the TLC Commissioner Ydanis Rodriguez. I personally call for an investigation into transportation --

CHAIR DO: 30 seconds remaining.

MR. RIVERA: And why are -- why do they have so much power over the mayor, over the TLC? We know these organizations are making it very, very

difficult for the drivers. We will continue to call them out. We thank you for the time. We make this public. We're going to keep sharing it.

Thank you for all your efforts.

CHAIR DO: Thank you, Raul, for your comments. I appreciate it.

MS. ELUTO: Thank you.

Our next speaker is Fabian Wilson. Mr. Wilson, unmute your microphone.

MR. WILSON: Good morning, my name is Fabian Wilson.

MS. ELUTO: Good morning.

MR. WILSON: I'd like to say that I'm happy that this meeting has been established and it gave us an opportunity to share our view as driver/owners on the issues that are affecting us.

Today I want to talk about a directive, the 3-day window that TLC has proposed. I think three days is very insufficient for many reasons. The 10-day window seems to be working, and number 2, drivers sometimes are all over

the country on vacation, attending a medical institute, being with their family member, or sometimes there's a family death and they may need to leave the country. So, three days would be kind of a limited window for them to respond. It would create a lot of difficulty and a lot of issues.

Granted, most of these directives are given when a citizen takes a camera out, a picture, not a law enforcement officer of the TLC, or the NYPD, or any other agency, and it's just somewhat injustice. Many times people are angry. I've been a driver for seven years, and you can see my record. As you traverse the city, there are people who cross the street on the red -- when the light is against them, in magnitude, in multitude, especially New York City/Manhattan, if you try to drive while you blow your horn, they will turn around and take a picture of you and say you are caught in the crosswalk. They will come up with several certain

situations that will make the driver receive a directive in a 30-day window, or whatever window TLC needs to review that, and then the driver doesn't have sufficient time to really address this situation. It could jeopardize their income, their family situation, and put them into financial straits.

The next thing I want to talk about is the Persistent Driver Program. That Persistent Driver Program seems to double jeopardize only one type of individual in the State of New York. I'm not a legal professional --

CHAIR DO: You have 30 seconds remaining.

MR. WILSON: -- but I know you're not allowed to be charged twice with the same crime, because the state already imposed a fine for violation on our license, and there's necessary fees. When TLC secondarily gives you a violation for the other fees, we are paying twice for the same crime. I don't think any other individual faces

such jeopardy, double jeopardy.

Thank you for allowing me to speak.

CHAIR DO: Thank you, Fabian. And we'll look at the directive and the PVP program and your comments as we go to a vote.

MS. ELUTO: Our next speaker is Israel Acevedo. Mr. Acevedo, unmute your mic and you can begin.

MR. ACEVEDO: Good morning. Can you hear me?

MS. ELUTO: Yes.

MR. ACEVEDO: Good morning. My name is Israel Acevedo and I am a for-hire auto operator. Thank you for allowing me to speak.

First and foremost, I would like to say that a lot of us in the driver community are very confused with some of the topics being discussed today. I ask that when this agency communicates with the driver, you simplify the language that is being used, please take into consideration that many of us present reading, writing, and educational

barriers. Many drivers have minimal to no education. I myself am born and raised in Brooklyn, New York, and I can read and write the English language well, and at times I have difficulty with what is being communicated in the emails.

In the future, is it possible to have a Q&A meeting via Zoom before a public hearing to give drivers the opportunity to ask questions about current and proposed rules, so we can better provide testimony at the public hearing?

TLC points being reduced every five years. On May 22, 2020, I received an email from the TLC Settlement Union stating, "After you accumulate on your TLC license, you can take a defensive driving course and it will reduce your points." However, if you take multiple classes and want them to apply, they need to be 18 months apart from each other. I asked that TLC amend to every 18 months to reflect state law.

