

NYC TLC Commission Meeting/Public Hearing
October 3rd, 2018

1 NEW YORK CITY TAXI & LIMOUSINE COMMISSION

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3 COMMISSION MEETING/PUBLIC HEARING

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10 October 3, 2018
11 10:14 a.m.

12 Alexander Hamilton U.S. Custom House
13 One Bowling Green
New York, New York

14 33 Beaver Street
15 New York, New York

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19 Reported by:

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1 A P P E A R A N C E S:

2 NEW YORK CITY TAXI & LIMOUSINE COMMISSION
3 One Bowling Green, New York, New York

4 MEERA JOSHI
5 Chair and Chief Executive Officer

6 LAUVIENSKA POLANCO
7 Commissioner

8 NORA C. MARINO
9 Commissioner

10 BILL AGUADO
11 Commissioner

12 KENNETH C. MITCHELL
13 Commissioner

14 THOMAS SORRENTINO
15 Commissioner

16 JACQUES JIHA
17 Commissioner

18 CHRISTOPHER WILSON
19 General Counsel

20 TANYA SCOTT,
21 Assistant to the Commission/Chair

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1 A P P E A R A N C E S :

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NEW YORK CITY TAXI & LIMOUSINE COMMISSION

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Venue of hearing was relocated to

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33 Beaver Street, New York, New York

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MEERA JOSHI

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Chair and Chief Executive Officer

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LAUVIENSKA POLANCO

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Commissioner

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NORA C. MARINO

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Commissioner

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BILL AGUADO

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Commissioner

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KENNETH C. MITCHELL

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Commissioner

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THOMAS SORRENTINO

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Commissioner

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CHRISTOPHER WILSON

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TANYA SCOTT,

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Assistant to the Commission/Chair

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1 MS. JOSHI: Good morning, everyone.
2 I know everyone is here in anticipation
3 of what should be an extremely
4 interesting and very public hearing. To
5 make the most time of the day -- to make
6 the most of the day, because we have
7 this room only until 4:00 p.m., we are
8 going to start with a few items of
9 Commission business that we need to take
10 care of before we open up for the public
11 hearing.

12 So, the first item is the adoption
13 of minutes from the May 7, 2018
14 Commission meeting. All in favor?

15 ALL: Aye.

16 MS. JOSHI: With that, the minutes
17 are adopted. The second is base
18 applications for determination. We are
19 going to hear from Licensing on that.

20 MS. MEOLA: Good morning,
21 Commissioners. My name is Angelique
22 Meola, Director of the Base and Business
23 Services. Today, we have thirty-one
24 bases for your determination, one new
25 application, twenty renewals and ten

1 with various changes.

2 MS. JOSHI: All in favor of adopting
3 Licensing's recommendation on bases?

4 ALL: Aye.

5 MS. JOSHI: With that, the base
6 applications for recommendation are
7 accepted.

8 Next, we have two votes; both on
9 rules that we had public hearings on in
10 May. The first is a Clean-up Package,
11 which basically did some technical
12 amendments to rules, existing rules.

13 And the second was changes to our
14 FHV Accessibility Mandate that were made
15 as a result of litigation and actually
16 enhanced the mandate adding an
17 additional year of service requirements
18 and requiring companies to provide us
19 with additional data, including wait
20 times between passenger requests and the
21 car pick-up for every trip.

22 With that, I'm going to turn it over
23 to Chris Wilson, our General Counsel, to
24 administer the vote.

25 MR. WILSON: So, first, on the

1 Clean-up Package, these rules were
2 published in the City Record on
3 June 28, 2018, and I think the comment
4 deadline was August 1st. The Public
5 Hearing was held on these rules on
6 August 2nd; no public comments were
7 received and no changes have been made
8 to the rules as proposed.

9 As local law requires, the final
10 rule for Commission action was posted to
11 the TLC's website on September 26, 2018,
12 and sent to the Commissioners on that
13 date. All in favor?

14 ALL: Aye.

15 MR. WILSON: Next on the Commission
16 agenda are rules, as the Commissioner
17 said, modifying previously passed
18 accessibility rules in the for-hire
19 sector. These rules were published in
20 the City Record on July 3, 2018 with a
21 comment deadline of August 2nd. One
22 comment in support of the rule was
23 received. A public hearing was held on
24 these rules on August 2, 2018. No
25 changes were made to the proposed rule

1 following the hearing.

2 As local law requires, the final
3 rule for Commission action was posted on
4 the TLC's website on September 26, 2018,
5 and sent to the Commissioners on that
6 date. All in favor?

7 ALL: Aye.

8 MR. WILSON: That's everything.

9 MS. JOSHI: Okay. Now, to the
10 public hearing. First of all, I want to
11 thank everybody for attending today,
12 especially drivers. Because if you're
13 here today, you're not out on the road
14 earning money and that's a sacrifice.
15 As the Commission, we are extremely
16 grateful for your input and for your
17 presence.

18 For those of you that aren't
19 familiar with our process, I just want
20 to outline it for you so you know where
21 we are. We are a regulatory agency that
22 adopts rules by a majority vote of the
23 Commission. Here, on the stage with me,
24 are all of the TLC Commission Members.

25 First, the staff proposes a rule.

1 We then publish it for 30 days. That
2 happened with the rule that we are about
3 to hear today. We have a public comment
4 period where you can write in, you can
5 e-mail, you can send us your comments on
6 the published rule.

7 We hold a public hearing, which is
8 what we're doing today, so people can
9 provide the Commission Members with
10 in-person testimony. Then, after that,
11 the Commission can make changes to the
12 proposed rules based on the feedback
13 that we've received.

14 Then, finally, for the Commission to
15 vote to adopt a rule, there have to be
16 five members in agreement. And that
17 happens after the public hearing and
18 after we've had time to review feedback.
19 So, what we're doing today is really the
20 third step, the public hearing, and we
21 are really looking forward to hearing
22 your input. The way we are going to --

23 We have two presentations before we
24 open it up. The first one is from
25 economists, James Parrott and Michael

1 Reich. They will give you a summary of
2 their findings. They've reviewed
3 millions of driver pay records and found
4 that eighty-five percent of today's
5 drivers make less than the equivalent of
6 minimum wage. They analyzed the policy
7 to raise wages and protect against
8 unilateral cuts to pay by companies.

9 The TLC staff will then provide a
10 brief explanation of how the per-pay
11 proposal works. There is currently a
12 link on our homepage with pay
13 calculators so that drivers can walk
14 through what the posted pay rates today
15 are for the companies versus what they
16 would make under the proposal.

17 We'll also describe what information
18 drivers would be entitled to on a
19 receipt in their weekly pay and for base
20 and vehicle agreements, as well as a
21 decrease in expenses, and an increase to
22 incentives for yellow taxi drivers.

23 So, just a few brief words before we
24 begin. New York City is the first city
25 in the nation to embark on setting pay

1 protections for app drivers. I'm proud
2 of the TLC Commissioners and of the TLC
3 staff for taking on this challenge.
4 Today's proposal represents a start, and
5 an important one.

6 Once passed, there will be further
7 debate on how it should be changed and
8 circumstances will change. But there
9 will no longer be a debate on whether or
10 not drivers deserve protections against
11 unilateral pay cuts that make it hard,
12 if not impossible, to earn a living.
13 That's tens of thousands of people who
14 drive full-time in the City with almost
15 a million passengers daily.

16 Professional drivers whose work is
17 key to the success and safety of our
18 City. So, I want to thank all of you
19 whose advocacy, honesty, acumen have
20 gotten us to this point, and we will
21 only go forward from here.

22 A few of the issues that have been
23 raised since publication that I want to
24 highlight because I anticipate there
25 will be testimony on them and that

1 testimony will help the Commission in
2 forming decisions that have to be made
3 going forward. One of them, are the
4 expense figures used in the pay formula
5 accurate? Do they underestimate the
6 cost of vehicle expenses? Number two,
7 should the TLC mandate that there is a
8 minimum passenger fare, and therefore,
9 driver pay would follow?

10 AUDIENCE MEMBER: Yes.

11 MS. JOSHI: Number three, will a
12 remained increase in driver pay
13 necessarily result in an increase in
14 passenger fares, which could then result
15 in declining trips and declining pay?
16 Number four, should drivers be paid more
17 for shared rides?

18 Then, number five, will raising
19 drivers' pay in shared rides require
20 companies to raise prices and take away
21 an affordable service for passengers in
22 the outer boroughs? Six, should
23 compliance with the minimum pay standard
24 be judged on a per-week or a per-trip
25 basis? You will see for many of these

1 issues, there are both sides that have
2 been raised to us. So, we expect to
3 hear from both sides today.

4 One other item, the use of the word,
5 "utilization." It has been used a lot,
6 and I think we will hear it a lot today.
7 Basically, it's a requirement that each
8 company keep drivers busy with paid
9 trips. If they don't, it will cost
10 them.

11 Pay rates have to be tied to the
12 ability of a company to send drivers on
13 enough trips. Because if not, there
14 would be an endless stream of new
15 drivers and it would dilute the pool for
16 existing drivers. Although adding new
17 drivers has been the business model,
18 it's proven to work for quick response
19 times, but not for drivers' bottom
20 lines.

21 A few logistics; each speaker will
22 get three minutes. At two minutes and
23 thirty seconds, Tanya will ring a bell.
24 So, please, take note of that. Then, we
25 will have to end your testimony right at

1 three minutes. I know it's a very short
2 amount of time. But if you look around,
3 there are lots of people who want to
4 speak, and we want to make sure that
5 everybody gets heard.

6 If, for some reason, you are not
7 able to speak today, we have forms in
8 the back. Please fill them out before
9 you leave so that we get a written
10 description of what you wanted to say so
11 the Commissioners can review it. But
12 our hope is to make sure everybody gets
13 in. So, the more we respect the time
14 limits, the better we will be able to do
15 that.

16 With that, we are going to begin
17 with our presentation from Professors
18 Michael Reich and James Parrot.

19 MR. PARROT: Good morning. James
20 Parrott is my name. I'm the Director of
21 Economic and Fiscal Policies at the
22 Center for New York City Affairs at The
23 New School. Michael Reich, my colleague
24 (indicating).

25 MR. WILSON: Your microphone.

1 (Adjusts microphone.)

2 MR. PARROT: Is that better?

3 MR. WILSON: Yes.

4 MR. PARROT: Perfect. Thank you.

5 MS. MARINO: Please start over.

6 MR. PARROT: James Parrott is my
7 name. I'm the Director of Economic and
8 Fiscal Policies at the Center for New
9 York City Affairs at The New School.
10 Michael Reich, my colleague, is an
11 economist from the University of
12 California, Berkeley. Thank you for the
13 opportunity to speak this morning.

14 We would like to you give you the
15 highlights of the report that we
16 conducted. The Taxi & Limousine
17 Commission asked my colleague, Michael
18 Reich, and I, to evaluate and provide
19 feedback on the proposed pay standard
20 policy and its likely effects. Our
21 charge did not include analyzing the
22 effects of Yellow Cab driver pay. The
23 relative lack of data on the rest of the
24 for-hire vehicle sector precluded an
25 in-depth analysis beyond the high-volume

1 for-hire vehicle companies.

2 We presented our analysis and
3 findings in a report released in early
4 July of this year. Our study relied on
5 extensive administrative data on all
6 high-volume for-hire vehicle drivers
7 provided by the TLC. We've benefited
8 from the assistance by the TLC's very
9 capable data and policy analysts.

10 For-hire vehicle growth has
11 increased convenience for riders and
12 extended transportation services to
13 neighborhoods in the outer boroughs not
14 well-served by mass transit. The
15 industry has also generated high returns
16 for its investors and added many new
17 jobs for drivers. But, it has also
18 created several challenges, especially
19 downward pressure on taxi and for-hire
20 vehicle driver earnings.

21 Rapid for-hire vehicle growth has
22 also contributed to worsening congestion
23 in Midtown and has diverted passengers
24 from mass transit. For-hire vehicle
25 rides are predominantly provided by male

1 immigrants, half of all drivers have
2 children and thirty percent have two or
3 more, forty percent are covered by
4 Medicaid, and nearly one in five receive
5 supplemental nutrition; twice the rate
6 among all New York City workers.

7 Contrary to the popular narrative
8 about gig-economy workers, sixty to
9 sixty-five percent of New York City app
10 drivers work full-time without another
11 job, and about eighty percent acquired a
12 car to earn a living by driving. Most
13 drivers undertook significant capital
14 investments in acquiring their vehicles.
15 Once they have committed to acquiring a
16 vehicle, they face high exit costs if
17 they discover that it's difficult to
18 cover expenses and obtain reasonable
19 net-after-expense earnings.

20 The proposed minimum-pay standard
21 covers a driver's expenses, provides a
22 minimum earnings floor and incentivizes
23 companies to increase utilization. With
24 the companies' rapidly expanding number
25 of cars on City streets, drivers spend

1 more than forty percent of each hour
2 without a paying passenger in their car.
3 This limits a driver's earnings
4 capacity.

5 The TLC proposed the \$17.22 rate as
6 the independent contractor equivalent of
7 \$15.00, including \$0.90 for a moderate
8 amount of paid time-off. Independent
9 contractors must pay the employer share
10 of federal payroll taxes. The payroll
11 tax rate of 7.65 percent applied to
12 \$17.22 equals \$1.32.

13 When you subtract that from \$17.22,
14 it yields \$15.90, \$15.00 plus \$0.90 per
15 paid time off. To bring the average
16 worker, now below the standard, up to a
17 \$17.22 wage floor, gross hourly earnings
18 would need to rise by fourteen percent
19 to \$25.76. That gross increase of
20 fourteen percent would represent a
21 twenty-two and a half percent increase
22 in net pay from \$14.06 to \$17.22.

23 The driver pay standard formula
24 combines an expense component and a time
25 component, both of which are invited by

1 average company utilization. The
2 expense component was estimated at \$0.58
3 per mile or a dollar per mile, once
4 current average utilization of
5 fifty-eight percent is factored in; 28.7
6 cents per minute factor, or 49.5 cents
7 per minute at 58 percent utilization is
8 intended to compensate drivers at \$17.22
9 an hour.

10 The pay standard is not meant as a
11 formula companies should use in
12 determining driver pay. Rather,
13 companies will continue to pay drivers
14 using a method of their choice, as long
15 as it provides at least a minimum per
16 the pay standard. The policy thus
17 permits companies to pay more than
18 minimum standard.

19 The utilization rate is important
20 because drivers are working even when
21 they do not have passengers in the car.
22 Driver working time begins when they
23 log-on to a company app and includes the
24 time they are cruising while waiting for
25 a dispatch or heading toward a pick-up

1 location or returning from a drop-off
2 location. The policy incentivizes each
3 company to raise its company-wide
4 utilization rate from one quarter to the
5 next or whatever period of time the rule
6 is administered on.

7 A higher company utilization rate
8 lowers the company's cost to the pay
9 standards, expense and time component.
10 At the same time, increasing utilization
11 rates benefit drivers because they will
12 have more rides in any given hour.
13 Drivers will earn more on an hourly
14 basis, even though their pay for each
15 trip might be lower. To bolster
16 utilization, companies will have
17 incentive to limit the number of
18 drivers.

19 In estimating typical driver
20 expenses, we looked at the cost related
21 to the Toyota Camry, the model used by
22 thirty-eight percent of all for-hire
23 vehicle drivers. Another twenty-four
24 percent drive models with comparable
25 operating costs, like the Honda Accord.

1 We estimated total annual expenses at
2 about \$20,300, including all required
3 vehicle registration, licensing and
4 related costs.

5 For vehicle costs, we used monthly
6 lease expenses of \$635 that we got from
7 an extensive online survey of 3,000 app
8 drivers, administered by the TLC. We
9 compared vehicle financing and
10 depreciation cost approaches and found
11 that the three alternative approaches to
12 vehicle acquisition cost; leasing,
13 financing or depreciation, deals with
14 similar results.

15 In our report, we note that about
16 twenty-five percent of all app drivers
17 use the car model that would qualify for
18 Uber's premium fare services, many of
19 these are SUVs. Vehicle and gas
20 expenses for these models are far
21 significantly higher than for a Camry or
22 similar model.

23 Preliminary TLC data show that the
24 share of more recently registered
25 for-hire vehicles -- that is, those

1 registered in early August -- that
2 qualify for higher fares has dropped to
3 around twenty percent. Still, it
4 appears that many drivers of more
5 expensive vehicles are mainly providing
6 services as standard passenger fares.
7 The companies, some of which encourage
8 drivers to buy larger vehicles, need to
9 consider how to adequately compensate
10 premium car drivers since the proposed
11 one-dollar milage expense factor will
12 leave drivers short of fully covering
13 expenses.

14 We're in the TLC to raise the
15 expense factor. It might encourage
16 drivers to acquire larger and more
17 expensive vehicles, which is not
18 desirable from an environmental
19 standpoint. The TLC will need to
20 monitor the relation between passenger
21 fares, driver pay and expense costs.

22 Drivers with wheelchair-accessible
23 vehicles would have a higher expense
24 factor of 80.3 cents per mile or 1.38
25 cents at fifty-eight percent

1 utilization. The higher expenses
2 reflect the average cost of modifying
3 vehicles to provide a wheelchair lift.
4 The pay standard policy also includes a
5 bonus per pick-up for shared rides.
6 This bonus is needed to encourage
7 drivers to provide shared rides, since
8 many are not now adequately compensated
9 when providing shared rides. Our
10 suggestion in the report, one dollar per
11 pick-up shared ride bonus represents the
12 first approximation.

13 The optimal value of the shared ride
14 bonus may be higher or lower, or
15 companies could change their
16 compensation policies for shared rides
17 in other ways. Public discussion and
18 input from stakeholders will help better
19 inform the optimal bonus amount and form
20 of payment.

21 Working with the TLC staff in
22 utilizing extensive administrative data
23 of all app drivers, providing over
24 three-million trips in mid-October of
25 2017, we estimated that eighty-five

1 percent of drivers received less than
2 the \$17.22 an hour after expenses. And
3 that half of all drivers earn less than
4 \$14.25 an hour.

5 We also examined incentives provided
6 to drivers. Although our incentive data
7 was not comprehensive because we didn't
8 have incentive data from all of the
9 companies, it appears that incentives
10 paid on a weekly basis have declined in
11 importance.

12 For the balance of the presentation,
13 I would now like to turn to my
14 colleague, Michael Reich.

15 MR. REICH: Thank you. I'm really
16 happy to be here in my own home city.
17 I'm going to talk first about the
18 business model that is used in the
19 industry that we've developed in order
20 to understand how pay standards would
21 work. And also, how the companies would
22 adjust to the pay standard; that will be
23 the second part. Then, I will draw the
24 conclusion of our whole report.

25 The business model, first. To

1 achieve quick response times,
2 companies -- that's response times to
3 passengers -- companies require many
4 idle drivers to be available at any
5 given moment and in many locations.
6 This model creates conflict between the
7 drivers' desires to maximize their
8 earnings by maximizing trips per working
9 hour and the companies' desire to
10 minimize response times. In other
11 words, the current app business model
12 works only if it keeps driver
13 utilization low, which then keeps
14 drivers' hourly pay low as well.

15 How can we improve this
16 relationship? Our pay standard proposal
17 resolves the conflict by incentivizing
18 the companies to increase the proportion
19 of each hour that drivers have
20 passengers in their vehicles. This
21 incentive will increase the average
22 passenger wait time for a ride from five
23 minutes to all of five minutes and
24 twelve seconds, on average; not a
25 perceptible amount.

1 The companies charge a commission
2 averaging about fifteen to twenty
3 percent on every trip, sometimes more.
4 That doesn't seem like a lot compared,
5 to say, Amazon, -- recently in the
6 news -- which charges a commission of
7 about fifteen percent. Then, Amazon
8 pays 600,000 employees, many of whom are
9 in the U.S., and it maintains a huge
10 inventory and numerous distribution
11 centers. I would add, of course, that
12 Amazon is certainly the kind of person
13 to pay all these people at least \$15.00.

14 The cost for the app companies
15 resembles more of the structured cost of
16 credit card intermediaries. The app
17 companies are software platform
18 intermediaries. The credit card
19 intermediaries charge merchants only
20 three percent compared to the fifteen
21 percent to app drivers that the app
22 companies are charging.

23 Of course, the app companies do have
24 some of the costs of corporate overhead
25 and operating costs; including

1 maintaining their apps, driver
2 recruitment costs, credit card bank
3 fees, advertising, legal, lobbying costs
4 and insurance as well. These are pretty
5 small, relatively, compared to revenues
6 of commissions. The companies can
7 easily lower their commissions and
8 remain highly profitable.

9 So, how would the industry adjust to
10 the pay standard that is being proposed?
11 We looked, first, at how the drivers
12 would adjust. To estimate the likely
13 impact on the drivers, from the drivers,
14 their adjustment would model the extent
15 which drivers would increase their
16 working time and how much companies, in
17 return, would increase their utilization
18 of drivers' time.

19 On average, we expect drivers who
20 work part-time to increase their working
21 hours. We think that might make the
22 problem more difficult with increasing
23 utilization. Drivers working longer
24 hours may decide to reduce their hours
25 as pay rises. Overall, we expect an

1 increase in paid rides per driver hour.
2 This increase in driver productivity
3 would absorb a large part of the cost to
4 the companies of the driver pay
5 increase.

6 What we find from our model, our
7 overall business model, is that the pay
8 increase can, in fact, be absorbed
9 through a combination of every
10 utilization of drivers' time, lower
11 commissions and a modest fare increase.

12 For example, an increase in driver
13 utilization between 2.4 and 3.6 minutes
14 per hour, not very much. A forty
15 percent or fifty percent reduction in
16 commission rates, and a fare increase in
17 the three- to five-percent range could
18 readily absorb the pay increase that
19 we've described.

20 Companies would have an incentive,
21 also, to limit growth of the number of
22 vehicles. What would this do, though,
23 to passenger wait times, the response
24 times? Using Uber's own studies, we
25 estimate that wait times would increase

1 from only twelve to nineteen seconds,
2 not a perceptible or difficult amount.

3 To conclude, we estimate that the
4 pay standard would entail a fourteen
5 percent increase in gross driver pay for
6 \$25.76 an hour. And twenty-two and a
7 half percent increase in net driver pay
8 for \$17.22. Annual driver pay will then
9 rise by an average of \$6,345 with
10 drivers getting more trips than they do
11 at present.

12 Our analysis of the app-based
13 companies reveal that the industry has
14 inefficiencies and inequities.
15 These include incentives to increase the
16 number of drivers without regard for the
17 consequences on driver pay, low driver
18 utilization per driver's working hour,
19 and commissions that generate large
20 mark-ups over local operating costs to
21 the dominant firms. I would add that
22 those commissions tend to leak out of
23 the New York City economy. The proposed
24 pay standard provides an innovative
25 approach to increase driver earnings.

1 It helps reduce congestion without
2 causing a perceptible increase in
3 passenger wait times.

4 The final point, the pay standards
5 will, of course, need to be monitored
6 and administered very closely, and some
7 adjustments need to be made. We applaud
8 the Taxi & Limousine Commission for
9 developing this forward-looking
10 proposal, and we applaud the
11 Commissioners for considering it. It
12 may well serve as a model for the
13 industry in other major cities as well.
14 Thank you.

15 MS. JOSHI: Next, we are going to
16 hear from Celine and Fausto, who have
17 tirelessly worked on this project and
18 will provide a summary of how the pay
19 proposal would work. I also want to
20 note, there are some seats up front here
21 (indicating). So, people should feel
22 free to come down and take some of the
23 seats. If you're standing, look around
24 for empty seats so that you can have a
25 seat.

1 MS. MARINO: Can I just ask a
2 question? Is this going to basically
3 summarize what these two gentlemen just
4 said? Because I think I'm a fairly
5 smart person, but I did not follow all
6 of that. And I don't know if I'm the
7 only one in the room, but that was a lot
8 to take in.

9 (Applause.)

10 MS. MARINO: So, if we could
11 summarize that now. You guys are really
12 smart guys, but it's a little bit over
13 my head. So, I hope we get a little
14 summary.

15 MS. JOSHI: Nora, there's a handout
16 there, you'll see, that gives a summary
17 of the presentation, which I think will
18 give you the information you're looking
19 for.

20 MS. MARINO: Thank you. This one
21 (indicating)?

22 MS. JOSHI: Yes.

23 MS. MARINO: I'm not the only one in
24 the room? Thank you.

25 MS. ZAKARYAN: Good morning,

1 Commissioners --

2 MS. MARINO: Your mic, please.

3 MS. ZAKARYAN: Good morning,
4 Commissioners and everyone present
5 today.

6 MS. MARINO: You've got to speak
7 into the mic.

8 MS. ZAKARYAN: Thank you for being
9 here to listen to the proposed rules on
10 driver income. My name is Celine
11 Zakaryan, and I'm the Policy Research
12 Manager of the TLC. Next to me is
13 Fausto Lopez, who is the Head Analytics
14 Manager of TLC.

15 We are two members of a larger team
16 that worked to prepare this plan on the
17 driver income study over the past two
18 years. We set the stage for
19 Doctors Parrott and Reich to do their
20 deep economic analysis using our data,
21 and we assisted them with data requests,
22 as necessary. The presentation here is
23 meant to demonstrate the real impact of
24 the proposal on drivers and their
25 earnings.

1 The rules packet you will be hearing
2 testimony on today has three components.
3 Number one, pay protections for
4 app-location drivers. Number two,
5 transparency requirements for FHV bases
6 and vehicle lessors, and number three,
7 changes of taxi regulations to decrease
8 expenses and increase income
9 opportunities.

10 Starting with app driver pay
11 protections, as you just heard from the
12 economists' presentation, the
13 significant increase in the number of
14 drivers has reduced driver income for
15 all. With pay rates as they are
16 currently structured, 68,000 drivers --
17 and this is eighty-five percent of all
18 app drivers -- are making less than the
19 equivalent of a minimum wage. Because
20 of this, the TLC is proposing rules to
21 establish a minimum pay floor in the app
22 FHV sectors.

23 There are currently about 80,000
24 people working for the four largest FHV
25 companies in New York City. After

1 accounting for expenses, their actual
2 median net income is \$14.25 per hour.
3 Meaning, half of all drivers are making
4 less than \$14.25 per hour on average.

5 So, you see a big gap between gross
6 and net expenses on this slide over here
7 (indicating). And this is because
8 driver expenses are considerable and
9 greatly reduce hourly earnings.
10 Expenses are also disjointed because the
11 tax bill, car lease, maintenance, gas
12 and other expenses are paid at different
13 times.

14 So, it's not simple to determine how
15 they reduce the drivers' pay and by how
16 much. The proposed minimum earning
17 standard is \$25.76 per hour gross and
18 \$17.22 after expenses. This represents
19 a twenty-one percent increase in current
20 net pay.

21 So, what does this mean for the
22 80,000 people who drive for the four
23 largest FHV companies today? Now we'll
24 take a look at sample trips based on
25 current pay structures and compare these

1 current earnings to our proposal.

2 MR. LOPEZ: All right. It's my
3 turn. Good morning. I'm Fausto Lopez.
4 I'm the Data and Analytics Manager at
5 the TLC. So, here we are going to go
6 through some trip examples.

7 Here, we have a trip from the East
8 Village to Bryant Park in Manhattan. A
9 trip like this, within the Manhattan
10 core, would typically take twenty-one
11 minutes to drive 2.6 miles. So, under
12 the current pay structure of a large FHV
13 company, a driver would earn \$9.85 for
14 his trip. Under our proposal, a driver
15 must earn at least \$12.99. So, that's a
16 thirty-two percent increase.

17 (Applause.)

18 MR. LOPEZ: One second. One second.
19 Now, let's take a look at a slightly
20 longer trip, this time in Brooklyn.

21 AUDIENCE MEMBER: \$2,000 is a bad
22 pay rate; \$2,000 minimum pay.

23 MS. JOSHI: Excuse me. There are a
24 lot of people here today. We need to be
25 respectful. We need to be respectful of

1 everybody's time. So, please,
2 everybody, if we are all orderly and
3 brief, everybody can get a chance to get
4 to the microphone, which is the most
5 important thing.

6 MR. LOPEZ: So, if you take a look
7 at a slightly longer trip, -- the
8 previous one was a little bit shorter --
9 a driver would currently earn \$13.08 for
10 this trip from Williamsburg to Park
11 Slope. Under our proposal, the driver
12 must earn at least \$17.46 for the same
13 trip, and that's a thirty-three percent
14 increase.

15 Now, we understand that some people
16 drive WAV vehicles, which are more
17 expensive. Our proposal includes a
18 higher per-mile pay for
19 wheelchair-accessible vehicles because
20 they are more expensive. So, for the
21 same trip in a WAV vehicle, the driver
22 must earn at least \$19.03, and that's a
23 forty-five percent increase.

24 And now, we will cover airport
25 trips. In this example from Crown

1 Heights in Brooklyn to JFK Airport,
2 under our proposal, a driver must earn
3 at least \$30.29, a twenty-nine percent
4 increase. Note our proposal protects
5 drivers from companies lowering rates
6 below the floor. Eighty-five percent of
7 drivers today are paid below this floor.
8 Also, drivers' tips do not count toward
9 the minimum payment.

10 So, we have all these rules, and we
11 definitely have to ensure compliance
12 with the proposed rules. So, TLC will
13 investigate driver complaints, audit
14 trip records and prosecute companies
15 that underpay drivers. The TLC will
16 require the app companies to submit
17 additional information on driver pay,
18 passenger fares and driver working time
19 to audit the companies and inform future
20 policy making.

21 They must provide driver receipts
22 that list the applicable permitted and
23 per-mile rates, the number of miles and
24 minutes for each trip so that drivers
25 can know whether they were paid at least

1 the minimum amount required under our
2 proposal.

3 In addition, certain pay and expense
4 protections do not currently exist in
5 the FHV sector. The proposed rules
6 include the requirements to ensure that
7 transparency in financial relationships
8 between drivers and owners. This means
9 plain-language leases and agreements,
10 all fees charged to drivers must be
11 clearly specified and itemized, itemized
12 breakdowns of earnings and deductions
13 must be present as well.

14 Last, but not least, for taxi
15 drivers who already have pay
16 protections, lease caps, for example.
17 Today, we are proposing ways to reduce
18 drivers' expenses and increase their
19 earnings. Some ways in which they do
20 this: Reducing credit card processing
21 fees, which could save drivers a
22 thousand dollars per year, a potential
23 deduction of thirty-six percent daily
24 and twenty percent weekly; increasing
25 per-trip accessible dispatch fee payable

1 to drivers. Today, they range from five
2 to twenty-five dollars, and with the
3 increase, they will range from ten to
4 thirty dollars. And ending TLC's
5 prohibition on Yellow Cabs accepting
6 e-hails at airports, allowing Port
7 Authority to utilize this technology.

8 So, with that, I hope you have
9 enjoyed the presentation. To see how
10 this works for you, the TLC has created
11 a driver pay calculator available on our
12 website, at the homepage. If you have
13 any questions about the proposed rules
14 or anything else related to driver pay,
15 please e-mail us. The e-mail is right
16 up there (indicating). You can also
17 view the economists' report commissioned
18 by the TLC to evaluate the proposed
19 driver pay standard. Thank you very
20 much.

21 (Applause.)

22 MS. JOSHI: I'm going to ask that we
23 try to be brief with questions because
24 we do have a lot to get through. So, if
25 there are staff questions, we can always

1 hold them for later in the interest of
2 time.

3 MS. MARINO: Well, I think it would
4 be helpful with moving forward now; just
5 a couple of things. So, these increases
6 are not going to come out of the
7 passengers' fees that are being charged,
8 they are going to come out of the
9 corporation; is that an accurate
10 statement?

11 MR. LOPEZ: There is flexibility
12 here. We are not saying that that has
13 to be passed down to the consumer.
14 That's up to the companies.

15 MS. MARINO: Okay. Also, the amount
16 of e-hails at airports, that currently
17 is only yellow cars that are allowed,
18 correct?

19 MR. LOPEZ: Sorry?

20 MS. MARINO: If you allow e-hails at
21 airports, that's also going to cut into
22 the yellow industry; isn't it?

23 MS. JOSHI: No. This is allowing
24 yellows to do e-hails at the airports.
25 Currently, they are not allowed.

1 AUDIENCE MEMBER: This is creating a
2 chaos.

3 MS. JOSHI: Let us continue with the
4 hearing, otherwise everybody cannot get
5 heard. I'm going to just say that one
6 more time. All right. We are going to
7 move forward with the public hearing.
8 First on our list is --

9 MS. POLANCO: I wanted, also, to
10 thank the economists.

11 MS. JOSHI: Yes. I'd like to thank
12 Michael Reich and James Parrot for their
13 incredible and very detailed work.
14 Thank you.

15 (Applause.)

16 MS. JOSHI: First, we have Council
17 Member Brad Lander who is joining us.

18 MR. LANDER: Good morning.

19 (Applause.)

20 MR. LANDER: Thank you very much,
21 Chair Joshi, TLC Commissioners. I'm
22 Council Member Brad Lander, the prime
23 sponsor of Intro 890(B), which became
24 Local Law 150 of 2018, which authorizes
25 and directs the TLC to promulgate the

1 rules to protect and enhance driver
2 earnings that you are discussing here
3 today.

4 I just want to start by saying,
5 look, these are challenging questions.
6 There's a lot of details. It's a
7 complex regulatory system, but I feel
8 extremely encouraged. Because to have
9 had drivers organize together, stand up
10 together, elevate this issue to make
11 sure policy members heard it -- policy
12 makers heard it.

13 (Applause.)

14 MR. LANDER: I really appreciate it,
15 but I also want to encourage us to
16 respect the Chair's request to make sure
17 as many people as possible can testify
18 at this hearing.

19 So, thank you guys for your
20 organizing, for elevating the issue, for
21 your passionate stories, obviously to
22 family members of those who have
23 struggled. It made a big difference to
24 us. I also want to give a lot of credit
25 where it's due. I think the Taxi &

1 Limousine Commission took those
2 concerns, worked with the council to
3 develop a really thoughtful approach.
4 There is no city in the country that --
5 (Applause.)

6 MR. LANDER: There is no city in the
7 country that has tried to do something
8 that made sure independent contractors
9 can earn a fair living in a reasonable
10 way. This is a creative way of doing
11 it. I do want to thank James Parrott
12 and Michael Reich for their report and
13 their research, as well as all the TLC
14 staff that have put so much time into
15 developing these regulations. I won't
16 go through all the things.

17 I support this set of regulations
18 that are here, and I'm not going to go
19 through it in detail because you are
20 going to hear a lot from people. And
21 obviously, folks in the room know better
22 on how to think about the calculations
23 for expenses, each individual issue.

24 I think the pay standard, the way
25 you've set it, the regulatory approach

1 you take and the rules you've
2 promulgated, makes a lot of sense. That
3 will go a long way to make sure that
4 drivers can earn a living wage. That
5 what should be an eight-hour shift,
6 doesn't have to be a twelve-hour shift.
7 That they will have predictability, and
8 that it's done in a way that protects
9 customers, it makes sure we achieve
10 accessibility, and that it takes into
11 account all the factors that need to be
12 taken.

13 I will say a couple of things. One
14 thing I like about the promulgated rule
15 is to make sure that what we are talking
16 about is a floor and not an average or a
17 ceiling. Driver pay at peak demand
18 periods can be incentivized up above the
19 floor, but no trip or no hour --

20 (Thirty-second warning bell.)

21 MR. LANDER: -- should be allowed to
22 go below the floor and to average those
23 wages down.

24 (Applause.)

25 MR. LANDER: I also support the

1 reporting requirements and the other
2 ways you are going to make this work.
3 And I appreciate the point that it's
4 going to need to be evaluated carefully
5 over time, and you need the flexibility
6 to make adjustments as we see how this
7 rule works.

8 A couple of quick things that I
9 think are worth taking a look at and
10 making some adjustments to the rule, as
11 you've proposed it. First, as you guys
12 know, some app-based companies,
13 especially Via, compensate drivers on an
14 hourly basis, which can meet the
15 standard and the goal that we have of
16 making sure everyone is paid fairly and
17 in a predictable way. The Reich and
18 Parrott Report shows that during the
19 study period, Via drivers were paid a
20 net hourly median of \$20.99, well above
21 other industry players and above the
22 \$17.22 goal after expenses.

23 So, I would suggest offering, in
24 addition to the per-trip path for
25 compliance, which has been established

1 and proposed here, consider having a
2 second path for compliance for those
3 companies that agree to pay their
4 drivers on a predictable hourly basis of
5 at least \$17.22 per hour. If the same
6 rules apply, there can't be hours below
7 that, though there could be hours above
8 it. And, it would be appropriate for
9 companies that chose this model, which
10 gives drivers an even more predictable
11 approach to earning that they would be
12 able to do that reporting, on perhaps a
13 weekly or a monthly basis, rather than
14 on a per-trip basis. So, you would need
15 a separate way of evaluating and looking
16 at that.

17 I would also say for companies that
18 opt for that approach, I think it might
19 make sense to consider waiving the
20 shared-ride bonus. In many cases, those
21 companies are based -- premised on
22 almost the entirety of a vast --

23 MS. SCOTT: Thank you for your
24 testimony.

25 MR. LANDER: -- majority of the

1 rides being shared. I apologize, one or
2 two more quick points. But you know
3 what? Here is what I'll say --

4 MS. SCOTT: We have to move on.

5 MR. LANDER: We are submitting
6 testimony that's more detailed for the
7 record. In the record, we also proposed
8 looking at the utilization rate
9 industry-wide rather than by company.
10 It's a complex calculation you need to
11 look at to give each company the right
12 incentives, but also protect against the
13 dangers of monopolies.

14 MS. SCOTT: Thank you so much.

15 MR. LANDER: I'll stop there.
16 There's a lot more details in my written
17 testimony. Thank you for listening.
18 Thank you, you guys, for organizing.

19 (Applause.)

20 MR. LANDER: Whether it is accepted
21 or not, I think we all should be proud
22 of it together. This is not easy to do.
23 Through organizing, through smart staff
24 research, through good economics and
25 through a thoughtful approach from TLC,

1 we are putting New York City in a
2 leading position to make sure everybody
3 who shows up to work can earn a living
4 wage.

5 MS. SCOTT: We are going to call up
6 the next speaker now.

7 MR. LANDER: Thank you very much.
8 (Applause.)

9 MS. JOSHI: The next speaker is
10 Victor Calise from the Mayor's Office of
11 People with Disabilities. Thank you,
12 Victor, for coming.

13 MR. CALISE: Hello, Commissioners.
14 How are you? Thank you for having me
15 here today. Thank you, Chair Joshi, TLC
16 Commissioners, for the opportunity to
17 speak this morning. I'm Victor Calise,
18 Commissioner of the Mayor's Office for
19 People with Disabilities. I've had the
20 homage of working with TLC to make sure
21 that we have a truly accessible
22 transportation system that includes
23 people with disabilities.

24 Over the past number of years, the
25 TLC has made tremendous improvements in

1 accessibility. These positive steps are
2 a testament to the Administration's
3 dedication to improving the lives of New
4 Yorkers with disabilities.

5 And, specifically, Chair Joshi who
6 has gone over and beyond what she is
7 supposed to do -- or maybe what she is
8 supposed to do and sometimes people with
9 disabilities think otherwise. So, thank
10 you for all of your efforts and
11 everything that you do in driving TLC to
12 do the right thing.

13 Some of TLC's actions, -- like its
14 commitment to reach fifty percent of
15 accessibility in the yellow taxi fleet
16 by 2020, and the creation of city-wide
17 expansion of accessible dispatch program
18 and the for-hire vehicle accessibility
19 rules -- have received quite a bit of
20 attention, not only here in New York,
21 but around the country and around the
22 world.

23 When there are less disabled
24 advantages, however, it often falls on
25 my office to call attention to them, and

1 I'm proud be able to do that today. The
2 proposed driver income protection rules
3 that TLC is considering today includes
4 an earnings differential for drivers of
5 wheelchair-accessible vehicles, a
6 powerful example of the Agency's work in
7 incentivizing accessibility to ensure
8 that New Yorkers with disabilities are
9 able to access transportation that we so
10 need.

11 The Mayor's Office for People with
12 Disabilities fully supports the proposed
13 rules, and I urge the Commission to pass
14 them so that TLC can protect driver
15 income and increase accessibility for
16 all New Yorkers. Thank you.

17 (Applause.)

18 MS. JOSHI: Thank you.

19 MR. WILSON: The next speaker is
20 Michael Replogle from the Department of
21 Transportation.

22 (Applause.)

23 MR. REPLOGLE: Good morning,
24 Commissioner Joshi and Members of the
25 Taxi & Limousine Commission. I'm

1 Michael Replogle, Deputy Commissioner
2 for Policy at the New York City
3 Department of Transportation. I want to
4 thank you for the opportunity to testify
5 today about TLC's proposed driver
6 standard rules.

7 New York City is bigger and more
8 bustling than ever and the impact of
9 this growth on our transportation system
10 is evident to all who live and work
11 here. The sidewalks are overflowing,
12 and the streets are full of cars,
13 trucks, for-hire vehicles, taxis and
14 bicycles at all hours.

15 At the Department of Transportation,
16 our mission is to make New York City's
17 street network as efficient as possible
18 while increasing safety, expanding
19 mobility choices for all New Yorkers.
20 And reducing environmental impacts. DOT
21 strongly supports TLC's proposed driver
22 pay standard, in addition to ensuring
23 that the men and the women who work as
24 for-hire vehicle drivers will earn a
25 living wage.

1 The proposal may have the secondary
2 benefit of promoting more efficient use
3 of our city streets. The growing
4 congestion on our streets, particularly
5 the Manhattan core, is due in part to
6 the dramatic expansion of app-based
7 for-hire vehicle services.

8 Trips across all sectors increased a
9 combined forty-five percent between 2010
10 and 2017, driven entirely by the growth
11 in app-based for-hire vehicles. By
12 incentivizing app-based for-hire vehicle
13 companies to increase the utilization
14 rate of vehicles affiliated with their
15 bases, the pay standard could result in
16 reduced congestion.

17 A company's utilization rate is the
18 percent of time a driver spends
19 transporting passengers out of their
20 total work time. Utilization rates vary
21 by company, with the highest rate at
22 seventy percent. This means the driver
23 can expect to be carrying a passenger
24 forty-two minutes out of every hour
25 worked.

1 Other companies have utilization
2 rates as low as fifty percent, meaning
3 the driver spends half their time
4 waiting for their next fare. Many of
5 these drivers are likely cruising in
6 traffic or double-parked, potentially
7 blocking the traffic lane.