In regards to the directive, I think drivers responding to directives should remain at 10 days. Reducing it to 3 days is just not enough time. Responding to directives can be complicated. Take into consideration that many of us present reading, writing, and educational barriers. Many drivers have minimal to no education and are not able to do two or do -- not know how to complete the affidavit. Many drivers do not even know how to use a computer to send the affidavit back, once it is completed. Many drivers don't -- do not even know the affidavit needs to be notarized. I think requiring drivers to notarize the affidavit should be eliminated. Some of us who have received these directives know that not completing them correctly in the required time leads to financially penalty from the TLC. I myself received a affidavit, filled it out, and sent it back the same day. I received it, and it was sent back to me

because it was not notarized. I had it notarized, and when I sent it back, it was overdue and I received a financial penalty of $100.

Everything that the TLC does has a financial penalty attached to it. 3 days is not enough, and 10 days --

CHAIR DO: 30 seconds remaining.

MR. ACEVEDO: 10 days is -- is perfect and that's where it should remain.

Thank you for allowing me to speak.

CHAIR DO: Israel, thank you so much for your comments, and we'll look to making some of our rule proposals a little bit more accessible for the driving community.

MR. ACEVEDO: Thank you, Commissioner Do.

MS. ELUTO: Our next speaker is Anwaar Malik from IDG. Mr. Malik, you can unmute your microphone.

MR. MALIK: Good morning, everybody. My name is Anwaar Malik. I am a supporter of IDG, and first, this

proposed change that would reduce the length time of a license holder has to respond a request. Just echoing what Michele and Israel said about the TLC driver change in the time from 10 days to 3 days, it's -- it's -- it's too much -- it's too less. The 10 day was amazing. I do understand that some large fleet owners drag their feet, taking weeks or even months to answer requests from TLC -- from the TLC, but this will change and impact individual owner/operators, and the solution isn't to shorten the legal response time to just 3 days for everyone.

The issue about insurance is also not going to help, like he said, (inaudible) owners who only get like Uber X or regular Lyft rides. Those drivers do not get high-end riders nor do limo companies accept that, so please let's rethink before TLC knowing or unknowingly -- unknowingly screws more livelihoods.

Thank you to Mr. Do for letting us

know that you guys will be creating another program for drivers to place the plates in storage. But please, let's keep it for drivers only, not fleet companies. And the one change is meant to align TLC regulations in city law. The change is Persistent Violator Program, formalizing a change in law that reduces the number of times a driver may take the point reduction course to reduce the TLC violation points. Only once every five years we would like to work with the TLC to either find a way to offer another course during that period, using the existing defensive driving course. Each driver must take every three years or work with the City Council to offer additional options. I suggest that TLC renewal course should help drivers, now that you made it mandatory, should also help drivers in reducing points.

The current law offers no way for an unlucky driver to deal with TLC points when even a small number can lead to

large fines, or if a driver gets 11 TLC points over 5 years, they can lose their license. Finally, this entire process has brought a problem to when the TLC released these proposed changes, the IDG office --

CHAIR DO: 30 seconds remaining.

MR. MALIK: -- was audited with calls from drivers trying to understand the implications of the change. 25 pages of legal writing can be hard to digest, even the statement of purpose is beyond most English-speaking drivers, much less those who struggle with the language. We propose in the future that TLC include a simple chart that states clearly how each proposed change will affect the drivers and that this chart be translated into the reading language spoken by drivers.

Drivers at IDG have been using this IDG platform to fight against big tech and each sector --

CHAIR DO: Your time has expired.

MR. MALIK: We simply ask for a

raise for 90 percent of the fare and a cap on TLC license. We didn't ask for you guys to put more pressure on us or give us more stress, so let's work on those things.

CHAIR DO: Thank you, Anwaar. I just want to repeat what I said at the top. Based on the state law changes, right, we implemented these new insurance law changes into our rules, but, right, seating capacity of 8 or more, not including the driver, so the TLC I know would be under the existing rules.

MR. MALIK: Yes. Thank you.

MS. ELUTO: Our next speaker is Gregory Gallo.

MR. GALLO: Good morning, members of the commission, and council, thank you for allowing me the opportunity to speak today. I am an industry attorney here on behalf of Mr. Bengali Dougara, FHV permit 5782916, with brief comments opposing the proposed amendment to rule 59A-06 subsection D. I disfavor the

amendment and suggest that the commissioners vote against it for the following reason: the term "voluntary surrender" can lead to unintended results. For instance, circumstances exist whereby voluntary surrender is really a surrender by consequence and, in fact, not voluntarily. If this rule is to be retrospectively applied, its application will further lead to unfair results, and for closed permit holders from getting back FHV permits that TLC terminated unfairly.