8 (Thirty-second warning bell.)

9 MR. REPLOGLE: By taking into
10 account a company's utilization rate
11 when regulating driver pay, TLC has
12 created an incentive for companies to
13 reduce unnecessary cruising or
14 double-parking. We believe this has the
15 potential to increase traffic
16 efficiency, lower congestion and related
17 air pollution and greenhouse gas
18 emissions, as well as support traffic
19 safety by cutting vehicle miles and
20 vehicle hours of travel.

21 So, the driver pay proposal is about
22 equity, a key tenet of our Mayor's
23 vision for the City. But it is also a
24 key component of ensuring expanded
25 travel choices and expanding

1 sustainability of our transportation.

2 MS. SCOTT: Your time is up.

3 MR. REPLOGLE: I'll have a little
4 more details in my written testimony,
5 which I will leave with the Commission.
6 Thank you.

7 (Applause.)

8 MS. JOSHI: Going forward, Chris is
9 going to call about four names at a time
10 so that people can start gathering close
11 to the front and testify in order.

12 MR. WILSON: The next speaker will
13 be Raul Rivera, who will be followed by
14 Liz Vladeck, who will be followed by
15 Nancy Reynoso. Is Mr. Rivera here?

16 (No response.)

17 MR. WILSON: Okay. Is Ms. Vladeck
18 here?

19 MS. VLADECK: Yes. Good morning,
20 Chair Joshi and TLC Commissioners. I'm
21 Liz Vladeck, Deputy Commissioner of the
22 Department of Consumer Affairs for the
23 Office of Labor Policy and Standards.
24 On behalf of Commissioner Solas, I
25 submit these comments to the TLC in

1 strong support of the proposed rules for
2 minimum pay and financial transparency
3 protections for FHV and yellow taxi
4 drivers.

5 OLPS is charged with enforcing New
6 York City workplace laws, developing
7 innovative policies to raise job
8 standards and provide an essential
9 resource to help working New Yorkers
10 assert their rights under local, state
11 and federal laws. Our office implements
12 the City's Freelance Isn't Free Act, the
13 first of its kind in the country. A law
14 that seeks to rebalance the economic
15 scales to strengthen standards for the
16 gig economy workers who face great
17 difficulty just simply making ends meet.

18 The TLC's proposed rules are another
19 groundbreaking step toward the same
20 goal. In an economy increasingly marked
21 by alternative employment arrangements,
22 gig workers, independent contractors,
23 FHV drivers are not afforded the basic
24 protections that come with traditional
25 employment and these protections are

1 sorely needed.

2 In the last several years, the FHV
3 Industry has experienced accelerated
4 growth here in the City. More than half
5 of drivers are people of color, almost
6 ninety percent are immigrants. These
7 are key populations that our office
8 serves. But despite economic success
9 and the massive growth in the number of
10 trips, the majority of drivers have not
11 seen an increase in income, and instead,
12 driver income has fallen.

13 So, these rules are an innovative
14 strategy to ensure that workers can earn
15 minimum pay regardless of their legal
16 classification as employees or not. The
17 benefits of earning a livable wage to
18 workers and the broader community are
19 clear. Increases in minimum wages are
20 associated with improvements in workers'
21 mental health.

22 Here in New York City, our
23 fifteen-dollar-an-hour minimum wage is
24 projected to actually decrease premature
25 mortality by over a thousand deaths a

1 year. And the benefits of increased
2 wages extend to workers' families and
3 their children and benefit local
4 economies, as we've heard these rules
5 are expected to do.

6 So, like the TLC's proposed rules,
7 our experience implementing the
8 Freelance Isn't Free Act shows the
9 critical role that government can play
10 in helping New Yorkers get paid what
11 they're owed, earn a living and livable
12 wage and achieve upward mobility, even
13 in today's contingent work arrangements.

14 (Thirty-second warning bell.)

15 MS. VLADECK: Our experience with
16 the first year implementing the
17 Freelance Isn't Free Act shows that over
18 two-hundred fifty workers covered more
19 than a quarter of a million dollars with
20 the use of our current navigation
21 program. Not only the substantive
22 standards in the proposed rules, but
23 also the TLC's enforcement and
24 monitoring authority and the critical
25 recordkeeping and pay transparency

1 requirements built into the proposed
2 rules will ensure TLC drives
3 implementation to make the changed rule
4 so that minimum pay will be established
5 and meaningful for New York's drivers.

6 MS. SCOTT: Your time is up. Thank
7 you very much for your testimony.

8 (Applause.)

9 MR. WILSON: Is that Mr. Rivera?

10 MR. RIVERA: I'm Mr. Rivera.

11 MR. WILSON: You will be followed by
12 Nancy Reynoso.

13 MR. RIVERA: Good morning. Three
14 minutes?

15 MS. JOSHI: Yes.

16 MR. RIVERA: I'm going to try to
17 finish this. My name is Raul Rivera.
18 I'm a New York City TLC Driver.

19 MS. JOSHI: Would you mind speaking
20 a little closer to the mic?

21 MR. RIVERA: (Complying.)

22 MS. JOSHI: Thank you.

23 MR. RIVERA: My name is Raul Rivera.
24 I'm a New York City TLC driver. I was
25 born and raised in the Bronx.

1 Everyone wants to blame Uber and
2 Lyft for the horrible suicides of
3 drivers and the crazy mess that the taxi
4 industry is in today. If you ask me who
5 is to blame, I believe the City; I
6 believe the City Council; I believe the
7 TLC for letting the ride-sharing apps do
8 as they please with little oversight.

9 (Applause.)

10 MR. RIVERA: If you don't know what
11 drivers need, I'll tell you. It's very
12 simple. Drivers need eighty percent of
13 each ride completed. If the
14 ride-sharing apps don't like it, they
15 can leave New York City.

16 (Applause.)

17 MR. RIVERA: I will tell you why.
18 Drivers are not animals. Drivers are
19 not dogs. Drivers have to pay for gas,
20 oil changes, maintenance, insurance,
21 fines and tickets, --

22 AUDIENCE MEMBER: Tickets, yes.

23 TLC --

24 MR. RIVERA: -- just to name few,
25 just to name few. Drivers also have to

1 live, feed their families. Please stop
2 wasting time, give drivers eighty
3 percent now, God forbid, before another
4 driver takes his or her life. Please
5 stop wasting time. Save a life today.

6 (Applause.)

7 MS. MARINO: Please, you are taking
8 his time.

9 MR. RIVERA: If another driver takes
10 their life before you do the right
11 thing, I will personally start a
12 petition to have the TLC reformed and
13 have the TLC Chairperson removed.

14 AUDIENCE MEMBER: Yes, yes.

15 AUDIENCE MEMBER: Yes.

16 MR. RIVERA: Lastly, I would like to
17 make a point about a little dirty secret
18 that the City has. The next time you
19 see a police car pull over a car, please
20 check the license plate. Nine out of
21 ten times, --

22 AUDIENCE MEMBER: Yes.

23 MR. RIVERA: -- the driver of the
24 car is a taxi driver. Cops know a TLC
25 plate when they see one. Tickets are

1 another reason why drivers need a pay
2 hike. Tickets are a very big expense
3 that drivers have to pay for.

4 Please keep in mind that ninety
5 percent of drivers are immigrants and
6 many have a language barrier. It can be
7 difficult to defend yourself from a
8 ticket-hunting cop looking to meet his
9 or her monthly numbers. It's not hard
10 to see how easy it is for cops to
11 criminalize drivers, and at the same
12 time meet their monthly ticket quotas.

13 (Thirty-second warning bell.)

14 MR. RIVERA: Yes, I'm here to tell
15 you the City has a ticket quota and cops
16 are meeting the ticket quotas on the
17 backs of immigrant drivers.

18 AUDIENCE MEMBER: It's called Yellow
19 Taxation.

20 MR. RIVERA: If you don't -- if you
21 don't -- if you don't --

22 AUDIENCE MEMBER: It's okay,
23 brother, take your time.

24 AUDIENCE MEMBER: It's okay.

25 MR. RIVERA: It's not hard to see

1 how cops criminalize drivers and at the
2 same time, meet their monthly ticket
3 quotas. Yes, I'm here to tell you, the
4 City has a ticket quota and cops are
5 meeting their ticket quotas on the back
6 of immigrant taxi drivers. If you don't
7 believe me, just ask the NYPD.

8 MS. SCOTT: Your time is up. Thank
9 you very much for your testimony.

10 MR. RIVERA: I'm asking the TLC and
11 the City Council to work with the NYPD
12 to save my city from the Mayor and
13 Police Commissioner who have failed New
14 York City --

15 MS. SCOTT: Your time is up. We are
16 going to have to move on to the next
17 speaker.

18 MR. RIVERA: -- time and time again.
19 Face the current Police Commissioner now
20 and make any changes, the new police
21 Commissioner.

22 MS. SCOTT: Thank you. We've got to
23 move on to the next speaker.

24 MR. RIVERA: These changes will
25 greatly benefit all New York City taxi

1 drivers and hopefully stop the driver
2 suicides. One quote. One quote.

3 MS. JOSHI: We've got to move on.
4 Your time is up.

5 MR. RIVERA: One quote.

6 (Applause.)

7 MR. RIVERA: One quote. Poverty is
8 the worse form of violence. Poverty is
9 the worse form of violence, Mahatma
10 Gandhi.

11 (Applause.)

12 MS. JOSHI: To employ a rule that
13 City Council employs, -- I know a lot of
14 you have been to the Council
15 testimony -- they ask that people do
16 this (indicating) instead of clap, out
17 of respect for the next speaker so that
18 that person can get up. We appreciate
19 your energy. We appreciate your
20 advocacy, and we want to really make
21 sure everybody gets heard.

22 So, let's do each other the
23 courtesy, do this (indicating) instead
24 of clapping, and we can move through
25 everybody and everybody gets their three

1 minutes. It's not fun to cut people
2 off, but it really is the only way to
3 make sure everybody gets heard.

4 MR. WILSON: So, Nancy Reynoso has
5 appeared, and she will be followed by
6 Ryan Price, and then by Bhairavi Desai.

7 MS. REYNOSO: Good morning,
8 everybody from the TLC and all the
9 drivers who took their day off to be
10 here today. I'm Nancy Reynoso. I'm a
11 fare advocate driver, owner of a Green
12 Taxi.

13 MS. MARINO: What is your last name?

14 MS. REYNOSO: Reynoso,
15 R-E-Y-N-O-S-O. I also link to the
16 app-companies, in the way that my
17 husband and my son are driving for them.

18 I am happy that finally TLC has
19 decided to take hands up on the proper
20 requirements economically for these
21 drivers that I've seen personally with
22 their stories and their lives. In their
23 stories, they tell me about how much
24 they're making, and I find it really
25 ridiculous. But I think, hopefully,

1 this will be a change.

2 I honestly don't know if the change
3 came a little too late. I'd hate to
4 sound like a pessimist. I mean, it's
5 been two years. We've had so many --
6 triple. We're triple the number of cars
7 on the streets and fierce competition.
8 So, for the green cabs, I can say it's
9 not like they're saying, two years ago
10 we were, like, dead. Everybody, like,
11 sort of mocked the green cabs,
12 unfortunately. I say it the way it is.
13 They're not out operating to consume
14 money, they're out there. We're still
15 out there.

16 We've been shoveling for five years,
17 and the ones that are out here we're
18 making better. Because -- thanks, that
19 I could maybe say to TLC, in a way, and
20 MTA -- we are doing eighty percent of
21 curb rides for Access-A-Ride passengers
22 and accessibility rides. This has
23 really incremented our income, and I
24 have drivers in five hours who will
25 make \$200 and they're happy. They're

1 working all day with AAR.

2 So, no, green cabs are not dead,
3 even though that's the rumor out there,
4 that they're dying. They're not.
5 They're more vibrant. They're more
6 dynamic, and they're living better now.
7 So, if anybody wants to decide that they
8 ever want to come into the green
9 industry, there's many cars available
10 for rent. That's the opportunities we
11 have right now.

12 With that said, I really wish lots
13 of luck with the guys who are on the
14 apps out there -- there's plenty -- and
15 women, that they can get their fair
16 share of money they need to make because
17 right now, it's been really bad.

18 I will give you a quick example. My
19 husband, two months ago, made a
20 north-of-Manhattan trip on Uber to
21 Kennedy. The final pay out? Eighteen
22 dollars. That's ridiculous. That is so
23 ridiculous. I was like, "No. I'll make
24 fifty cents in New York, Manhattan, and
25 you're making all these miles and coming

1 back in all this traffic," which traffic
2 always getting out of Kennedy is the
3 worst for anybody. I mean, it's just so
4 bad.

5 (Thirty-second warning bell.)

6 MS. REYNOSO: So, I really hope that
7 things can get better, and I just wanted
8 to let you know that our plight with
9 green cabs is so much better, and we're
10 hanging on. Thank you so much for
11 listening.

12 (Applause.)

13 MR. WILSON: Thank you. The next
14 speaker is Ryan Price followed by
15 Bhairavi Desai and then Mohammad Tipu
16 Sultan.

17 MR. PRICE: I'm Ryan Price, the
18 Executive Director of the Independent
19 Drivers Guild. The Independent Drivers
20 Guild is a machinist union -- affiliate
21 of Uber, Lyft, Via, Juno, Drivers United
22 -- for a fairer for-hire vehicle
23 industry.

24 Meera, you've said that you're proud
25 of this proposal. We are too, and

1 everyone in this room has taken action
2 and is a part of this big, red room and
3 should be proud of this.

4 (Applause.)

5 MR. PRICE: So, right now, app-based
6 drivers are making -- I'm going to make
7 this quick. I'm going to make this
8 under three minutes, I swear. So,
9 app-based drivers are making under
10 minimum wage and working about twelve
11 and a half hours a day to provide for
12 their families. All drivers right now
13 will need liveable pay, benefits and
14 workplace protections to prevent company
15 owners from further exploiting drivers
16 and lowering pay.

17 Our main focus is ensuring that
18 these workers can work a fair work week,
19 and can provide for their families
20 within a forty-hour work week. Right
21 now, app-based drivers are really at the
22 bottom of the industry. They are the
23 lowest paid workers than anybody else in
24 the industry, as far as we can tell.

25 What I have to say about this

1 proposal is that the underlying
2 structure, where workers are paid more
3 as Uber and Lyft continue to over-hire,
4 is the best thing I've seen from TLC in
5 the past two, three years. It's very
6 well-thought out. It's a brilliant way
7 to address this problem. Ensuring that
8 there's a pay floor, that there is a
9 mile-a-minute pay floor, is huge and a
10 part of our proposal to the TLC from
11 about a year ago.

12 This proposal includes demands that
13 we've been making for years; like
14 timing, the number of drivers to the
15 number of trips, increasing pay for
16 wheelchair-accessible vehicle operators,
17 annual increases based on the cost of
18 living, and increasing pay per
19 shared-ride pick-ups.

20 We do have some concerns with the
21 proposal, which I will go through very
22 quickly. The underlying minute pay,
23 which is the underlying wage, is set at
24 about fifteen dollars an hour plus paid
25 time off. It doesn't include all of the

1 other benefits they would normally get
2 as employees or adequate pay for that.
3 We would suggest, because bus drivers
4 and truck drivers start at about twenty
5 bucks an hour, the targeted pay rate --
6 (Thirty-second warning bell.)

7 MR. PRICE: -- pay scale should be
8 at least twenty. We have a lot more in
9 here. Thank you for moving forward on
10 this. This is a huge step forward, and
11 it's all because of your actions.

12 (Applause.)

13 MR. WILSON: Thank you. The next
14 speaker will be Bhairavi Desai, followed
15 by Mohammad Tipu Sultan, followed by
16 Andrei Greenwalt.

17 Ms. DESAI: Good morning, everybody.
18 My name is Bhairavi Desai. I'm the
19 Executive Director with the New York
20 Taxi Workers Alliance. There is so much
21 to say with regard to these proposals.

22 First and foremost, I want to say
23 that we're all here today because
24 thousands of drivers sacrificed hour
25 after hour to hit the streets and

1 demonstrate for months on end.

2 And our demonstrations and actions
3 were all led by the spirit of six
4 families who saw the worst-endured
5 crisis as six of their family members
6 took their lives. We were led by those
7 families in there was such a deep sense
8 of courage where each family repeatedly
9 said, "No more."

10 We need to fix this race to the
11 bottom that has led to unprecedented
12 poverty in this workforce. While we
13 appreciate the beginning of this
14 proposal, the bottom line is, it's a
15 start, but it's simply not enough. The
16 framework of this proposal keeps in
17 place upfront pricing.

18 The rates that Uber used to pay
19 drivers just up until 2016 were so much
20 higher per trip compared to what they
21 are today. The minute that Uber started
22 to charge passengers more, well, all of
23 a sudden, they said, "We're not going to
24 pay you a percentage of the fare
25 anymore. We're not going to give you

1 this static pay," and in that static
2 pay, the rates were cut.

3 And what we've seen, and we've
4 analyzed over 180 fares, based on your
5 proposal, and the gross fares do not go
6 up very much. They are pretty similar
7 to what Uber and Lyft are already
8 compensating drivers per trip, and
9 that's an issue. We need those gross
10 fares to be much higher.

11 We think the idea that driver
12 incomes will go up by fourteen percent
13 is absolutely false because the expenses
14 are underestimated as much as \$10,000
15 per year, per driver. To give you an
16 example, a driver whose weekly expenses
17 would be \$390 a week -- and that's if
18 you're lucky --

19 AUDIENCE MEMBER: Right.

20 MS. DESAI: -- in vehicle expenses
21 and insurance. Your expenses are \$7,800
22 more per year than what's been
23 calculated in this report. You're not
24 going to be making fifteen per hour,
25 you're going to likely be making eleven

1 per hour. And it's simply not
2 acceptable in an industry --

3 (Applause.)

4 MS. DESAI: It is not acceptable in
5 an industry where these companies are
6 collectively valuated at over
7 one-hundred billion dollars.

8 (Thirty-second warning bell.)

9 AUDIENCE MEMBER: Yes.

10 MS. DESAI: Lastly, lastly, lastly,
11 because of time, I just have to say, for
12 me, the fundamental failure of the
13 report is that it did not look at the
14 app companies holistically. It looked
15 at them in a vacuum. We have a yellow
16 cab sector, a green cab sector, a livery
17 sector, corporate black car sector. We
18 exist on the streets together and need
19 to survive this economy together.

20 You cannot raise the incomes of one
21 sector alone. Uber starves the Uber
22 driver, --

23 MS. SCOTT: Your time is up.

24 MS. DESAI: -- so they can starve
25 the taxi driver. If you lift up one,

1 the only way is to lift up all
2 simultaneously.

3 MS. SCOTT: Thank you so much for
4 your testimony. Your time is up.

5 (Applause.)

6 MR. WILSON: Right now will be
7 Mohammad Tipu Sultan, and he will be
8 followed by Andrei Greenwalt, and then
9 Harold Ferdinand.

10 MR. SULTAN: Hi, good morning. My
11 name is Mohammad Sultan, Tipu Sultan.
12 I'll give you one example at the very
13 beginning, think about if this is a
14 ship. You are in the middle of the
15 ocean, and the ship is going down. The
16 water is coming from the bottom, and
17 think about if you're from the bottom
18 floor, you come to the second floor and
19 you find out the second floor is a
20 ceiling.

21 As today, the proposal, with this
22 fifteen-dollar, seventeen-dollar,
23 whatever the calculation is, you are on
24 the second floor and there is a ceiling
25 right there. You cannot go up. New

1 York Taxi Worker Alliance's proposal,
2 there is no ceiling. You can go up.
3 So, eighty percent income should be in
4 the driver's pocket, not Uber and their
5 commission.

6 It should be commission-based --
7 (Applause.)

8 AUDIENCE MEMBER: That's right,
9 eighty percent.

10 MR. SULTAN: It should be
11 commission-based, eighty percent income
12 should be in the driver's pocket, twenty
13 percent should be the Uber commission.

14 (Applause.)

15 MR. SULTAN: There is no up-front
16 price. There is no up-front price. One
17 meter, one fare; that's it.

18 (Applause.)

19 MR. SULTAN: So, New York Taxi
20 Workers Alliance wants that every
21 vehicle should be the same meter rate.
22 It should be the same meter rate.
23 Green, Yellow, Uber, Lyft, all the
24 app-based cars.

25 AUDIENCE MEMBER: Yes, yes.

1 AUDIENCE MEMBER: Yes.

2 (Applause.)

3 MR. SULTAN: And because of that,
4 the competition market who are on the
5 street cannot go below the base fare.
6 They can go up.

7 MS. JOSHI: Can I clarify one thing?
8 What you are asking for, is that there
9 be a minimum passenger fare city-wide
10 and it be set at the taxi meter fare
11 today?

12 MR. SULTAN: Yes, yes, yes.

13 AUDIENCE MEMBER: Yes.

14 AUDIENCE MEMBER: Yes.

15 (Applause.)

16 MR. SULTAN: If the taxi meter says
17 go up, everybody goes up.

18 (Applause.)

19 AUDIENCE MEMBER: Yes.

20 MR. SULTAN: So, that's why I'm
21 saying, in New York Taxi Workers
22 Alliance proposal, there is no ceiling.
23 So, when the ship goes down, you can
24 live, you can go, you can see, you can
25 breathe. Someone can rescue. But the

1 proposal they're giving you there's a
2 ceiling right there. We do not want
3 that ceiling. We want to break the
4 ceiling and go up. Because
5 commission-based has the driver working
6 all the time.

7 (Applause.)

8 MR. SULTAN: Also, we want the
9 minimum set on the meter, then you will
10 see fare hikes; all the drivers should
11 see fare hikes.

12 AUDIENCE MEMBER: That's right.

13 MR. SULTAN: In Brooklyn, the
14 neighborhood I live in, it's \$2,500.

15 (Thirty-second warning bell.)

16 MR. SULTAN: It's a two bedroom, one
17 living room apartment. None of the
18 drivers will survive, believe me. Six
19 driver suicides because of the economy
20 hardships.

21 AUDIENCE MEMBER: That's right.

22 MR. SULTAN: We are barely, badly,
23 very lately, lucky that we pushed the
24 brakes while there are no more cars.
25 130,000 on the street of the cars. And

1 180,000 drivers, at least, have a new
2 dream, new hope, by this Commission to
3 see that you can get your economy
4 stable.

5 MS. SCOTT: Your time is up.

6 MR. SULTAN: This is a chance and
7 all the drivers should gather and fight.
8 New York Taxi Workers Alliance --

9 MS. SCOTT: Your time is up. Thank
10 you for your testimony.

11 (Applause.)

12 MS. SCOTT: We are going to have to
13 move on. Your time is up.

14 MR. SULTAN: I still have thirty
15 seconds. New York Taxi Workers
16 Alliance proposal --

17 (Applause.)

18 MS. SCOTT: Your time is up. Thank
19 you for your testimony. We're going to
20 have to move on. Thank you for your
21 testimony.

22 MR. SULTAN: Thank you so much.

23 (Applause.)

24 MR. WILSON: The next speaker is
25 Andrei Greenwalt. He will be followed

1 by Harold Ferdinand, then Edith
2 Prentiss.

3 MR. GREENWALT: Good morning. My
4 name is Andrei Greenwalt. I'm Head of
5 Public Policy at Via. I appreciate the
6 opportunity to address you today.

7 MS. MARINO: Andrei, I'm sorry.
8 What was your last name?

9 MR. GREENWALT: Greenwalt.

10 MS. MARINO: And you are from?

11 MR. GREENWALT: Via.

12 MS. MARINO: Can I just mention,
13 would everyone who speaks please
14 identify your name and who you are.
15 Because the more we do that, it makes it
16 easier for us. Sorry about that.

17 MR. GREENWALT: Great. I appreciate
18 the opportunity to address you today,
19 especially since Via is the industry
20 leader on driver pay.

21 The TLC's report, which was
22 described earlier, demonstrated that
23 drivers on the Via platform receive
24 average net hourly earnings of \$21.73.
25 That is much higher than our

1 competitors, and it is well above this
2 proposal's goal of \$17.22 an hour after
3 expenses.

4 We have done this all while
5 achieving the highest utilization and
6 efficiency in the industry. Roughly
7 ninety-five percent of our trips are
8 pooled, and we've done it while
9 providing drivers the option of hourly
10 predictable guaranteed earnings.

11 We support this effort to make sure
12 drivers across the industry are earning
13 well. But we believe there are
14 important changes you should make to the
15 rule to allow us to keep doing what we
16 are doing, which we believe is already
17 accomplishing the goals of the rule.

18 First, we think you should eliminate
19 the shared-ride bonus, which penalizes
20 pooled rides. The shared-ride bonus
21 will make it more expensive for the
22 company to provide pooled rides, and
23 it's contrary to the Mayor and City
24 Council's goals of reducing congestion
25 and negative environmental impacts. It

1 also would run counter to the use of
2 transportation planning and
3 environmental organizations, as well as
4 academic experts, who stated in a letter
5 earlier this year that New York State
6 was considering pricing in.

7 (Booing.)

8 AUDIENCE MEMBER: You make
9 two-hundred an hour. We make twenty
10 dollars.

11 (Booing and jeering.)

12 MS. MARINO: Please, please we are
13 going to be here all day. We need to
14 give everyone some respect when they're
15 up there and move the day.

16 MR. GREENWALT: If you're driving on
17 the Via platform and providing pool
18 rides today, you're getting paid better
19 than any other --

20 (Booing and jeering.)

21 MS. JOSHI: Please give people their
22 three minutes.

23 (Jeering.)

24 AUDIENCE MEMBER: Boo him. He's a
25 liar. Boo him.

1 MR. GREENWALT: Second, it's
2 important to implement the requirements
3 on a weekly or monthly basis. If you do
4 it literally for every single trip, this
5 would prevent us from continuing to pay
6 on an hourly basis as we do today with
7 most of our drivers. We think that
8 would be consistent with the council
9 bill and it also would make it more
10 difficult to balance trips in
11 higher-demand areas and higher those in
12 lower-demand areas and times.

13 (Thirty-second warning bell.)

14 MR. GREENWALT: Third, --

15 (Booing and jeering.)

16 AUDIENCE MEMBER: Bye. Thank you.
17 Thank you.

18 MR. GREENWALT: Third, you say the
19 goal of the rule is for drivers to earn
20 at least \$17.22 an hour after expenses.
21 So, we think that should be one way to
22 comply with the rule to demonstrate the
23 driver earns \$17.22 an hour after
24 expenses. We pay a significant majority
25 of our drivers on an hourly basis. This

1 provides guaranteed earnings to a
2 driver, regardless of how many trips
3 they performed that hour and the
4 stability of pay is a primary reason --

5 MS. SCOTT: Thank you for your
6 testimony. Your time is up.

7 (Applause and booing.)

8 MS. POLANCO: Excuse me. We are
9 going to add an extra minute to your
10 testimony. That's fair. You have to
11 let people speak, even if you disagree
12 with them.

13 MR. GREENWALT: It also -- paying
14 hourly, it also helps Via operate as
15 efficiently as possible for paying
16 drivers whether the vehicle has
17 passengers in it or not. And that
18 allows us to strategically position
19 vehicles in a way that makes the system
20 operate as efficiently as possible.

21 Then finally, in our written
22 comments we explain some changes that we
23 think should be made to the utilization
24 standards to account for hourly pay and
25 pool trips, when those multiple matches

1 occur. That's it. Thank you for
2 hearing me out, and I'd be happy to
3 answer any questions.

4 (Booing.)

5 MR. WILSON: Okay. Thank you. The
6 next speaker is Harold Ferdinand, to be
7 followed by Edith Prentiss, and to be
8 followed by Samuel Singh.

9 MS. MARINO: I just want to mention
10 when you take up time like this, what is
11 going to happen is you are going to cut
12 people off at the end. So, that's who
13 is going to get hurt here. The people
14 who want to speak at the end of the day,
15 we're not going to have time for them.
16 So, let's try to be respectful to
17 everybody.

18 AUDIENCE MEMBER: Will everybody be
19 able to speak?

20 MS. MARINO: Let's see.

21 MS. POLANCO: Let's see if everybody
22 keeps their time. Otherwise, you can
23 agree together, if there is someone that
24 you feel is making such a great point,
25 then grant them more time by one of you

1 sitting down and giving them your time.
2 Just work it out.

3 MR. FERDINAND: Thank you very much
4 for the time.

5 MS. MARINO: What is your name?

6 MR. FERDINAND: My name is Harold
7 Ferdinand.

8 MS. MARINO: And you are?

9 MR. FERDINAND: Harold Ferdinand.

10 MS. MARINO: Are you a driver, an
11 owner?

12 MR. FERDINAND: I drove Yellow Cab,
13 Via, Uber, Lyft. The point is, you have
14 to be an employer, an employee or
15 independent contractor.

16 If you are an independent
17 contractor, you pay for all of your
18 bills. So, if you're going to employ
19 me, if they pay you \$17.50 plus
20 vacation, plus medical insurance, plus
21 all the benefits, like when you work in
22 some places. But if you are an
23 independent contractor, you pay, for
24 instance, I have a two- and
25 nine-year-old. I have insurance. I

1 have that, and I have that. I have
2 that. I have children in college. So,
3 now, \$17.50 is completely unacceptable,
4 that's one.

5 Secondly, they should show -- Uber,
6 Lyft and Via, they should show how much
7 money they get paid from the clients and
8 how much of a percentage they get. This
9 way, you can know if they rip you off.
10 Another example, when I drove Yellow
11 Cab, \$152.50 plus toll and tip, most of
12 the time, they paid me seventy dollars.
13 Last time, Via, Lyft, when I looked in
14 the app, thirty-one dollars; less than
15 half the percent. That is completely
16 unacceptable, and it is really
17 ridiculous.

18 (Appause.)

19 MR. FERDINAND: We are all here
20 driving for a living. We have children.
21 We have to pay rent. It's really crazy
22 out there. People are taking their
23 lives. Yellow Cab used to
24 be \$1.1 million dollars. It's gone to a
25 hundred-thousand-something-dollars.

1 That's crazy. The apps --

2 When you go to people's houses, you
3 take four, five, six people, those
4 people used to take trains. So, the MTA
5 loses money. The Yellow Cabs lost
6 money. The best companies are out of
7 business. The black car companies are
8 out of business.

9 (Thirty-second warning bell.)

10 MR. FERDINAND: And it's really
11 completely unacceptable. Please, ladies
12 and gentlemen, I'm a voter. I'm proud
13 to be voting all the time. Please, do
14 something about it. The Mayor said last
15 time on WNYC, two years ago he needed to
16 put a cap on raising all -- so many cars
17 out there. I'm so proud that they put a
18 cap, but they need to raise the price.
19 They need to say how much money is the
20 fare, --

21 MS. SCOTT: Your time is up. Thank
22 you for your testimony.

23 MR. FERDINAND: -- how much the
24 drivers get and how much Uber and Lyft
25 get for each. Thank you very much.

1 MR. WILSON: Next is Edith Prentiss.

2 MS. PRENTISS: I'm Edith Prentiss,
3 and I'm the Chair to the Taxis For All
4 Campaign. I would like to first thank
5 the Commission for the appropriate
6 response to my comment, which was
7 "Separate is not equal," whereas I
8 would've been up in the peanut gallery.

9 And I thank you for all the work
10 that has gone into getting Victor and I
11 to give testimony in the same location.
12 So, I will skip the whole paragraph
13 about the Topeka Board of Ed Election,
14 but it was one of my better ones because
15 there was a quote.

16 I would like to say that the Taxis
17 For All Campaign, as most of you know in
18 this room, has been in existence since
19 the very first accessible taxi bill,
20 which was Margarita Lopez's in the late
21 60s -- early 2000s.

22 We have been in an ongoing struggle
23 with the industry, with the Council and
24 City agencies about establishing
25 accessible vehicles. We strongly

1 support 144(B) from the point that we
2 have worked for years with the sectors
3 of the industry. I think it's important
4 to look at the fact that even the number
5 of -- the salary base that we are
6 looking at is -- well, some of it is
7 barely more than Amazon.

8 You know, these drivers, if we had
9 an Amazon here, et cetera, et cetera,
10 they would be making -- the base there
11 is fifteen dollars an hour. The TLC
12 believes that it costs twenty-thousand
13 to run a vehicle. The Taxi Alliance
14 believes it runs thirty-thousand.
15 Wherever, the number is high, and it's
16 very hard for most people.

17 When we start talking about
18 increasing the cost of trips to your
19 question, where is this money coming
20 from? I have paid a hundred dollars --

21 (Thirty-second warning bell.)

22 MS. PRENTISS: -- for a taxi from
23 here to Washington Heights. Fifty
24 dollars from Grand Central to Washington
25 Heights for the accessible dispatch.

1 Many people cannot afford the numbers
2 we're throwing around. I think it's
3 very important to know who our audience
4 is and where we're going with this.

5 The issue of transparency is very
6 important and we support that
7 completely. Drivers should have a clear
8 understanding of --

9 MS. SCOTT: Your time is up. Thank
10 you for your testimony.

11 MS. PRENTISS: -- and should be paid
12 in a timely manner. Thank you.

13 MS. SCOTT: Thank you.

14 (Applause.)

15 MR. WILSON: Thank you. The next
16 speaker will be Manhattan Borough
17 President, Gale Brewer. She will be
18 followed by Yenny Hernandez.

19 MS. BREWER: I'm Gale Brewer. I'm
20 the Manhattan Borough President. I just
21 went under the (indicating). I
22 survived.

23 I would like to thank everyone for
24 passage of Intro 890(B) and Intro
25 144(B). We know that they direct the

1 Taxi & Limousine Commission to make
2 updates to driver pay rules, and I want
3 to thank the Chair and the Board of the
4 TLC.

5 I think we are all aware of the
6 struggles that the taxi and for-hire
7 drivers have endured in the past several
8 years as the largest for-hire vehicle
9 companies -- and you know which ones
10 they are -- have incentivized drivers to
11 flood the streets of New York, and they
12 have a lot of taxis on the streets.

13 Taxi drivers stake their entire
14 savings on their medallions and they all
15 watch their weekly earnings fall as
16 their payments have not. Many for-hire
17 drivers have found that the promises of
18 working for these for-hires in the
19 so-called gig economy have left a lot
20 desired. They are now forced to compete
21 for passengers with traffic congestion.
22 It doesn't help anyone.

23 But now, we find ourselves in a
24 position to address some of these
25 problems and stand up for the drivers

1 who need our help. I fully support all
2 of the rule amendments being proposed
3 today by the TLC. And I am pleased that
4 the pay rules and financial transparency
5 amendments will help to take the brunt
6 of the financial pressure, hopefully,
7 off of the drivers.

8 First, the minimum per-trip payment
9 formula devised by the TLC represents an
10 innovative method to account for many of
11 the expenses that drivers are unfairly
12 forced to pay out of pocket. The big
13 FHV companies, thus far, have avoided
14 paying for heavy expenses associated
15 with owning a car, a driver's health
16 insurance rates and paid time off and
17 the time drivers spend looking for
18 rides. The proposed rules would
19 reorient these costs away from the
20 drivers.

21 If implemented, the new pay
22 structure would lead to an effective
23 raise for over 68,000 drivers working
24 for the largest companies. In 2017, the
25 bottom twenty-five percent of drivers

1 earned just \$13.16 or less per hour
2 after expenses, meaning a quarter of
3 drivers would receive at least an
4 average of four dollars per hour raise.
5 This policy would result in an average
6 increase in take-home pay of about
7 \$6,345 annually per driver --

8 (Thirty-second warning bell.)

9 MS. BREWER: -- or \$14.06 net per
10 hour to \$17.22 net per hour.

11 Eighty-five percent of app-based
12 drivers currently earn less than \$17.22
13 an hour. Very quickly, I hope this pay
14 structure will also help to address
15 traffic congestion. We know it as a big
16 issue in the City of New York, and I
17 support TLC's decision to utilize this
18 pay structure to even out the cost, if
19 possible, of operating a wheelchair
20 accessible vehicle instead of a
21 non-accessible one.

22 MS. SCOTT: Thank you. Your time is
23 up.

24 MS. BREWER: Thank you very much. I
25 look forward to it and am in support.

1 Thank you.

2 (Applause.)

3 MR. WILSON: Thank you. The next
4 speaker is Yenny Hernandez, to be
5 followed by Samuel Singh, to be followed
6 by Joseph Okpaku.

7 MS. HERNANDEZ: Good morning,
8 Commissioner Joshi and Commission
9 Members. My name is Yenny Hernandez.

10 I am a member of the 32BJ SEIU
11 Union. Thank you for the opportunity to
12 testify here on behalf of the union's
13 85,000 New York City members. The union
14 has also submitted written testimony
15 that coach on the proposed rules in more
16 detail than I will have time to address
17 today.

18 My union brothers and sisters and I
19 work closely with this City's drivers
20 every day. We help to hail taxis, load
21 trunks and keep passengers safe while
22 they wait for a ride. We also clean and
23 secure the office buildings, stadiums,
24 arenas and airports where tens of
25 thousands are on streets as cars can

1 handle.

2 32BJ Members also share a common
3 story with many of the City drivers. We
4 hail from over sixty countries and speak
5 dozens of languages. We also share our
6 community with and have friends and
7 loved ones who are taxi and app-based
8 drivers. We understand the issue of
9 struggling to provide for your family.
10 Because of this, we know how important
11 it is to have a good job with agreeable
12 income.

13 On behalf of the Union, I give our
14 support for the Commission proposing the
15 rules. They are important. It's toward
16 building a system that ensures there is
17 an income for all kinds of drivers. In
18 the industry I work, it does not matter
19 which building you clean or which
20 company employs you, every worker
21 deserves respect and fair pay. Drivers
22 should be no different.

23 We support the TLC using its power
24 to set a minimum driver pay standard for
25 price for app-based drivers. City fares

1 for yellow cabs has long been a standard
2 prerogative of the TLC. Seemingly, you
3 would make a standard for app-based
4 driver insurance that both groups can be
5 set on a path toward our families
6 sustaining income.

7 Thank you again for the opportunity
8 to testify here today on behalf of the
9 Union. We appreciate the work you are
10 doing with these rules, and we look
11 forward to the coming increase --

12 (Thirty-second warning bell.)

13 MR. HERNANDEZ: -- of work it
14 creates and fellow workers driving for a
15 living. Thank you.

16 (Applause.)

17 MR. WILSON: Thank you. The next
18 speaker is Joseph Singh. Excuse me,
19 Samuel Singh, who will be followed by
20 Joseph Okpaku, and then followed by
21 Zubin Soleimany.

22 MS. MARINO: Folks, can we turn cell
23 phones to silent, please?

24 MR. SINGH: Good morning, everyone.
25 How are you? My name is Sam Singh. I'm

1 a member of IDG, of course (indicating).
2 I'm also an Uber and Lyft driver. I've
3 been a driver now over almost --
4 technically almost a year. I have been
5 on over 3,000 trips. I'm overall
6 high-rated. That wasn't the sentiments
7 I was going to express today. But based
8 upon what I heard today so far from the
9 TLC, I like what I heard today so far.

10 But I want to focus also on how it
11 hasn't been easy. It hasn't been easy
12 driving. When I started a year ago, I
13 was full of vigor and high energy. It
14 would be like I was so pumped to go to
15 work. I love what I do. I'm very good
16 at what I do. I'm also a teacher at
17 various schools two, three days a week.
18 I love people, adverse cultures. I love
19 teaching. I learn so much from meeting
20 people of different backgrounds in my
21 cab.

22 But I want to say, if it's
23 possible, -- I don't know that it is --
24 I think it's important that we could
25 have assigned people, like oversight

1 community, for each app that would be
2 responsible to report on a weekly or
3 daily basis what we need or what we
4 don't have. What we need to address on
5 a regular basis, in a more constant
6 manner instead of two hours in a room in
7 the past two years to get this approval
8 done for the raise.

9 If we could get it on a weekly
10 basis, like a staff meeting or a
11 get-together, if possible, I think it
12 would be more beneficial for us. We
13 have to keep more abreast of what's
14 really going on in the active world
15 because every day something changes.
16 And this economy, whether it's crime or
17 whether it's the industry itself, we
18 need to have more of a better focus and
19 more reliability in the field and to see
20 what's happening in the industry, not
21 just what's here and what's there.

22 Also, I think the shared ride needs
23 to be addressed. We need to protect
24 that. And also, be prepared to get good
25 drivers. I think that's very important

1 as well. Because, you know, the job is
2 not easy. Every single person that does
3 this job gets in a lot of issues and
4 there's a lot of pressure on us
5 financially.

6 I mean, it's just -- I'm speaking
7 from the heart, and it doesn't get any
8 more basic than that. People are human
9 beings with feelings. Some people do it
10 for money; some people do it as a
11 career. I love what I do, and the money
12 is fine. To me, that's secondary,
13 but --

14 (Thirty-second warning bell.)

15 MR. SINGH: We try to grow as a
16 person, and I hope the best for
17 everyone. I hope we can have better
18 communications. Hopefully, we can be on
19 point. Thank you.

20 (Applause.)

21 MR. WILSON: Thank you. The next
22 speaker will be Joseph Okpaku followed
23 by Zubin Soleimany, followed by Peter
24 Mazer.

25 MR. OKPAKU: Good morning, Chair

1 Joshi and Members of the TLC Commission
2 and staff. My name is Joseph Okpaku,
3 and I am the VP of Government Policy for
4 Lyft. I'm also joined here by my
5 colleague, Ian Muir, an economist. We
6 are happy to answer any questions that
7 you might have after my statement.

8 Since we've started operating in New
9 York four years ago, Lyft has been
10 providing drivers with flexible earning
11 opportunity and provide all New Yorkers
12 with equitable and affordable
13 transportation. We recognize and agree
14 with the intent of increasing driver
15 pay. However, we do have a couple of
16 concerns that the proposed rules, as
17 currently drafted, will adversely impact
18 driver earnings, congestion and
19 transportation equity.

20 Accordingly, Lyft recommends a
21 series of changes to the proposed rules
22 that will help achieve our shared goals
23 without compromising the health of the
24 for-hire industry. First, we recommend
25 that the TLC use an industry-wide

1 utilization rate, rather than a company
2 specific one. This is incredibly
3 important because a company-specific
4 utilization creates a winner-takes-all
5 scenario. Under the proposed rules as
6 currently drafted, if two drivers from
7 two different companies were to provide
8 the same exact ride, one company would
9 be allowed to pay their driver less than
10 the other company.