Case in point is the licensing matter we have before us in our organization concerning Mr. Bengali Dougara. Like many license holders, Mr. Dougara emigrated to the United States and worked tirelessly as a for-hire vehicle to save enough money to become an individual vehicle owner. That all came to an abrupt end last year, briefly in March 2022, Mr. Dougara traveled to Gambia to attend personal family matters for the first time since COVID-19

restrictions were lifted. This stay lasted more than 60 days, during which time he sought to obtain new license plates to replace the ones he had surrendered. At his TLC license appointment in July, TLC refused to issue new plates and terminated his permit because he did not obtain new plates within the 60 days of surrendering his old plates, which is a TLC requirement that, as you know, was not enforced during the COVID-19 pandemic. Suddenly, TLC arbitrarily changed its policy without issuing an industry notice, whereby in effect TLC decided on a Monday morning that it would resume enforcing the 60-day requirement that it had not enforced on the previous Friday, and for that matter, the previous two years.

The proposed rule before the commissioners will foreclose people like Mr. Dougara and those similarly situated from ever getting back the permits that they had worked so hard for, that were

wrongfully taken from them. Although these issues occurred under a prior administration, this current administration has a chance to fix them. Moreover, this administration can avoid further unfair consequences by rejecting this proposal.

CHAIR DO: 30 seconds remaining.

MR. GALLO: Due to time restrictions, I have omitted several details of Mr. Dougara's case, but I welcome the opportunity to share further details with the commissioners in an effort to fix this wrongful termination of his FHV permit.

Thank you very much.

CHAIR DO: Thank you for your comments. I appreciate it.

MS. ELUTO: Our next speaker is from Dawood Mian.

MR. MIAN: Hi. Thank you very much for the time today. I think you've all already addressed Chair Do about the insurance language change. I just want to clarify that the actual language

changing to clarify that it excludes the driver, or is that just implied, I just wanted to ask you about?

CHAIR DO: Thank you. We'll take a look at it based on all of our comments and make the changes necessary to clarify.

MR. MIAN: Okay. Thank you for -- thank you very much for that.

The second comment I had is related to the TLC plate surrender, and it was some fleet corporations have commented on -- during the COVID-19 pandemic there was a lot of discussion and rulings and things like that. The only comment I have related to that, that's not often spoken on because one of our instances also relates to fleet management for individuals and corporations, is sometimes people lose TLC plates for maintenance issues. For example, we have a client right now that was involved in an accident 30 days before their license was due for expiration and a five-month insurance claim process,

the TLC plate fine is to lose your license, so if there could be language added related to the supply to have corporations and individuals related to -- if an individual or corporation has maintenance issues, and they can prove that maintenance issues, and things like that has delayed, you know, getting valid inspections, it would be appreciated.

And the last comment I have is that I appreciate all the commissioners here, and the chair. Do we have any visibility around when people have a full commission of 9 commissioners because it seems like -- and that's not -- I'm happy that everything is independent, but it seems that these rules are being voted with a supreme court that has, you know, four of nine judges present. So, I mean, we appreciate the four justices that are present. Is there any visibility when the commission will be full? That is it.

Thank you so much for your time.

CHAIR DO: Thank you for your comments. We'll -- we'll announce new commissioners in the coming months and we're working hard towards having a full commission. I appreciate your comments.

MR. MIAN: Thank you.

MS. ELUTO: Thank you.

Our next speaker is Aeraj Qazi, and I'm hoping I got the name correctly.

MR. QAZI: Better than most, yes.

MS. ELUTO: Okay.