11 Essentially, what we are talking
12 about is creating a different
13 minimum-wage standard for each of the
14 four companies. This would allow the
15 company with the deepest pockets to take
16 advantage of an equitable situation to
17 the detriment of the smaller industry
18 players. Ensuring competition between
19 the high-volume for-hire vehicle
20 companies is in the best interest of
21 both drivers and passengers.

22 The TLC proposal could create
23 winners and losers, which is inherently
24 inequitable. On the other hand, an
25 industry-wide utilization rate

1 accomplishes our shared goal of ensuring
2 that drivers have passengers in their
3 vehicles as frequently as possible
4 without sacrificing competition or
5 driver choice.

6 Secondly, we recommend that the
7 minimum payment be based on a weekly
8 average and not a per-ride basis. I
9 want to be very clear. Under a weekly
10 pay proposal, drivers will earn the same
11 or more than they would with the
12 per-ride payment proposal. The
13 difference is, a weekly minimum wage
14 proposal avoids several negative
15 consequences.

16 First, a per-ride minimum will
17 increase congestion, not decrease it.
18 The TLC's proposal encourages drivers to
19 take as many short-distance trips as
20 possible and to avoid longer rides.
21 This means that drivers will spend their
22 time in the most congested parts of the
23 City and avoid driving in boroughs. In
24 addition, because drivers will be
25 incentivized --

1 (Thirty-second warning bell.)

2 MR. OKPAKU: -- to spend their time
3 in places like the Central Business
4 District, they will be less likely to
5 serve --

6 AUDIENCE MEMBER: Stop lying. Stop
7 lying. You're lying.

8 MR. OKPAKU: -- in low-income
9 neighborhoods. The Council and
10 Commission have repeatedly stated that
11 they do not --

12 AUDIENCE MEMBER: Go sit down.

13 MR. OKPAKU: The Council and
14 Commission have repeatedly stated that
15 they --

16 MS. POLANCO: Excuse me. Every time
17 you interrupt someone, I will request
18 that they add a minute. So, if you
19 don't want to hear them, just keep quiet
20 and let the person finish.

21 AUDIENCE MEMBER: The time is over.

22 MR. OKPAKU: The Council and
23 Commission have repeatedly stated that
24 they do not intend to negatively impact
25 communities that rely on the ride-share

1 sources alone.

2 AUDIENCE MEMBER: That's favoritism.

3 MR. OKPAKU: By simply aggregating a
4 weekly payment, drivers will still make
5 at least \$17.22 an hour at the end of
6 the week and not on the backs of the
7 people who need these services the most.

8 MS. SCOTT: Your time is up. Thank
9 you for your testimony.

10 MR. OKPAKU: If I could get thirty
11 seconds to finish my statement --

12 MS. JOSHI: Let me ask a question.
13 Your proposition is that drivers should
14 be paid -- judging whether or not
15 drivers are paid the right amount should
16 be done on a weekly basis, rather than a
17 per-trip basis.

18 MR. OKPAKU: Correct. I will note
19 that that's explicitly noted for
20 consideration under Intro 890(B).

21 MS. JOSHI: Well, I disagree with
22 you on that. I've had this --

23 (Applause.)

24 MS. JOSHI: Driver pay can be
25 calculated on a monthly or weekly or

1 hourly basis and that's --

2 (Applause.)

3 MR. OKPAKU: I'm sorry. I couldn't
4 hear the last part of what you said.

5 MS. MARINO: Folks, please. Please,
6 I'm trying to understand what's going on
7 and you're making it really difficult.

8 MS. JOSHI: So, it's a reference to
9 the model, such as Via's, where they are
10 paid on an hourly basis. But that
11 doesn't speak to the standard by which
12 you judge compliance of a pay protection
13 proposal. So, we can agree to disagree,
14 but I disagree with you on that point.

15 What I think is important for people
16 to understand is the difference between
17 a per-trip and per-week compliance. My
18 concern with a per-week is that you will
19 then have incentives that are used to
20 help you reach the minimum, rather than
21 when you're judged on a per-trip you
22 have to pay incentives on top of the
23 minimum.

24 And incentives are meant to
25 encourage drivers to be in a certain

1 area, do things that are advantageous
2 for your company, so why shouldn't they
3 be paid on top of what the minimum is,
4 rather than also be included in the
5 minimum?

6 MR. OKPAKU: No one said that that
7 can't happen under our proposal. But,
8 again, I want to reiterate that the
9 concerns --

10 MS. JOSHI: But there's nothing to
11 prevent it from happening when you do it
12 on a weekly basis.

13 MR. OKPAKU: The concern, as I said
14 before, with having a per-ride basis is
15 that the reason we have so much
16 congestion in the central business
17 district is because drivers are able to
18 take a series of very short, quick
19 trips. That's exactly what a per-ride
20 structure is going to incentivize. So,
21 we really are concerned about the
22 congestion aspect, as well as --

23 MS. JOSHI: But there may be
24 passenger drop-off. The price goes up,
25 you add congestion fees, which are going

1 to be \$2.50. So, it's not necessarily
2 true that there's going to be the same
3 amount of rides in the CBD.

4 MR. OKPAKU: To the point of raising
5 fees though, the more that you raise
6 fees, the less demand there is going to
7 be for services overall, and that's the
8 only --

9 AUDIENCE MEMBER: His time is over.

10 AUDIENCE MEMBER: It's not right.

11 AUDIENCE MEMBER: Kill the pool
12 rides. No pool rides.

13 MR. OKPAKU: I'd be happy to answer
14 any other questions that you might have.

15 MS. JOSHI: Thank you.

16 MR. OKPAKU: Thank you.

17 MR. WILSON: Thank you. The next
18 speaker will be Zubin Soleimany,
19 followed by Peter Mazer, followed in
20 turn by Eric Rothman.

21 MR. SOLEIMANY: Good morning, Chair
22 Joshi and Commissioners. My name is
23 Zubin Soleimany.

24 MS. MARINO: Can you turn on your
25 microphone?

1 MR. SOLEIMANY: Good morning, Chair
2 Joshi and Commissioners. My name is
3 Zubin Soleimany. I'm a staff attorney
4 at the New York Taxi Workers Alliance.
5 I'm just going to speak more to the
6 details of the proposal that TWA
7 submitted, that we put in earlier and
8 how that could be integrated into how
9 the TLC is limited by the Council's
10 current bill.

11 So, for starters, I want to
12 congratulate you on putting this good
13 step forward. I do want to reiterate
14 the point of the under-evaluation of
15 expenses right now. The difference
16 right now between somebody who is paying
17 what the report said was going to be
18 their weekly expenses, when somebody is
19 actually paying \$390 for a Camry. That
20 means they're only left with \$11.05 per
21 hour, assuming this is a \$15.00 rate.

22 So, if we are going to talk about a
23 floor, we need to talk about a real
24 floor that actually captures everybody.
25 If the floor leaves forty-nine percent

1 of people under it, that's not a floor.
2 So, by contrast, when we've been doing
3 this in the taxi sector, same rates and
4 expenses in place from 2004 that people
5 that earn \$16.00, that was the metric
6 that we were using. We always looked at
7 you get to \$16.00, if you paid a maximum
8 in expenses, and I think we need to do
9 that here.

10 I know the Council is considering
11 bills that will establish those rates.
12 We're proposing \$275 a week for financed
13 sale of FHV's and \$325 a week for
14 rentals, which includes the cost of
15 repairs on the rental agency. That
16 would be a --

17 MS. JOSHI: I'm sorry. Can you just
18 repeat those two figures there, your
19 proposals?

20 MR. SOLEIMANY: It would be \$275 a
21 week for an FHV-financed conditional
22 sale. That's the exact same number
23 that --

24 MS. JOSHI: That includes insurance
25 or not?

1 MR. SOLEIMANY: It includes
2 insurance, just as taxicab sales are
3 required to do right now. It includes
4 insurance, all licensing fees. There
5 should be no reason why a black Toyota
6 Camry should cost more than a yellow
7 Toyota Camry.

8 MS. JOSHI: What was the other
9 figure you said?

10 MR. SOLEIMANY: \$325 for rentals.

11 MS. JOSHI: Okay. Thank you.

12 MR. SOLEIMANY: So, those would be
13 the rates to start. But until the
14 Council passes those bills, people are
15 paying \$400, \$450 a week for cars like
16 Camrys right now.

17 So, what I think happened is, in the
18 idea that when we looked at fares done
19 under up-front pricing, once Uber
20 started hiding the passenger price from
21 the drivers and from the customer, we
22 found that Uber's rates for UberX trips,
23 randomly selected, increased by
24 twenty-four percent over their last
25 publicly advertised rate, the \$175 a

1 month.

2 So, they jacked up prices
3 twenty-four percent but froze drivers at
4 the static rates they paid before. So,
5 with that increase, we know that there
6 is room for our proposal to increase
7 that rate of FHV driver pay equivalent
8 to the taxi and green cab rate of pay --
9 (Thirty-second warning bell.)

10 MR. SOLEIMANY: -- thirty percent.
11 And when we did the analysis, it was
12 still even twelve percent more
13 expensive, currently, on average, than
14 current taxi rates on that meter. So,
15 there's room for that.

16 One last thing that I would quickly
17 like to say, these rules are a great
18 start, transparency is a great start,
19 but there needs to be real enforcement.
20 Right now, these rules don't have it.
21 Right now, taxi leases explicitly say
22 you can charge, X, Y and Z and nothing
23 else. These proposed rules leave FHV
24 bases open to charge whatever they want
25 except for a few things --

1 MS. SCOTT: Your time is up. Thank
2 you for your testimony.

3 MR. SOLEIMANY: -- and fines. Also,
4 the fines need to be increased, \$200 --

5 MS. SCOTT: We're going to have to
6 go on to the next speaker.

7 MR. SOLEIMANY: A \$200 civil penalty
8 for an FHV-violation to be paid by the
9 driver is ridiculous.

10 MS. SCOTT: Your time is up.

11 MR. SOLEIMANY: A driver was fined
12 \$300 for discourtesy for using the wrong
13 tone of voice. It is absolutely
14 absurd --

15 MS. SCOTT: Thank you very much.
16 Your time is up.

17 MR. SOLEIMANY: -- that a
18 corporation would pay less of a fine for
19 wage theft than --

20 MS. SCOTT: We're going to move on
21 to the next speaker now.

22 MR. SOLEIMANY: -- a driver for the
23 tone of his voice. Thank you so much.

24 (Applause.)

25 MR. WILSON: Thank you. The next

1 speaker will be Peter Mazer, to be
2 followed by Eric Rothman, to be followed
3 by Ali Mohammed.

4 MR. MAZER: Good afternoon, Chair
5 Joshi and Members of the Commission. My
6 name is Peter Mazer, and I'm General
7 Counsel to the Metropolitan Taxicab
8 Board of Trade. We represent the owners
9 of approximately 5,700 taxicab
10 medallions. Our full-service drivers'
11 center has helped over 3,000 yellow
12 taxicab drivers with their licensing
13 issues. We've provided free defensive
14 driving classes for thousands of
15 drivers, and free representation to more
16 than 6,000 administrative and criminal
17 proceedings, saving our drivers more
18 than \$900,000 in legal fees.

19 The rule package under consideration
20 today would establish an important first
21 step of protecting the economic
22 interests of a large number of for-hire
23 vehicle drivers. TLC rules adopted and
24 amended over the years establish uniform
25 terms for most aspects of the

1 driver-owner leasing relationship in the
2 taxicab industry. Everything from
3 maximum lease rates, to permitted extra
4 charges, to when repairs can be charged
5 are set by lease.

6 As of today, there's no requirements
7 of similar intent in the for-hire
8 industry. And while this rule does not
9 establish an equivalence between the two
10 industry segments, since specific terms
11 of for-hire vehicle leases still will
12 not be regulated by the TLC, it is an
13 important first step in creating
14 transparency and hopefully it will give
15 the Driver Protection Unit some tools to
16 begin investigating predatory practices
17 in the for-hire industry.

18 The rules also set in place a
19 mechanism to ensure minimum income for
20 for-hire drivers that work for the
21 largest for-hire vehicle companies.
22 However, the rules continue to permit
23 self-reporting by these bases. Unlike
24 the taxicab and street-hail livery
25 industries, trips in these for-hire

1 vehicle segments are not recorded
2 through an LPEP or TPEP system, which
3 ensures the accuracy of trip and vehicle
4 data information. And until there is an
5 equivalent technology required in all
6 for-hire vehicles, it will be impossible
7 to determine if each base is fully
8 compliant with all of these rules.

9 AUDIENCE MEMBER: Just stop.

10 MR. MAZER: Now I want to address
11 some of the issues affecting the
12 medallion industry. One that we are
13 concerned about is the change that the
14 TLC will now have an expanded role in
15 adjudicating contractual disputes with
16 provisions calling for mandatory
17 restitution in cases where there is a
18 breach of contract or where there has
19 been a third-party reimbursement in case
20 of an accident.

21 The rules do not provide a similar
22 remedy for owners when drivers fail to
23 make all required payments. OATH will
24 now sit as an arbiter of contractual
25 disputes, rather than its charter role

1 of adjudicating rule violations. The
2 use of two distinct forums, --

3 (Thirty-second warning bell.)

4 MR. MAZER: -- one in civil court
5 and ones who resolve contract disputes
6 before OATH, may result in conflicting
7 results. And we urge that the parties
8 be given the right to decide what forum
9 that they would want to use to decide
10 contractual disputes.

11 We are very pleased with the changes
12 to the accessible dispatch fees, and
13 this will further incentivize a driver
14 to continue to operate accessible
15 vehicles. And we continue to look
16 forward to working with the Commission
17 to promote accessibility in all aspects
18 of the for-hire industry.

19 On the issue of proration --

20 MS. SCOTT: Your time is up. Thank
21 you for your testimony.

22 MR. MAZER: Okay. Thank you. You
23 have my written comments, which have a
24 few final points.

25 (Applause.)

1 MR. WILSON: Thank you. The next
2 speaker is Eric Rothman, to be followed
3 by Ali Mohammed, to be followed in turn
4 by Mathurin Lobe.

5 MR. ROTHMAN: Good morning, Chair
6 Joshi and Members of the NYC Taxi &
7 Limousine Commission. My name is Eric
8 Rothman, the President of the Drivers'
9 Opportunity Service Association, DOSA.
10 DOSA is a membership organization
11 dedicated to providing short-term
12 rentals of vehicles to drivers in the
13 for-hire vehicle industry. Thank you
14 for allowing me the opportunity to
15 testify on the proposed rules.

16 DOSA Members support the
17 Commission's efforts to increase
18 transparency and consumer protections in
19 the FHV leasing and short-term rental
20 markets. Currently, our rental
21 agreements clearly outline all costs to
22 and responsibilities of the driver.
23 This includes the security deposit
24 amount, the subleasing regulations, and
25 when applicable, early termination fees.

1 Drivers must read and initial each
2 item prior to executing the agreement.
3 We believe these are common-sense
4 practices and DOSA Members commend the
5 Commission for mandating them throughout
6 the industry, protecting drivers and
7 maintaining a fair marketplace.

8 Requiring that all lease and rental
9 companies disclose all fees and provide
10 other protections will ensure that
11 drivers can properly evaluate the full
12 cost of renting a vehicle and shop
13 around for the most competitive price.

14 There are a number of factors that
15 differentiate short-term rentals
16 provided by DOSA Members from lease and
17 lease-to-own arrangements. Leases lock
18 drivers into multi-year contracts, often
19 with high interest rates leaving them
20 with a depreciated asset.

21 Rentals, however, are designed to
22 provide drivers with flexibility. Our
23 agreements are typically one or two
24 weeks in duration, renewable at the
25 driver's option. This allows drivers to

1 switch between vehicles, sizes and
2 models to find the vehicle that meets
3 their needs. It also gives them the
4 flexibility to take time off or to leave
5 the industry entirely without the burden
6 of ongoing lease payments.

7 Unlike leasing, short-term rental
8 models provide drivers with a set price
9 eliminating the need for financing and
10 preventing unexpected costs throughout
11 the term of the arrangement. The rental
12 company retains responsibility for
13 preventative maintenance, mechanical
14 repairs, liability and collision
15 insurance, TLC emissions inspections and
16 other costs. If the vehicle has a
17 mechanical failure or is in an accident,
18 a replacement vehicle is provided. This
19 minimizes out-of-pocket costs to the
20 driver and allows them to spend more
21 time working, collecting fares.

22 While not including the proposed
23 rule before the Commission today, DOSA
24 has concerns about future efforts to cap
25 prices on FHV rentals. We believe that

1 this action would have limited
2 consequences on the market and limit
3 driver choice. Unlike FHV leasing, --
4 (Thirty-second warning bell.)

5 MR. ROTHMAN: -- short-term rental
6 companies are responsible for oil
7 changes, insurance and other costs. The
8 price of rentals must be able to
9 accommodate fluctuations to the economy
10 to account for these items. If we
11 cannot afford to maintain a fleet, we
12 will not be able to provide the service
13 and the necessary flexibility to the
14 drivers.

15 DOSA Members look forward to working
16 with the Commission to increase
17 protections for drivers and maintain a
18 competitive and fair marketplace for
19 FHV-licensed vehicles. Thank you for
20 your time.

21 (Applause.)

22 MR. WILSON: Thank you. Our next
23 speaker is Ali Mohammed, to be followed
24 by Mathurin Lobe, to be followed by
25 Murray Zaintz.

1 MR. MOHAMMED: It's Ali Mohammed. I
2 work as a driver. I just want to
3 mention, like, four hidden expenses.

4 Something is funny. When you drop a
5 customer off at the airport, for
6 example, it says you're number 200 in
7 the queue. You sit there waiting for
8 nothing. That's for Uber. And then the
9 yellow cab is waiting, so actually it's
10 number 300, probably. And you've got to
11 pick up the customer in the same rate
12 and dollar a mile. That's fine. Am I
13 right? So, I demand if you pick up a
14 customer to airport or pick up from
15 airport, it should be minimum \$1.70,
16 it's not regulated.

17 Second one, which is more funny.
18 When you take somebody to out of New
19 York, you go to Jersey. You drive fifty
20 miles. You come back empty. That means
21 the miles is only fifty cents, not even
22 a dollar. It's a double trip. You come
23 back 2:00 in the morning rain, dawn,
24 snow. And because of all of this,
25 you're driving alone one hour.

1 So, I demand if any trip is out of
2 New York, it should be at least a
3 dollar -- \$1.70 minimum. Because you've
4 got to come back empty. That is another
5 hidden expense. That's expenses nobody
6 mentioned before.

7 The third expense, which is more
8 funny, the police tickets and TLC
9 tickets, which is unfair. I'll give you
10 an example of not breaking the law. A
11 customer opened the door at the red
12 light and got out of the car. The
13 police gave a ticket, a criminal ticket.
14 I put the customer's life in danger. Is
15 that true? He opened the door and got
16 out of the cab.

17 So, I told the police and the other
18 one, TLC also, what should I have done
19 for him? Should I lock him in? I
20 would've been in more trouble, you
21 cannot do that. I said, "Tell me, what
22 should I do?" They said, "I don't know.
23 You are behind the wheel. You are
24 responsible." You have to take a day
25 off to go to court, criminal. The

1 customer opened the door; what should I
2 do? One of anybody sitting down, tell
3 me, what should I do next time? Tell
4 me.

5 (Applause.)

6 MS. JOSHI: It's an --

7 MR. MOHAMMED: I paid \$500 for it.
8 And you have to go to criminal court
9 because the customer opened the door.

10 MS. JOSHI: It's an NYPD ticket?

11 MR. MOHAMMED: What?

12 MS. JOSHI: It's an NYPD ticket?

13 MR. MOHAMMED: Yes, police ticket.

14 MS. JOSHI: If you have a copy of
15 it, I would like to give it to an
16 outreach person. We are happy to talk
17 to NYPD about what is within your
18 control and what's not within your
19 control.

20 MR. MOHAMMED: Thank you very much.
21 Another one, when the driver gets sick
22 and sits home for two days -- and each
23 driver over here has herniated discs or
24 sciatic discs sitting down for twelve
25 hours.

1 (Thirty-second warning bell.)

2 MR. MOHAMMED: If you sit two days
3 at home, do you know what that rent is
4 the second day and the third day? It's
5 \$80 a day for rent. So, the second day,
6 you have to pay \$160 to substitute the
7 first one you took off. So, the second
8 day it's \$200; \$160 rent, \$40 gas, \$0 in
9 his pocket.

10 AUDIENCE MEMBER: That's right.

11 (Applause.)

12 MR. MOHAMMED: My car is inspected
13 three times a year by GMAC, by mechanics
14 certified by GMAC.

15 MS. SCOTT: Your time is up.

16 MR. MOHAMMED: -- two years for a
17 diamond sticker. It doesn't make sense.
18 Nothing. A lot of hidden expenses,
19 which are --

20 MS. SCOTT: Thank you for your
21 testimony. Your time is up. Thank you.

22 MR. MOHAMMED: And in New York, back
23 and forth has to be at least \$1.70.

24 MS. SCOTT: We have to move on to
25 the next speaker.

1 MS. MARINO: So, you're a yellow
2 driver?

3 MR. MOHAMMED: What?

4 MS. MARINO: You're a yellow driver?

5 MR. MOHAMMED: No; Uber, Ali
6 Mohammed. Thank you very much.

7 (Applause.)

8 MR. WILSON: The next speaker is
9 Mathurin Lobe, followed by Murray
10 Zaintz, followed by Javier Amable. I
11 apologize if I've mispronounced your
12 name.