MR. QAZI: Thank you so much for allowing me to speak today. In the beginning of this conversation, beginning of this meeting, Commissioner Do mentioned the insurance requirements regarding passengers and he specifically said not including the driver. As of this morning, the vehicle insurance requirements listed on the TLC website, it seems that they're confusing seating capacity and passengers. The legal definition of passengers according to the Black's Law book is an occupant of a

car, train, boat, airplane, or other transportation vehicle, not including the person operating it, or a member of the crew. According to the TLC's website, it seems they are confusing it. In fact, I have -- I have a client of mine who is trying to have a vehicle replacement done. He's a -- a vehicle transfer done, but they keep on rejecting his files because the -- the FH1 insurance card says eight passengers on it, and they're telling him he needs 1.5 million dollar insurance.

Now, my concern is that I don't think the staff at TLC processing these files fully understand this rule that eight passengers is okay because it does not include the driver. I think TLC needs to immediately update these insurance requirements, as well as train staff about what they actually mean. I mean, legal precedents, in terms of defining what a passenger is and what a driver is, has been set as far back as 127 years in the case of Davis v.

Petrinovich, 1896, which clearly defines what a passenger is and what an operator is. But I think that Commissioner Do has already, you know, I just wanted to tell you guys to please update what you guys have online. But Commissioner Do already mentioned this, so I really appreciate that.

However, I want to also comment on the affidavit that many people already have. Three days is simply not enough time. Now, because I work in this industry, I see a dozen affidavits every day, so it's very easy for me, but there's a lot of language barriers that people in the driver community --

CHAIR DO: 30 seconds remaining.

MR. QAZI: -- suffer from, so 3 days is simply not enough.

In regards to the 60 days for renewal inspection. I have cases, for example, the gentleman I have a case on my desk for right now, his license expired January 30th, his mother passed away on January 2nd, and he had to go

home, and he came back after three months, and now he's out of a job.

I wish I had more time, but thank you guys so much for taking the time to listen.

CHAIR DO: Thank you for your comments. I appreciate it.

MS. ELUTO: Our next speaker is Richard Nader. You can unmute your microphone and begin. Mr. Nader?

(No response.)

MS. ELUTO: I'm going to go to the next speaker. Jacky Lin from IDG. Mr. Lin, go ahead. Mr. Lin, you need to unmute your microphone.

MR. LIN: Sorry. I just heard you guys call my name. I do apologize. Can you guys hear me?

MS. ELUTO: Yes.

MR. LIN: All right. So, you know, good morning, everybody. My name is Jacky. I'm one of the organizers with Independent Drivers Guild. One of the main reasons that we're here today, we want to talk about the affidavit. You

know, 3 days is not enough, as everyone said previously. As a matter of fact, 10 days is still not enough. It should be like 10 business days, because with the 10 business days, it allows people to come and let us know if there's anyone that is, you know, was in violation of this stuff, within the 10 business days, you know, I have drivers coming in and they have a hard time reaching us to say "Hey, how do I fill out this form?" I have a lot of Chinese drivers that come in and say, "Oh, my god, what do I do, what does this mean," you know, it's a big scheduling issue for them as well, to get this stuff figured out. 10 business days would be amazing if the commissioner can allow it.

Another thing was -- well, I'm glad we talked about the 8 passenger/9 passenger issue, you know, that 8 passenger -- as passengers would be -- well, yeah, my friend earlier talked about it and all the other previous

drivers. Where am I? Oh, the -- the inspection thing, our state inspection, the TLC Woodside inspection every two years, I believe there was something was mentioned about it, saying that if it was not done within 60 days, that means the whole license will be lost. That is not right. Drivers -- as drivers, we all have emergencies that come around, you know, we have family emergencies. We have even language barriers, some of us don't check our emails right on time. You know, that 60 days, if drivers miss it, give us an opportunity to revise the wrong. Don't just take away our livelihood. As drivers, we miss a lot of these things. It's nice to have more questioning in case of these mistakes happening. You know, earlier, if their license is revoked, if that license is lost, what is the driver going to do? What are they going to be resulted to do? They're going to be resulted to rent a TLC plate, rent and buying a corporation --

CHAIR DO: 30 seconds remaining.

MR. JACKY: -- renting a vehicle from Tower or -- or American Lease, and you well know these places are, you know, they're predatory for drivers, they hurt drivers even more. You know, it's -- it's not fair for a driver. If that happens, if that comes back where, you know -- not comes back, but if that comes and takes away our license, if we don't get the inspection in 60 days, give us an opportunity to say, "Hey, have a 30-day suspension," that way, a driver can still have his own plate without losing anything.