13 MR. LOBE: My name is Mathurin Lobe.
14 I'm also a member of the NYTWA. I have
15 been on both sides; as a driver, yellow,
16 green, black, and I also work with the
17 Borough of Brooklyn. But I'm not here
18 today to speak on behalf of the Brooklyn
19 Borough President, who was here this
20 morning.

21 Chairman Joshi, I appreciate you
22 taking this effort to bring these
23 regulations into effect. I have a great
24 big regard for you, Commissioner because
25 the first time I met you, I think on the

1 steps of City Hall, I gave you my
2 business card because I had a specific
3 issue. Then, I received a call from
4 your office, and I was very impressed by
5 how quick. It was two hours.

6 (Applause.)

7 MR. LOBE: I don't want to be long,
8 Commissioner, for what you're doing
9 already, but I want to ask you a
10 question on the requirement. I will
11 give you time for that question, and I
12 want you to answer it. Why is it in the
13 world, there's a company called American
14 Leasing? This company is located at
15 1165 Ogden Avenue in the Bronx, a
16 licensed TLC base.

17 I paid them \$78,000 for a used MKT
18 Lincoln with 35,000 miles on it. This
19 is their receipt. It's not my receipt.
20 I'm not going to go into detail because
21 there's no time. I was going to say I
22 got sick. I was homeless. But I went
23 back to driving yellow cab just to pay
24 for a car so I could have that car back.

25 I've worked for three years. After

1 three years, I don't have the title of
2 the car. When I call your office, they
3 took that same title they were using for
4 the medallion and registered another
5 car, right now on the street, running on
6 my blood and sweat.

7 Commissioner, there is a guy who
8 said that, "It's not your problem. It's
9 not his problem. It's a City problem.
10 It's the state problem." You are
11 allowing companies like American Leasing
12 that's fraudulent, that used my
13 signature and signed a second contract.
14 I've sent it to your office, your Driver
15 Protection Unit, they've got to change
16 that name. It does not protect the
17 driver.

18 (Thirty-second warning bell.)

19 MR. LOBE: It protects the
20 corporation, and that's sad. Because
21 if, as a driver, if I have an issue,
22 they will offer me a ticket for that.
23 But why is it that a corporation breaks
24 the law, and they're still free to have
25 2,000 cars? That's wrong, Commissioner.

1 I'm sorry.

2 (Applause.)

3 MR. WILSON: The next speaker is
4 Murray Zaintz, followed by Javier
5 Amable, and followed by Lancelot
6 Waldron.

7 MR. ZAIN TZ: Good morning. My name
8 is Murray Zaintz. I've come here to
9 speak in support of the once proud
10 hard-working cab drivers whose lives
11 have been in ruin financially and
12 mentally. Let me start by speaking
13 about myself.

14 I left the service in the Army in
15 1956. At the time, my older brother
16 owned a New York Taxi medallion and
17 drove making a good living. He
18 encouraged me to purchase a medallion.
19 With no certainty of my future plans, I
20 purchased the medallion for a taxi cab.

21 In doing so, I became addicted to
22 becoming an independent driver and
23 enjoying the fruits of my labor,
24 engaging in conversations with the
25 customers who hailed me. Before I knew

1 it, I was asked by many fares for my
2 phone number, calling me in advance for
3 a scheduled pick-up to the airport, out
4 of town and so on.

5 This went on for many years, and I
6 loved it. I worked mostly six days a
7 week making a good living for me and my
8 family. At the time, the streets of New
9 York were reasonably clear of any and
10 all obstacles enabling drivers to reach
11 their destinations without too much
12 difficulty.

13 As the years progress, I've
14 purchased another medallion in my wife's
15 name, since I've leased out. The
16 success of the taxi industry elevated
17 the cost of each medallion to record
18 numbers, over one-million dollars each,
19 until four years ago. The American
20 Dream then became The American
21 Nightmare. This was when our City
22 streets were being slowly but surely
23 taken over by app-based vehicles, such
24 as Uber, Lyft and others.

25 The closed eyes and ears of

1 misguided State and City officials
2 condemned the taxicab drivers' presence
3 and future survival. We are aware of
4 well-known individuals who've invested
5 millions of dollars to keep these
6 app-based companies alive and running.
7 But our concern for the City is
8 slandering the ones performing the
9 service of the once highly-regarded
10 taxicab industry.

11 The streets and avenues in Manhattan
12 are blocked with vehicles; East Side,
13 West Side, north and south, along the
14 highways. I believe it was Mayor
15 Bloomberg that had islands built on our
16 streets and avenues to accommodate
17 bicycles, thus narrowing paths of
18 vehicles and then some. I knew then
19 there would be a problem in driving.

20 Now, with the invasion of Uber and
21 companies, since four years ago, over
22 100,000 extra vehicles are responsible
23 for every street and avenue being
24 blocked. I'm told, according to
25 statistics, a vehicle driving in --

1 traveling in Manhattan moves at a rate
2 of two to three miles an hour, possibly
3 less.

4 Recently, I was in Manhattan parked
5 on Ninth Avenue, between 22nd and 23rd
6 Streets. I tested and counted, one out
7 of every three vehicles driving in one
8 lane --

9 (Thirty-second warning bell.)

10 MR. ZAINTZ: -- of traffic with the
11 green light had TC (sic) plates on their
12 vehicles. This gives you an idea of
13 what Manhattan streets have become; a
14 cesspool of unwanted vehicles overtaking
15 the taxicab industry.

16 When I retired years ago, no thought
17 entered my mind that the taxicab
18 industry would take a downward spiral.
19 What could possibly go wrong? I decided
20 not to sell our medallions, but instead
21 lease them to a garage to manage, giving
22 us a steady income of \$3,400 per month
23 for each medallion. Along with our
24 Social Security --

25 MS. SCOTT: Your time is up.

1 MR. ZAINTZ: Please, may I have a
2 few more moments? Please. My wife and
3 I --

4 MS. SCOTT: Your time is up. We're
5 going to have to move on to the next
6 person.

7 MR. ZAINTZ: Just a few more
8 moments, please. Along with our Social
9 Security, my wife and I would live
10 comfortable, yet modestly, for the rest
11 of our years together. This dream
12 started turning into a nightmare, slowly
13 but surely.

14 At the present time, our medallions
15 have been managed by three garages
16 seeking the best possible income.
17 Presently, our income has been reduced
18 to a staggering fifty percent, which
19 makes living unbearable for us. Our
20 present garage, who has been under
21 contract with us for three years, cannot
22 pay on time as promised. Their claim is
23 hardship.

24 I don't know what to do. My wife
25 and I can no longer afford the things we

1 were able to four years ago. We are
2 cutting corners. We could no longer
3 save. I'm withdrawing funds from our
4 modest investments in order to sustain
5 us. I am 84-years-old, in reasonably
6 good health. I take vitamins. I
7 exercise. Don't smoke. Don't drink.
8 Don't take drugs. Excuse me, I lied.

9 MS. SCOTT: Sir, your time is up.

10 MR. ZAINTZ: I do take prescription
11 drugs for the purposes of the last
12 couple of years.

13 MS. SCOTT: Thank you for your
14 testimony. Your time is up.

15 MR. ZAINTZ: Well, anyway, shame on
16 the government, the Mayor, the City
17 officials at agencies for being
18 responsible for the hardship that the
19 taxi drivers of this industry --

20 MS. SCOTT: Thank you. We will move
21 on to the next speaker now.

22 MR. ZAINTZ: You are to blame for --

23 MS. SCOTT: Thank you for your
24 testimony, sir.

25 MR. ZAINTZ: Thank you.

1 MS. MARINO: Thank you for your
2 service in the Army, sir.

3 MR. WILSON: Thank you. The next
4 speaker is Javier Amable, followed by
5 Lancelot Waldron, followed by Bryan
6 Lozano.

7 MR. AMABLE: You finally got it
8 right. Thank you very much. I had the
9 same problem in high school.
10 Commissioner and Ms. Joshi, we have here
11 a situation that is really complex.

12 The entire body is sick, but we are
13 trying to fix one part and neglecting
14 another part. That's not going to work.
15 In time, -- time is not only the minutes
16 and the hours, time is also the moment.
17 And you are, at the moment, as the Chair
18 and the Commissioners, are fixing this
19 mess. And your names are going to be
20 part of history in the City of New York
21 because this is entirely New York City,
22 in so many ways.

23 This is a City that people follow,
24 all the countries are looking to what we
25 do and follow them -- follow us. This

1 is a problem that has become an old
2 problem. It's not something of
3 yesterday. It's not something of today.
4 It's something that happened when the
5 yellow cabs were allowed, when the
6 Commission, the City Taxi & Limousine
7 Commission, allowed wealthy people and
8 greediness to get into this business --

9 (Applause.)

10 MR. AMABLE: -- and corrupt it, the
11 system, so that a \$2,500 medallion goes
12 up to over one-million dollars because
13 some people wanted to become rich.

14 The same thing is happening with all
15 this now. I am a driver for five years,
16 not by choice because this is the worst
17 thing I have ever done in my entire
18 life. It's harder than even selling
19 drugs, if you sell drugs.

20 (Applause.)

21 MR. AMABLE: And I tell you, I tell
22 you today, that if nothing is done very
23 soon, the same courage that a person had
24 to take a shotgun and come to the City
25 Hall and kill himself is the same gun

1 that person will take to walk into your
2 office or any of these app offices and
3 start shooting people and kill twenty or
4 forty or fifty people, innocent people
5 because the City of New York and the
6 Commission did not do anything to
7 address the problem that we have
8 seriously. It is the same courage that
9 is going to be needed, and then
10 everybody will be lamenting and be like,
11 "What happened? What happened? What
12 happened?"

13 What happened is that we have
14 abusive Taxi & Limousine Commission
15 officers outside killing the drivers for
16 everything. What happened is that the
17 City of New York allows these
18 companies --

19 (Thirty-second warning bell.)

20 MR. AMABLE: -- to come to work
21 here, violating every work law possible,
22 and become really wealthy. Yesterday, I
23 checked Uber. It is worth \$72.5 billion
24 dollars, and I cannot even pay my rent
25 tomorrow to my landlord. That is not

1 right. Something has to be done.

2 (Applause.)

3 MR. AMABLE: Something has to be
4 done with Uber, Lyft, Juno, Via.
5 Something has to be done to make sure
6 that we get benefits because I am a
7 human being. I am under Medicaid.
8 Soon, I will --

9 (Applause.)

10 MS. SCOTT: Your time is up, sir.
11 Thank you for your testimony.

12 MR. AMABLE: I work. I've got \$12
13 in one-hundred trips in five years of
14 work. I have a rating of 4.93.

15 MS. SCOTT: Thank you for your
16 testimony, sir. Your time is up.

17 MR. AMABLE: That's almost everybody
18 working for this. I see everybody talks
19 to everybody --

20 MS. SCOTT: We have to move on now,
21 sir. Thank you for your testimony.

22 MR. AMABLE: Call in the drivers to
23 your office and find out what is going
24 on out there with the officials with
25 Taxi & Limousine, with the police, and

1 with these apps. That needs to be
2 addressed. We need changes today, --

3 MS. SCOTT: Thank you, sir. You've
4 had your three minutes. Thank you for
5 your testimony.

6 MR. AMABLE: -- not five months from
7 now. I won't be here five months from
8 now.

9 MS. SCOTT: We want to give other
10 people a chance to speak. Thank you.

11 MR. AMABLE: Thank you.

12 (Applause.)

13 MR. WILSON: The next speaker is
14 Lancelot Waldron, followed by Bryan
15 Lozano, followed by Doucoure Mamadou.

16 MR. WALDRON: I'm Lancelot.

17 MR. WILSON: Lancelot, yes.

18 MR. WALDRON: My name is Lancelot
19 Waldron, Commissioner Joshi and all the
20 Commissioners and my fellow taxi
21 drivers.

22 I am a retired individual that
23 decided to drive FHV because I wanted to
24 make some extra money. But I've
25 found -- I've done it for one year, and

1 I've found that even with these things
2 that are presented, you know, increasing
3 it by 22.2 percent, it's good but it's
4 not enough. I found that all my -- the
5 cost, it's not worth it when you think
6 about it. Working over ten hours a day
7 and still nothing extra is coming in.

8 Last night I took a trip to Hoboken
9 and the price to come from New York to
10 Hoboken, I only got \$35. I live in Long
11 Island, and it takes me about
12 thirty-five miles to get back home, and
13 to pay a toll, which is \$15. Just think
14 about it, like, \$15 for this trip to
15 Hoboken, and this is just the tip of the
16 iceberg.

17 One of my fellow drivers said that
18 there were many things, many hidden
19 costs. You know, the cost of the car,
20 maintenance, and just the entire system
21 itself lends to the fact that we don't
22 make enough money. I'm trying to say
23 that this Commission needs to really
24 step up the price, 22.2 is not enough.
25 It needs to be more. We need to have a

1 living wage, not just a sustaining wage.

2 (Applause.)

3 MR. WALDRON: I believe that's what
4 it's all about. We need to increase the
5 level. That's all I have to say. Thank
6 you.

7 (Applause.)

8 MR. WILSON: Thank you. So, the
9 next speaker will be Bryan Lozano,
10 followed by Doucoure Mamadou, followed
11 by Osvaldo Clarke.

12 (Two gentlemen approach the podium.)

13 MS. JOSHI: Who is Bryan?

14 MR. LOZANO: Right here
15 (indicating).

16 MR. BIZHONG: I need a Chinese, I'm
17 Chinese.

18 MS. JOSHI: Can you give us your
19 name, please, so we know where you are
20 on the list?

21 MR. BIZHONG: (Speaking in Chinese),
22 TLC driver.

23 CHINESE INTERPRETER: My name is Han
24 Bizhong.

25 MS. JOSHI: We first are going to go

1 through the people on the list. And as
2 soon as we call your name, you can
3 speak. Did you hear your name called?

4 CHINESE INTERPRETER: Yes, I heard
5 my name called.

6 MS. JOSHI: Okay. Well, let's first
7 hear from Bryan Lozano.

8 (Mr. Lozano approaches the podium.)

9 MS. JOSHI: Bryan Lozano?

10 MR. LOZANO: Yes, Bryan Lozano. My
11 name is Bryan Lozano. I'm with
12 Tech:NYC. Thank you for the opportunity
13 to testify --

14 MS. MARINO: What was the name of
15 the company?

16 MR. LOZANO: Tech:NYC. Thank you
17 for the opportunity to testify today and
18 allowing public comment on these
19 proposed rules.

20 Tech:NYC is a non-profit trade group
21 with the mission of supporting the
22 technology industry in New York through
23 increasing the rate of engagement
24 between our more than 670 members, New
25 York government and the community at

1 large. Tech:NYC works every day to
2 foster a dynamic, diverse and creative
3 ecosystem, ensuring New York is the best
4 place to start and grow a technology
5 company.

6 Over the past several years, New
7 York City has become -- proven itself to
8 be a welcoming place for tech and,
9 consequently, it has become a top
10 international destination for technology
11 and the companies who build it. The
12 best and brightest tech entrepreneurs
13 are increasingly calling New York home.

14 Much of the progress is the direct
15 result of meaningful engagement between
16 the industry leaders and policy makers.
17 The Taxi & Limousine Commission has
18 enacted a number of smart rules over the
19 years and have allowed New Yorkers to
20 access the transportation services they
21 need.

22 Ride-sharing companies offer
23 important transportation options to New
24 Yorkers. And we have been encouraged to
25 see elected officials and the TLC

1 engaging with ride-sharing companies,
2 attempting to adopt smart policies that
3 benefit drivers, customers and the
4 public.

5 We support the goals of today's
6 proposed rules, namely ensuring that
7 drivers receive a living wage. We are
8 encouraged to see that these rules are
9 aimed at ensuring high utilization.
10 However, we are concerned that these
11 rules fail to account for the various
12 ride-share models. If the rules are
13 overly prescriptive, ride-share
14 companies may be prevented from finding
15 innovative solutions to our City's
16 transportation issues.

17 Prior to moving forward, we ask the
18 TLC to re-evaluate these rules and to
19 develop alternative provisions which
20 simultaneously ensure drivers receive
21 living-wages and all companies can
22 continue to innovate.

23 We are also specifically concerned
24 with the shared-ride bonus stipulated in
25 the proposed rules. Both City Council

1 and the State have demonstrated their
2 priority to increase the efficiency and
3 utilization of for-hire vehicles.
4 Shared rides are a key mechanism for
5 achieving these goals and can help
6 reduce congestion on the streets.
7 Shared rides are something that should
8 be incentivized. However, this proposal
9 will have the opposite effect.

10 We hope the TLC will review and
11 reconsider these proposed rules and
12 develop a solution that will support
13 innovations, support drivers and benefit
14 riders. This is not an easy task, but
15 we are confident that the TLC can find a
16 better solution. Thank you.

17 (Applause.)

18 MR. WILSON: Doucoure Mamadou,
19 followed by Osvaldo Clarke, followed by
20 Terri Gerstein.

21 MR. MAMADOU: Good morning, or good
22 afternoon. Can you hear me?

23 (Adjusts microphone.)

24 MR. MAMADOU: Good afternoon. My
25 name is Mr. Doucoure Mamadou, and that's

1 spelled D-O-U-C-O-U-R-E, M-A-M-A-D-O-U.
2 I have testified at all the public
3 hearings. And I think it's very
4 unfortunate, it gives me a -- it's,
5 like, all these taxi drivers, who could
6 they trust? Not for the company trying
7 to take the taxi drivers' money.

8 You have companies like American
9 Lease, this guy just said, stood up and
10 said, and you have a credit form, taxi
11 drivers are the only couple of people
12 who spend five percent of their income
13 in credit card processing fees today in
14 the State of New York. I had an
15 opportunity to get 1.9 percent on my
16 vehicle. I'm not allowed because of TLC
17 policies, only Verifone is allowed to
18 use it.

19 And they turn around and they took
20 \$55 on your monthly for the credit card
21 machine, then you're supposed to do the
22 service. Why? Since I already have
23 payments, there's too many of them. I
24 will leave my number here. I will ask
25 any Commissioner to please have a

1 meeting so we can tell you exactly what
2 is going on with taxi drivers today.

3 That would be the only solution. To
4 have a meeting, that would be
5 everything. We have Verifone right now,
6 the five percent MTA rides, they're
7 taking five percent of the MTA rides.
8 MTA does not pay with credit cards.
9 Sixty million in the last contract that
10 Verifone took. And in every trip you
11 take, even MTA riders, they take five
12 percent of what you get on credit cards.
13 That is not appropriate.

14 MS. JOSHI: Can I ask you real
15 quick?

16 MR. MAMADOU: Yes, out of my time,
17 please.

18 MS. JOSHI: Yes. Do you work
19 through a garage, or do you work
20 directly with Verifone?

21 MR. MAMADOU: Ma'am, I work for
22 myself. I've got a wheelchair vehicle
23 on my own --

24 MS. JOSHI: So, you're a driver --

25 MR. MAMADOU: Driver, an

1 independent, not belonging to any of
2 anything. But I will tell you,
3 wheelchair vehicles especially, when you
4 go even for a car wash you see the signs
5 up that says, "\$7 for all taxis," you
6 will pay \$19 dollars because it's a
7 mini-van.

8 And I have recommended to you guys
9 to please look into MTA fees that
10 collect, for example, wheelchair
11 vehicles, so they will be attractive to
12 maneuver or to pick them up at a garage.
13 Some people rather go home than pay \$40
14 in the gas for the wheelchair vehicles.

15 MS. JOSHI: You are referring to the
16 fifty cents --

17 MR. MAMADOU: Fifty cents; make them
18 an example. Everybody, they will be on
19 the streets. By 2020, even if you have
20 fifty percent of the vehicles
21 wheelchair, they are going to be in the
22 garages sitting there.

23 No driver wants them because, "I'm
24 not going to pay \$40 to get them out."
25 Right now, whatever numbers you have,

1 they're all sitting in the parking lot.
2 So, let's start the time on that. I'm
3 going to go to the MTA again.

4 Verifone turned around, if you look
5 at the MTA reports, to pay the fifty
6 cents we collect --

7 (Thirty-second warning bell.)

8 MR. MAMADOU: Fifty cents we collect
9 for the MTA, and they charge you five
10 dollars just to get your credit. We are
11 not making anything out of it.

12 So, it's very important that taxi
13 drivers' lives matter. The things that
14 we do are supposed to be only for them.
15 Right now, minimum wage is very, very
16 bad. That MTA group, they're making up
17 the prices themselves, and the taxi,
18 green taxi drivers, we have no right to
19 refuse nobody to come to Manhattan. But
20 yet, you have no right to pick up nobody
21 in Manhattan. If somebody pays me --

22 MS. SCOTT: Your time up, sir.
23 Thank you.

24 MR. MAMADOU: Just one second
25 because the Commissioner asked me one

1 question.

2 MS. SCOTT: And I accounted for that
3 time.

4 MR. MAMADOU: Sure. Okay.

5 MS. JOSHI: We're just going to ask,
6 make sure you leave your name and number
7 so we can follow up on the --

8 MR. MAMADOU: I will be more than
9 happy to. I was at the meeting last
10 month with some of you here. But, right
11 now, if you're taking somebody out of
12 Manhattan, you're spending two hours to
13 go back to your destination. Who is
14 paying me \$17 to work? Nobody.

15 MS. JOSHI: It's the state law.

16 MR. MAMADOU: It's the state law?

17 MS. JOSHI: Yes. We do need to move
18 on because there are people lined up
19 next to you. We are happy to extend a
20 conversation in person. Leave your name
21 and number, please.