I believe my time should be up by now. I just want to thank the commissioner for your time and thank you for amending that utilization rate from the previous hearing, and thank you very much for your time.

CHAIR DO: Thank you, Mr. Lin, I appreciate all your comments and we'll consider them in some of the changes as we go towards a vote in a few weeks. I

appreciate it.

MR. LIN: All right. Have a nice day. Bye.

MS. ELUTO: Our next speaker is Zachary Zimmerman. Mr. Zimmerman, unmute your microphone.

MR. ZIMMERMAN: Yes. Hi. Can you hear me?

MS. ELUTO: Yes.

MR. ZIMMERMAN: I just wanted to thank the commissioner and everyone for allowing me the chance to speak. Just plainly, I'm -- I'm here to speak about 10 licenses that our company have already had lost. We have been in operation since 2016, and during the pandemic, I know there was a lot of confusion with how the storage program worked, and throughout the years from 2020 to 2022, we had numerous back and forth communication, TLC licensing division and storage, where we had stored our plates and had no issues pulling them out of storage. About 18 months ago, we took steps to take 10

cars off the road to get ready for new EVs that we actually purchased, Teslas, our whole fleet, we were changing over to electric vehicles, and we had taken those plates off the cars, we cancelled the insurance and we were waiting for the cars to come in for three or four months, and during that time, the rules, I guess, were changed back to where the 60-day rule had gone back into effect that had not been in effect for the two years prior, and we were told, you know, "you have to surrender your plates to DMV, you have to submit a storage request, and you have to cancel your insurance." We did all of these things, my team and I sent multiple storage request emails and what we then followed up with was that the requests were denied. We weren't allowed to replace these plates for off a car and in storage, and during that time, you know, all 10 of these plates were basically just taken back on a rule that didn't actually, you know, get sent out to us

or was updated, that was not on the website that we were even aware that 60-day rule was back in effect because for the years prior during the pandemic, it wasn't.

The fact of the matter is, we have now lost these 10 licenses and we have been, you know, going back and forth with licensing and through counsel to try and retrieve these licenses, and it was basically just on a change that we were unaware of, and I think multiple --

CHAIR DO: You have 30 seconds remaining.

MR. ZIMMERMAN: -- companies and individuals were unaware the change was made. We're asking that we can have these licenses reinstated. As I had said before, our whole fleet is moving to electric, which is what the TLC is hoping for in the next couple years to electrify most of the licenses on the road.

So I appreciate your time, Commissioner, and I hope that you can

work with us to retrieve these licenses. Thank you.

CHAIR DO: Thank you for your comments. Our external affairs team and, of course, our licensing team will circle back with you if they haven't already. I appreciate your comments. Thank you.

MR. ZIMMERMAN: Thank you.

MS. ELUTO: I'm going to try for Richard Nader again. Mr. Nader, if you're available, unmute your microphone and begin.

(No response.)

MS. ELUTO: Okay. No response.

Well, that's our last speaker. That concludes our public hearing. Commissioner, I turn it back to you to close out our hearing.

CHAIR DO: Thank you, everybody, for engaging in this public hearing today. It's incredibly important to hear from you all, so that we can make the best decision as a commission, and to improve rules that we are proposing. I'm very,

very thankful for that. I'm also thankful for the commissioners who have joined us today, including Sorrentino and Velazquez. I appreciate your volunteerism for our commission, and all of this cannot be done without the incredible New York City Taxi & Limousine Commission team. Every month they put on events like this throughout all 5 boroughs, and public hearings, meetings, and votes, so we can better the for-hire industry for not only our drivers, our stakeholders, but also for our passengers.

And with that, have a wonderful Wednesday, everybody.

(TIME NOTED: 11:13 a.m.)

C E R T I F I C A T E

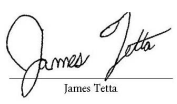
STATE OF NEW YORK)
:ss
COUNTY OF NASSAU)

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 19th day of April, 2023.



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