22 MR. MAMADOU: I will be more than
23 happy to. Leave it with who?

24 MS. JOSHI: One of the outreach team
25 members will come up to you. They've

1 got a polo on that says, "NYC TLC."

2 MR. WILSON: Thank you. The next
3 speaker is Osvaldo Clarke, and then
4 Terri Gerstein. Then, I'm told we
5 should take a lunch break at 12:30. So,
6 maybe that will just get us to those
7 two.

8 MS. JOSHI: Okay. We will hear from
9 the next two speakers, and then we will
10 take a lunch break of thirty minutes; is
11 that correct?

12 MR. WILSON: Correct.

13 MS. JOSHI: So, I will tell you when
14 we break and what time we will
15 reconvene.

16 MR. WILSON: Was Mr. Clarke there?

17 (No response.)

18 MR. WILSON: Terri Gerstein?

19 AUDIENCE MEMBER: No, no. Right
20 here.

21 (Mr. Clarke approaches the podium.)

22 MS. MARINO: You did that better
23 than the borough president.

24 MR. CLARKE: I'm happy. I'm happy
25 to be here. Good afternoon,

1 Commissioner Joshi and the rest of you.
2 I've been driving a cab since forty
3 years.

4 MS. MARINO: Just speak into the
5 mic, please.

6 MR. CLARKE: I've been driving a cab
7 since forty years; a yellow cab for
8 thirty-six years, car service for four
9 years. I purchased my medallion in
10 1983, and I enjoyed to drive. Now, I'm
11 sick. I have diabetes, high blood
12 pressure, cholesterol, prostate
13 problems. Most of all, it's the nerve
14 problems. When I say, "nerve," that
15 means from the bottom to my leg, it
16 doesn't work good. Like I said, it's
17 numb.

18 Now, I've been driving since 1983.
19 They took my medallion and put it on
20 wheelchair, which, it doesn't mean -- it
21 doesn't mean -- it doesn't mean I don't
22 want to help the sick people because I'm
23 sick, myself. But drive a wheelchair
24 for people, I cannot do it.

25 I'm standing up to you, or the

1 Commissioner already, I cannot do it.
2 That's why my medallion sits in the
3 storage for three years. Then I put on
4 the medallion close to \$600,000. The
5 bank let me know if they took my
6 medallion, you're going to take my house
7 away from me. So, I don't know. What
8 can I do?

9 I understand, wheelchair for
10 everybody. At least, for my support, an
11 exemption because I work everything.
12 Now, I lease a taxi for the first time,
13 then my results change. I already work.
14 I enjoy to drive, but I cannot do the
15 wheelchair. I don't mind to do it, if I
16 was okay, but I'm not okay. Please,
17 please, help me out. I need to work.

18 Put my medallion out. Give me an
19 exemption. Put me on the streets, back
20 to work. Because when I work for
21 someone, I get home with nothing. And
22 then until I pay minimum, at least I
23 have to pay the minimum for the base
24 every month. So, I cannot pay you --

25 (Thirty-minute warning bell.)

1 MR. CLARKE: -- I'll pay you
2 interest. Please, give me a chance to
3 work. Take a look at it, please.

4 MS. JOSHI: I would ask also that
5 you give your name and number to one of
6 our TLC outreach people so we can go
7 over your case in more detail.

8 MR. CLARKE: That will be the second
9 time you said that. Give my name to
10 someone, you'll call me. I received a
11 phone call from Mrs. -- I have it in my
12 phone. After two months, she told me
13 she can't do nothing.

14 MS. JOSHI: Let's take another look
15 at it.

16 MR. CLARKE: Okay. I do believe. I
17 do believe. Thank you very much.

18 (Applause.)

19 MS. SCOTT: Thank you for your
20 testimony.

21 MR. WILSON: Thank you. The last
22 speaker before we break for lunch is
23 Terri Gerstein.

24 MS. GERSTEIN: Good afternoon. My
25 name is Terri Gerstein. I'm currently a

1 fellow at the Harvard Law School Labor
2 and Work Life Center Program.

3 Previously, I worked for seventeen years
4 in New York State government, including
5 as a Deputy Commissioner of Labor and a
6 Labor Bureau Chief in the New York State
7 Attorney General's Office. What I would
8 like to talk about today is just putting
9 this proposal in context, in terms of
10 general labor protections for workers.

11 In recent decades, there has been a
12 phenomenon which has come to be known as
13 officiary of the workplace, which is
14 that companies increasingly subcontract,
15 use a franchising model or use
16 independent contractors as a way of
17 avoiding responsibilities of having
18 employees and the legal obligations of
19 having employees. They're basically
20 avoiding the responsibility for the
21 basic well-being of the people who do
22 the work.

23 The companies, the for-hire vehicle
24 companies that we are talking about
25 today, currently treat drivers as

1 independent contractors, which is an
2 issue that is being litigated in a lot
3 of different forums. There are a lot of
4 indicia of employment in these
5 relationships. But that question of
6 employee versus independent contractor
7 is not a determination that the TLC
8 makes.

9 But for context, I think it's useful
10 for you to understand what it means and
11 how it is disadvantageous for working
12 people to be treated as an independent
13 contractor as opposed to an employee.
14 Independent contractors aren't covered
15 by wage and hour laws, so they don't get
16 overtime. It's not just minimum wage.

17 In terms of taxes, they have to pay
18 both the employer and employee portion
19 of FICA. So, when an employee, in
20 context, only has to pay
21 seven-plus-percent of the employee
22 portion, they're not covered by all the
23 core labor protections, like the
24 National Labor Relations Act, which
25 gives workers the right to organize;

1 like OSHA, which regulates workplace
2 safety and health.

3 They are not covered by unemployment
4 insurance. Although, there is a case in
5 the New York State that is working its
6 way through the appellate division
7 involving Uber drivers, who the
8 Department of Labor has found to be
9 employees. And it uncovered, in terms
10 of the new developing laws, like paid
11 sick and paid family leave, and they're
12 not protected against retaliation, if
13 they complain about violations.

14 So, it is important to consider this
15 proposal in that context; that we are
16 talking about a group of companies and
17 workers where the working relationship
18 does not have the protections that are
19 typically afforded to employees in all
20 kinds of businesses throughout our
21 economy and our country and our city.

22 And it is important to recognize
23 that the proposal is setting a wage
24 standard, basically placing on these
25 companies a small fraction of the

1 responsibilities that every other
2 employer has.

3 (Thirty-second warning bell.)

4 MS. GERSTEIN: Like employers, you
5 know, like a bodega that has three or
6 four employees.

7 I would add also, and it's important
8 to note how important this is, that this
9 is really the only proposal, that I'm
10 aware of, in which a government agency
11 in the U.S. is setting a wage standard
12 for workers who are determined to be --
13 who are treated as independent
14 contractors. And without this kind of
15 wage standard, it's really a race to the
16 bottom.

17 MS. SCOTT: Your time is up. Thank
18 you for your testimony.

19 MS. GERSTEIN: I just wanted to add
20 two additional points. One is just
21 noting that Uber has successfully pushed
22 forward past preemption laws --

23 MS. POLANCO: I'm sorry. If you're
24 going to expand, then someone grant her
25 their time.

1 MR. AGADOR: I will.

2 MS. POLANCO: And what's your name?

3 MR. AGADOR: Omar Agador (phonetic),
4 she could speak for me.

5 MS. POLANCO: You have an additional
6 three minutes.

7 MS. GERSTEIN: I just need one more
8 minute, which is that Uber has
9 successfully pushed forward past
10 preemption laws in nearly forty states
11 that prohibit any regulations of these
12 companies. So, this proposal in New
13 York is an important, bold work against
14 the industry's carve-outs.

15 And then, one final point is that I
16 know that there has been, in some
17 corners of discussion, putting a cap on
18 the commissions that the companies can
19 take or a minimum percentage that
20 drivers have to receive.

21 And I just want to let the
22 Commission know that there is what is
23 now a precedent for this in the New York
24 Employment Agency Law. The General
25 Business Law, Article 11 contains a

1 limit for the percent of a commission
2 that an employment agency can charge for
3 placing a jobseeker in a position.

4 Those percentages vary depending on
5 whether there's lodging and meals
6 provided. But, for example, for an
7 unskilled worker who is not getting any
8 lodging or any meals, the employment
9 agency placing the jobseeker in a
10 position can only charge ten percent of
11 the first month's rate. So, I just
12 wanted to share that with you.

13 (Applause.)

14 MS. MARINO: Can I just ask you a
15 question, since you have those three
16 minutes? You said you're a fellow at
17 Harvard Law and prior to that, you
18 worked where?

19 MS. GERSTEIN: Prior to that --

20 MS. MARINO: So, why are you here?
21 Are you just here as a concerned
22 citizen?

23 MS. GERSTEIN: Yes, I'm here as a
24 concerned citizen, but also to offer my
25 expertise as someone who has spent

1 nearly two decades working in enforcing
2 labor laws.

3 (Applause.)

4 MS. MARINO: Are you an attorney?

5 MS. GERSTEIN: Yes, I'm an attorney.

6 MS. MARINO: You said that this
7 issue of independent commerce is being
8 litigated in several different forums.
9 Where is it being litigated?

10 MS. GERSTEIN: It's been litigated
11 in a lot of different places. Most
12 recently, a case, I think, in the Ninth
13 Circuit in which Uber drivers were
14 challenging their status as independent
15 contractors. But I think at some point
16 in the past week or so, that was kicked
17 out because they were subject to a
18 mandatory forced arbitrations clause,
19 and that makes it very hard, as I'm sure
20 you're probably familiar with.

21 Forced arbitration clauses prevent a
22 lot of workers from being able to
23 challenge all kinds of legal violations.
24 There's also, just as an example, --
25 there are many, many different, I don't

1 know all of them -- but another example,
2 there was a case in administrative
3 agency litigation, not private
4 litigation. There is a case in which
5 certain Uber drivers applied for
6 unemployment insurance in New York
7 State. The Department of Labor
8 determined they were employees, and that
9 has currently, to my knowledge, been
10 appealed to the appellate division and
11 is currently --

12 MS. MARINO: In this state?

13 MS. GERSTEIN: In New York State,
14 yes.

15 MS. MARINO: First Department?

16 MS. DESAI: That was our case.

17 MS. GERSTEIN: I think all the
18 appellate cases go to the Third
19 Department.

20 MS. MARINO: Okay. Do you have
21 written comments?

22 MS. GERSTEIN: I can submit some. I
23 don't have them now.

24 MS. MARINO: Just spell your last
25 name for me, please.

1 MS. GERSTEIN: Gerstein,
2 G-E-R-S-T-E-I-N.

3 AUDIENCE MEMBER: The drivers need
4 you, Christine.

5 (Applause.)

6 MS. DESAI: That was the Taxi
7 Workers Alliance case that won
8 unemployment for three Uber drivers in
9 the State of New York.

10 (Applause.)

11 MR. WILSON: Okay. Thank you. We
12 need to take a half hour break now. So,
13 we will reconvene in thirty minutes,
14 which will be 1:11.

15 MS. JOSHI: So, at 1:11 we will
16 reconvene.

17 (A brief recess was taken from
18 12:41 p.m. to 2:04 p.m., whereupon the
19 venue of hearing was relocated to
20 33 Beaver Street, New York, New York.)

21 MS. JOSHI: The time now is 2:04. I
22 want to apologize ahead of time. We had
23 a disagreement between the Smithsonian,
24 that's housed in the building we were in
25 and Homeland Security, which provides

1 security because it's federal property.

2 As a result of that disagreement, we
3 were asked to leave. But we didn't want
4 to discontinue our meeting, so we have
5 moved over here. So, I appreciate
6 everybody who has come over here so we
7 can continue with the meeting. I expect
8 that we will be able to get through, and
9 everybody will be able to be heard
10 today.

11 So, with that, we are going to
12 continue our public hearing with where
13 we left off on the speaker list.

14 MR. WILSON: The next speaker will
15 be -- forgive me for fumbling this --
16 Xhelilaj Ardian, and the speaker after
17 that will be Richard Thaler.

18 MR. ARDIAN: Ardian, yes. Ardian
19 Xhelilaj. I'm a driver. Actually, I
20 lost my job, like, a few months ago.
21 And then, I see it's hurting a lot of
22 our business, you know, these companies,
23 I see it as an opportunity to --

24 MS. JOSHI: Would you mind just
25 leaning in?

1 MR. ARDIAN: (Complying.)

2 MS. JOSHI: Yes, thank you. That
3 way we can hear you.

4 MR. ARDIAN: I see an opportunity
5 to, like, in the meanwhile I'm finding a
6 job. So, I have been working with these
7 companies for two months now, and I see
8 it like I say it. How is it so
9 difficult to understand what the
10 problems are? You know, how those
11 companies are working? How are the
12 regulations?

13 So, what do I mean by that? It's
14 like, you know, we get paid. We see --
15 I have here, for example, a payment of a
16 trip. The rider paid \$21.63. I got
17 \$10.49, and the company gets \$8.93,
18 which is eighty-five percent of what I
19 get -- or almost fifty percent of what I
20 get.

21 I'm looking at the regulations, and
22 then I say, "What are these companies?"
23 They say, "We are not transportation
24 companies." There's -- I see some in
25 New York State, New Jersey, they are

1 talking about transportation network
2 companies; transportation network
3 drivers, transportation network riders.
4 And they fall under, you know, Uber,
5 Lyft, philanthropist's definitions. I
6 see the regulations, your regulations,
7 where you say base agreement, and still
8 what is the key difference here on those
9 things?

10 They provide a service. They
11 connect drivers with the riders in
12 exchange of fees. What am I going to
13 make? Who pays these companies? Who --
14 do those companies pay us as drivers, or
15 we pay those companies? This is the
16 big, tricky question. What do I want to
17 say?

18 It's a fee that the company should
19 charge for the service we provide --
20 they provide to us.

21 (Thirty-second warning bell.)

22 MR. ARDIAN: Or there is a payment
23 we receive from those companies. This
24 is a big difference. TLC, we are
25 talking about the law that, you know,

1 how much should those companies pay us,
2 instead of saying, how much we, as a
3 driver, should give those companies. We
4 have -- should be commission-based,
5 percentage-based. Before I see some
6 drivers, I talked to my friends and they
7 say, -- I ask -- I talk to my friends
8 and I ask them, "So, how much do you get
9 from the --

10 MS. SCOTT: Your time is up. Thank
11 you for your testimony.

12 MR. ARDIAN: I think this is a very
13 crucial point. Could you give me one
14 more moment?

15 MS. JOSHI: If you can, wrap up very
16 quickly to respect your other --

17 MR. ARDIAN: Yes, I can. It would
18 be much more easy if, you know, we
19 decide about -- like, we know there's
20 some schedule rate that the customers,
21 the riders, pay. It's the City, all the
22 companies have decided with TLC, I don't
23 know. It's something like that. So,
24 why don't we, based on those rates? You
25 know, when you have a trip, you get off

1 the tax, the sales tax --

2 MS. JOSHI: Can I just summarize? I
3 think, the point you're trying to
4 make -- just because we need to move on.
5 Is your question, why doesn't the TLC
6 regulate what part of what the passenger
7 fare is that the driver gets?

8 MR. ARDIAN: Yes.

9 MS. JOSHI: Is that an accurate
10 statement?

11 MR. ARDIAN: Yes, but what I want --
12 everybody, all the drivers want -- is to
13 be paid based on commission, on a
14 percentage of the --

15 MS. JOSHI: They want to be paid
16 relative to what the passenger pays?

17 MR. ARDIAN: Exactly, relative to
18 what the passenger pays.

19 MS. JOSHI: Okay.

20 MR. ARDIAN: This will eliminate all
21 these types of, you know, all the
22 problems.

23 MS. JOSHI: Okay.

24 MR. ARDIAN: And I think, if you
25 want, there is congestions, congestions

1 and all that --

2 MS. JOSHI: We do need to move on to
3 the next person, but please leave your
4 name and number, and we can follow up in
5 more detail. Okay?

6 MR. ARDIAN: Yes, okay.

7 MS. JOSHI: I appreciate that.

8 MR. ARDIAN: In three minutes, you
9 cannot --

10 MS. JOSHI: It's not a lot of time.

11 MR. ARDIAN: Okay. Thank you.

12 MR. WILSON: The next speaker is
13 Richard Thaler, to be followed by Carlos
14 Mandeville.

15 MR. THALER: Chair Joshi, Counsel
16 Wilson, Commissioners, I'd like to
17 address some of the issues in Section 9,
18 I believe, of the rules, Roman 11,
19 having to do with fare payment in taxi
20 leases. You have my written statements,
21 so I don't need to repeat those. But I
22 would like to make some additional
23 comments.

24 Even though, and not withstanding
25 the fact that the average that you

1 impose for a driver to pay in a daily
2 lease went down to seven dollars,
3 there's still a number of ways that
4 the \$140 payment that average was based
5 on can be diminished for a number of
6 reasons.

7 For example, a driver may work fewer
8 hours during their shift. That would
9 likely bring the credit card payments
10 down, and the driver would be forced to
11 pay for something that they didn't use.
12 And that's not appropriate now given all
13 the problems with drivers' finances.

14 The second example, before the
15 granting of TLC black car bases, I think
16 the credit card percentage in taxi trips
17 was pushing through seventy percent.
18 And I think that really was the
19 justification for setting this idea of
20 an average limit for a shift. Because
21 between the five percent, -- a huge
22 five-percent charge -- compared to
23 competitive rates in the card processing
24 industry, taking the five-percent rate
25 and the number of credit card fares, a

1 driver might be paying over twenty
2 bucks.

3 So, there was an attempt to somehow
4 limit that and protect the driver. But
5 that has completely flipped. Now with
6 the issuance of the TLC black car bases,
7 for example, Uber doesn't take cash.
8 So, if you're in Manhattan, and you're a
9 passenger and you want to pay cash,
10 you're going to go try and hire a taxi.
11 Once again, probably cutting down on the
12 number of credit card fares in a taxi.

13 So, how do we remedy this? Because
14 the driver may be put in a position --
15 (Thirty-second warning bell.)

16 MR. THALER: -- where he's paying
17 for something that he wasn't using, that
18 wasn't being used, and that's unfair.

19 So, my suggestion is, if you go back
20 to the beginning of TPEP, when TPEP
21 first started, -- and this is my
22 summary -- you took the total number of
23 credit card fares, and you applied the
24 five-percent rate to that, and that's
25 what the driver paid. I don't see why

1 you can't go back to that and eliminate
2 this whole idea of an hourly living
3 wage, and that will save the drivers
4 money and be much simpler and more
5 effective. Thank you.

6 MS. SCOTT: Thank you.

7 MR. WILSON: Thank you. So, the
8 next speaker will be Carlos Mandeville,
9 and the speaker after that will be Osman
10 Chowdhury.

11 MR. MANDEVILLE: Good afternoon. My
12 name is Carlos Mandeville, and I'm a
13 research analyst at the Regional Plan
14 Association. Thank you for the
15 opportunity to submit comments on the
16 proposed rules regarding driver income
17 and vehicle lease transparency.
18 Regional Plan Association has the
19 following comments on the proposal.

20 RPA supported many of the provisions
21 in Intro 890(B) and Intro 144(B), which
22 were signed into law by Mayor Bill de
23 Blasio in August 2018. As we noted in
24 our testimony on the legislation, we
25 support the overall goals of the rules

1 to establish a baseline pay for drivers
2 and to require for-hire companies to
3 share data that will help the City
4 better manage congestion on City
5 streets.

6 We applaud City Council and TLC for
7 taking these steps and believe the
8 City's ability to better track so-called
9 utilization rates of vehicles will help
10 limit the number of cars driving around
11 without serving passengers. However, we
12 believe the shared-ride bonus runs
13 counter to the goals of encouraging
14 shared rides in for-hire vehicles.

15 This will disproportionately raise
16 the cost of providing pooled rides and
17 runs contrary to the goals of reducing
18 congestion and limiting greenhouse gas
19 emissions. This new fee would be the
20 first in the nation to explicitly
21 penalize pooled rides. It runs counter
22 to RPA's belief that public policy
23 should encourage multi-passenger trips
24 to the largest extent possible.

25 Similarly, City and State goals,

1 including New York State's Congestion
2 Surcharge Bill, provide incentives for
3 shared rides over trips with only one
4 passenger. While we support the rule
5 overall, we urge you to eliminate the
6 shared-ride bonus before the final
7 proposal is adopted. Thank you.

8 MS. JOSHI: Let me ask you one
9 question. The reason there is a
10 shared-ride bonus, part of the rule is,
11 those are, according to the data, the
12 lowest-earning drivers, and it's also
13 the kind of ride that takes the most
14 customer services, the most customer
15 interactions.

16 But from the RPA's perspective, what
17 do you think about shared ride versus
18 transit? For example, DOT did a survey
19 and fifty percent of the people taking
20 for-hire said they're taking it instead
21 of transit today.

22 So, to the extent shared ride is
23 pulling off of buses and subways, what's
24 the RPA's perspective on that? Because
25 the more shared ride opportunities that

1 are out there, there's a tension -- and
2 as their cost gets lower and lower and
3 becomes closer to transit, there's a
4 tension between pulling people off of
5 transit.

6 MR. MANDEVILLE: Yes. I think,
7 overall, RPA supports transit as the
8 primary option. But we understand that,
9 sort of, in this scenario when it's
10 comparing single riders as opposed to
11 pooled riders, we're going to advocate
12 for the pooled riders. But, like I
13 said, the primary -- our primary goal is
14 to increase transit use overall.

15 MS. MARINO: Can I just ask, what
16 organization are you from?

17 MR. MANDEVILLE: The Regional Plan
18 Association.

19 MS. MARINO: And are you here on
20 behalf of that organization?

21 MR. MANDEVILLE: Yes. I'm reading
22 the statement that we've prepared.

23 MS. MARINO: Thank you.

24 MR. WILSON: Thank you. The next
25 speaker is Osman Chowdhury, to be

1 followed by Nicolai Hent.

2 MR. CHOWDHURY: Hi, good afternoon,
3 everybody. My name is Osman Chowdhury
4 on behalf of United Taxi Drivers
5 Association. Today I'm here to testify.

6 Can I say something? The fast food
7 workers, they get fifteen dollars an
8 hour. And Uber, they paid their
9 investment, they give in their life
10 savings, when they're driving, they're
11 not guaranteed money. The salary isn't
12 fifteen dollars, maybe twenty-five
13 dollars would be appropriate. Because
14 sometimes, we don't get business.

15 So, how can I make up for my
16 ten-hour shift? Because TLC makes a
17 law, actually a proposed law, you can't
18 work more than ten hours. If I have
19 twelve hours and fourteen hours and
20 can't make my living, it's not going to
21 work.

22 I'm going to say something else.
23 I'm a yellow taxi driver. When I go to
24 a garage, they always tell you upfront,
25 to list the price; how much they pay and

1 how to pay. If you do not make money,
2 but then I have to pay my money. The
3 same way they put the price or whatever
4 together that's upfront, one less shift.

5 The ten-hour shift, they act like a
6 hundred people are gathered and they
7 have to come, it's ten hours. I'm not
8 going to work fifteen hours to make a
9 minimum living of \$150 at fifteen
10 dollars an hour. That's a hard way to
11 make it that way, the living. That's
12 another thing.

13 Also, I'm going to say, today, I'm
14 hearing --

15 (Telephonic Interruptions.)

16 MS. JOSHI: Just so everybody's
17 aware, there's a presidential text alert
18 system that's happening right now. So,
19 you may want to wait a minute, before --

20 MS. MARINO: I got it.

21 MS. JOSHI: Okay. All right. You
22 can continue. Thank you.

23 MS. MARINO: Everyone got it on
24 their phones? Should we call the White
25 House and tell them it's working?

1 MR. CHOWDHURY: Also, the last
2 twenty years I'm driving and still I'm
3 driving. That's a long, long time, and
4 what I wanted to say to the members, and
5 also, today I hear someone said that the
6 TLC Chairman is going to step down.
7 Because I will give you the breakdown,
8 the TLC Chairman, she has nothing to do
9 with all those people out there that
10 came to be in the normal, -- well,
11 license.

12 As usual, the City Council destroyed
13 that, this bill. Why not put a petition
14 to the TLC? It's supposed to go to be
15 handed down, and I suggest to use your
16 voice more carefully. The rules have to
17 be on things. We're not going to blame
18 them working in the right direction.
19 That day, the City Council don't pass
20 this rule, they're not going to help the
21 drivers or helping the problem.

22 Also, I'm going to say --
23 (Telephonic Interruptions.)

24 MR. CHOWDHURY: Last, when Mayor
25 Bill signed the bill before --

1 (Telephonic Interruptions.)

2 MR. CHOWDHURY: -- drivers, they
3 gave the crazy demands for Uber. Again,
4 people from Uber, don't make money, all
5 those family members of people that
6 drive Uber. Why do people make demands
7 that are so crazy? They're supposed to
8 be TLC drivers. "Don't come to Uber,"
9 write a petition that prevents them, and
10 don't blame the other person. Thank you
11 very much.

12 MR. WILSON: Thank you. The next
13 speaker is Nicolai Hent. The speaker
14 following that will be Yongxiong Yang.

15 MR. HENT: Thank you, Chairman.
16 Thank you, Commissioners. My name is
17 Nicolai Hent. I am an individual yellow
18 taxi medallion owner. Probably, you
19 know me.

20 We have a big problem. A big
21 problem created by the government, which
22 is including you. You let the app
23 companies rob all these people, which
24 you don't know how to fix it now. The
25 problem is, first, there is not enough

1 room for 130,000 cars. What is so hard
2 to understand? You said, personally, in
3 2015, 60,000 cars would be enough to
4 provide services for everybody in New
5 York City. Now, we got to this point.

6 How to fix it? You said yellow taxi
7 is to pick up e-hail at JFK. That is a
8 recipe for disaster. It has to be first
9 come, first serve. In order, not chaos,
10 not anarchy. Look at La Guardia.

11 Second, you have to get control of
12 the app cars. You said it in the
13 beginning of the year at City Hall, "We
14 have to get some kind of control." Get
15 it, install it, a TPEP, like black and
16 the yellow, to every single car. Then,
17 when you have control, then you can
18 control the price and everything. Don't
19 let the robbers do what they need to
20 burgle houses, like Goldman Sachs.

21 Warren Buffet invested a billion
22 dollars in Goldman Sachs, knowing AIG is
23 going to bail them out. Who is bailing
24 me out? I paid, in 1990, \$150,000 with
25 the car and everything for my medallion.

1 Is anybody bailing me out?

2 Look at the roads now. They hired a
3 mortgage company. I couldn't travel for
4 that too because to take the money,
5 which I decided in 2012 to take it from
6 my account, now I have to go to
7 somewhere in Kansas City. How the hell?
8 The bank has a branch in Manhattan, Park
9 Bank, further down.

10 Lowering the credit card fee, how?
11 You allow the TPEP company to charge up
12 to five percent; somebody has to pay for
13 those cards. I'm a merchant. I used to
14 pay 3.2, 3.4. Now, it's going upwards
15 to five because they know if they go
16 over five, --

17 (Thirty-second warning bell.)

18 MR. HENT: -- I will sue them. Last
19 one; I heard about the mental health. I
20 don't think I need mental health. I
21 think the people that created this
22 situation, they need the mental health.
23 If they will go first, I will go after
24 them. One more, --

25 (Applause.)

1 AUDIENCE MEMBER: Prozac, Prozac.

2 MR. HENT: Please, Commissioners.

3 We have to do something, but we have to
4 do it in order. We cannot talk about
5 how Uber charge, how this --

6 MS. SCOTT: Your time is up.

7 MR. HENT: Get control of the apps,
8 and then we can do everything which is
9 necessary. Matthew Daus said, --

10 MS. SCOTT: Your time is up. Thank
11 you for your testimony, sir.

12 MR. HENT: -- you know, about the
13 airport, "First come, first serve." He
14 said, "The first hailing is raising your
15 hands." Thank you very much.

16 MR. WILSON: Thank you. The next
17 speaker will be Yongxiong Yang, and the
18 speaker after that will be -- I
19 apologize-- Bourema Niambele.

20 CHINESE INTERPRETER: Good
21 afternoon, Commissioners. I am a TLC
22 member. The first thing I would like to
23 address is, I am a driver of Uber, of
24 Lyft. These companies, they charge us
25 commission. It's, like, in a messy

1 way.

2 The second thing, I would like to
3 complain about Uber. Uber, Lyft and
4 such companies, they make lots of profit
5 and make lots of money from New York
6 City. But our drivers make a very low
7 wage, and that is unfair. For we
8 drivers, we needed to sign an agreement
9 with Uber, Lyft or those companies. The
10 contract is unjustified, unfair. Many
11 exploited terms. It's totally taking
12 advantage of our drivers' labor work.

13 Lastly, I would like to address and
14 suggest the TLC and also Uber and Lyft
15 companies, they can make a bundle with
16 the money, so there can be some
17 department that can connect with our
18 drivers. Especially the drivers that
19 don't speak English so well, so we could
20 have good communication so we can get
21 trained well so we can offer service
22 better.

23 As we all know, our drivers need to
24 make a living. We need to maintain a
25 family and support our kids for a

1 college education. So, when we signed
2 the business corporation agreement with
3 those companies like Uber, Lyft, I want
4 to find out, are we working as a slave
5 for those companies? Because they take
6 the most parts of the profit, or are we
7 just fair, legal labor contractors with
8 each other? Thank you.

9 (Applause.)

10 MS. JOSHI: Thank you.

11 MR. WILSON: Thank you, sir. The
12 next speaker is Bourema Niambele, and
13 the speaker after that will be Michele
14 Dottin.

15 (Applause.)

16 MR. NIAMBELE: Good afternoon.

17 AUDIENCE MEMBER: I'm giving him my
18 three minutes. So, he's going to have
19 six minutes. I'm giving him my three
20 minutes.

21 MS. MARINO: What is your name, sir?

22 MR. NIAMBELE: Bourema Niambele.
23 That's B-O-U-R-E-M-A. Good afternoon,
24 everyone.

25 The first thing I'm going to say, I

1 want to thank this Commission and also
2 New York City, City Council people by
3 having this historical moment to create
4 a new law, which all of us drivers -- it
5 doesn't matter if you're a yellow
6 driver, Uber, Via or Lyft -- we all can
7 come into one umbrella and speak one
8 voice. I think that is impressive, and
9 I wanted to give a big thanks to all of
10 you by doing that great job. So, thank
11 you for your effort.

12 (Applause.)

13 MR. NIAMBELE: Second, I want this
14 Commission to know, the first thing in
15 the taxi industry -- it doesn't matter
16 what's the name -- the first is the
17 driver. The first is the driver. If
18 there's no driver, there's no Taxi &
19 Limousine Commission. If there is no
20 driver, there is no Lyft. If there is
21 no driver, there is no Via; there is no
22 yellow cab.

23 If we're all interested in this,
24 then we have -- it so happens it's the
25 subject of the hearing -- to know

1 everybody has made money, except the
2 driver. Why? I think the time has
3 come, with this historical moment, for
4 all of us as drivers, Commission and
5 corporation, especially drivers in this
6 Commission, to be able to sit down and
7 have a constant discussion, which could
8 be done in a way where it's not costing
9 no pennies -- one penny to this
10 Commission.

11 That could be done by creating a
12 just group of people from different taxi
13 driver companies and assemble to discuss
14 about issues that affect every day
15 driver life. That protects your job,
16 and that protects the driver. I hope
17 this Commission will take a deep look
18 that we are coming together as people to
19 save this industry, save your job and
20 save our job.

21 (Applause.)

22 AUDIENCE MEMBER: Yes.

23 MR. NIAMBELE: Second (sic), I want
24 to tell you, some of these leasing
25 companies have been a horror on a lot of

1 the drivers, including myself. You
2 lease a car or you buy a car with some
3 of the these corporations because a lot
4 of us don't have good credit, which
5 becomes a problem with these sellers or
6 car dealers.

7 You can pay a car for a week at \$500
8 or \$400 or \$600 on time for three years.
9 And by doing this, -- you could do this
10 for over two years and a half, and then
11 you get sick. You lose that car because
12 you couldn't start -- continue to make
13 the payment. When you look at the
14 vehicle price, you have been paid the
15 vehicle price. Because if you take \$540
16 or \$550 a week, in a year, that's
17 twenty-six to \$27,000. So, one car will
18 cost \$30,000 or \$40,000. The driver
19 will pay 75,000; triple of the car.

20 This is the problem. And I think
21 some of the people who also described
22 today by saying the driver, some of the
23 them coming and shoot themselves, and
24 the way he put the issue, I don't want
25 to put it that way. Because I would

1 never in my lifetime give respect to
2 anybody who is going to shoot people who
3 didn't even know his name. It doesn't
4 matter what is the cause. But a lot of
5 the time, when people have no way out,
6 when people are desperate, sometimes
7 this happens.

8 Please, this Commission, this name
9 is Taxi & Limousine company (sic), and
10 these are your drivers. These are the
11 people who is going to need helping.
12 Please, find a way how we could do this.
13 I want to thank you for just giving us
14 this debate. Because by having this
15 debate, you know how much we go through.

16 Also, your Taxi & Limousine company
17 workers, those who give the ticket
18 sometimes for the regulations of the
19 Taxi & Limousine, when we get effected
20 on this, when you have this kind of
21 variable, which we discussed with you
22 every month or every time you need, we
23 give you how hard some of us have been
24 hit. Myself, has been evicted two years
25 ago.

1 A person just complained to say that
2 the taxi driver did the wrong thing on
3 the streets of New York. And I was
4 called down to Taxi & Limousine company.
5 I lost two days, two days of my job, to
6 fight for this ticket. Because it was,
7 to me, on my dead body I would pay one
8 penny for this. This is why I fight. I
9 didn't get no lawyer. I went there
10 myself for two days, and I fought, and I
11 won.

12 (Thirty-second warning bell.)

13 MR. NIAMBELE: What happened? I was
14 on Ninth Avenue and 14th Street. You
15 know, the street has been divided into
16 two ways. The right side, when you go
17 to that, you can make a right. When I
18 made a right, there was somebody that
19 complained. Two months later, -- I
20 don't know how -- DOT or TLC said
21 someone complained, and I had to pay
22 \$200 or \$300. And when I went there, if
23 I want to just lift this, I will pay
24 \$170 or \$150 and just walk away.

25 MS. SCOTT: Sir, your time is up.

1 Thank you for your testimony.

2 MR. NIAMBELE: I have three more
3 minutes.

4 MS. SCOTT: No, you've actually used
5 your six.

6 MS. MARINO: That was six.

7 MR. NIAMBELE: All right. So, in
8 conclusion, what I wanted to know is,
9 it's very good idea for drivers and the
10 TLC companies to have a title, all the
11 time and --

12 MS. SCOTT: Thank you for your
13 testimony.

14 MR. WILSON: Can you tell me who
15 gave his place to you?

16 MR. NIAMBELE: Samassa Tejah
17 (phonetic).

18 MR. WILSON: Thank you.

19 MR. NIAMBELE: Thank you.

20 (Applause.)

21 MR. WILSON: The next speaker is
22 Michele Dottin, --

23 (Applause.)

24 MR. WILSON: -- followed by Johan
25 Nijman.

1 AUDIENCE MEMBER: Trouble in the
2 house.

3 MS. DOTTIN: I'm trying to recover
4 because I'm very upset about today. A
5 note was sent out to over 100,000
6 drivers to say, "Come here and testify."
7 We, as black and brown and all colors,
8 Asian, we get rolled up like if we were
9 committing a grievance. We were there
10 to testify about our troubles as drivers
11 and again disrespected, another time
12 by -- we get -- every agency has fought
13 against us as drivers.

14 When are we going to get dignity
15 back? Because at the end of the day,
16 the companies take advantage of us, the
17 City agencies take advantage of us and
18 now, we were treated like if we were
19 about to commit a crime. But I'm
20 recovering, just because it took me a
21 minute to understand what happened
22 today. Okay?

23 So, now, this meeting, I'm going to
24 talk about what the agencies and the
25 different app companies are doing with

1 these pooled rides. I am a black car
2 driver, and I cannot opt out of pool.
3 It costs me more to operate that car
4 because of the pricing that they do and
5 how they utilize the pool pricing.

6 MS. MARINO: Which company do you
7 work for?

8 MS. DOTTIN: I drive Uber. So, I
9 will just break it down quickly. It
10 should be per passenger in the car in
11 order for all of these drivers to
12 survive. If you charge per passenger,
13 not one of these drivers wouldn't say it
14 wouldn't be lucrative for them to take
15 three passengers at a time.

16 But this mile-a-minute, when they
17 come in, a passenger already in the car,
18 thirteen miles --

19 MS. JOSHI: In the proposal, there
20 is a per-passenger bonus --

21 MS. DOTTIN: That doesn't work; not
22 a dollar. Not a dollar. No, not a
23 dollar. No.

24 MS. JOSHI: Can you help, for the
25 Commission, go through? Because the

1 companies give us rates, and the rates
2 show similar mile and similar minute for
3 shared rides and UberX. And the
4 proposition is, there shouldn't be a
5 difference in earning. Our study shows
6 that the lowest earners are the ones
7 that do the most share rides, so that
8 doesn't pan out in the numbers.

9 MS. DOTTIN: Right.

10 MS. JOSHI: But there is more to
11 that. And that is something that I
12 would look to get testimony from you on,
13 what the difference is in work, and why,
14 from your perspective, why it ends up
15 being a less lucrative trip than a
16 regular UberX.

17 MS. DOTTIN: Okay. So, here's what
18 happens, right? You call and you say,
19 "pooled ride." A pooled ride is almost
20 seventy percent cheaper than a regular
21 'X' ride.

22 MS. JOSHI: Cheaper in terms of what
23 a passenger pays or what you're --

24 MS. DOTTIN: Correct. No, no, what
25 the driver is paid, not the passenger.

1 MS. JOSHI: What the driver is
2 earning is seventy percent less?

3 MS. DOTTIN: Right. Correct.

4 MS. JOSHI: Even though they gave us
5 rate schedules that show them as the
6 same?

7 MS. DOTTIN: Because what they do
8 is, here is the first thirteen miles,
9 the first person that got in the car,
10 they are charging them the thirteen
11 miles. They charge the second passenger
12 a regular fare, based on the pool
13 depending on what time of day. Right?

14 But the driver is paid on the
15 difference in mileage, not how long
16 their butt has been sitting in the seat.
17 But the difference is three miles, even
18 though they might have been in the car
19 eight miles.

20 AUDIENCE MEMBER: Seventy-five
21 cents.

22 MS. JOSHI: So, the second passenger
23 then, you're only paid on three miles?

24 MS. DOTTIN: Right.

25 MS. JOSHI: Not the seven?

1 MS. DOTTIN: Correct. Not the
2 entire milage that they're sitting in
3 the car. What they said is, "Oh, you
4 can't double dip." Well, why can you?

5 MS. JOSHI: Okay. So, for the first
6 passenger you get three miles, and for
7 the second passenger you get -- I
8 forget. Your example is thirteen --

9 MS. DOTTIN: Right. So, it's
10 thirteen. And if another passenger is
11 in there for nine, then the difference
12 between the thirteen and the nine is
13 what the second passenger will pay for,
14 not what they charged the passenger,
15 what they pay the driver. I got paid
16 \$1.81. What driver gets that?

17 MS. JOSHI: Is any of that written
18 out in a receipt that you get?

19 MS. DOTTIN: Yes, I have some. I
20 think I can get you some.

21 MS. JOSHI: That would be helpful if
22 you could share those with us.

23 MS. DOTTIN: Absolutely.

24 MS. JOSHI: I think it would help
25 for all of the Commissioners too.

1 (Applause.)

2 MS. MARINO: Absolutely.

3 MS. DOTTIN: I have one more thing.
4 I think I have twenty-seven seconds.

5 MS. MARINO: We'll give you more
6 because you were interacting with us.

7 MS. DOTTIN: When you did this
8 study, right? The study was a driver
9 pays \$600 a month for, let's say, a
10 Camry. There is absolutely not one
11 driver in this place that pays \$600 a
12 month, period. The cheapest a driver
13 will pay would be somewhere between \$410
14 a week. That does not even include all
15 of the additional expenses.

16 The other thing, when you look at
17 that, the ones that are leasing and
18 renting, they are given cars that
19 passengers report in and say they have
20 nasty cars, because they get these cars
21 that's already run down from the leasing
22 and rental companies.

23 The standards have to come from you.
24 We hold you as the ones that they should
25 be accounting to, right? Because we pay

1 you so that we can operate. But each
2 one of these drivers has a --

3 MS. SCOTT: Your time is up. Thank
4 you for your testimony.

5 MS. DOTTIN: -- the language
6 barriers, right? It's a problem.

7 MS. JOSHI: Okay. Thank you. And
8 we'll follow up with the additional
9 receipts and information on expenses.

10 MS. MARINO: What is your last name,
11 Michele?

12 MS. DOTTIN: Dottin, D-O-T-T-I-N.

13 AUDIENCE MEMBER: Take my time.

14 AUDIENCE MEMBER: She said take her
15 time.

16 MS. DOTTIN: Take your time? Oh,
17 cool. I'm talking for Tina.

18 MS. JOSHI: You have three more
19 minutes.

20 MS. DOTTIN: The reason I'm talking
21 for Tina is because Tina is also leasing
22 and renting.

23 MS. JOSHI: Just when --

24 MS. DOTTIN: Tina Revenue. She is
25 leasing and renting. She is renting her

1 car and just decided, "Oh," she'll try
2 to go for the WAV vehicle. When she
3 went to go get the WAV vehicle, they
4 told her it's \$600 a week.

5 So, now, you put out something to
6 allow drivers to be able to utilize WAV
7 vehicles. So, now what the
8 leasing/rental companies will say is,
9 "Oh, we've got a new way to steal from
10 the drivers again." So, it did not
11 become more lucrative or an easier fit
12 for her to be able to drive on the WAV
13 vehicle because it was an additional
14 \$200.

15 She is a single mother with a son.
16 A lot of these drivers have families
17 they can't feed. Between the pool
18 prices, the leasing and rental prices,
19 and then the ticketing, and like that
20 driver said, every time you see a driver
21 pulled over by a cop, whether it's TLC,
22 DMV, DOT, it, ninety percent, has a "T"
23 plate, and I watched them do it. I
24 stood there one day and looked to see
25 how these officers did it, and they

1 waited. There was a commercial truck --

2 AUDIENCE MEMBER: There's a ticket
3 quota in the City. You know, there's a
4 ticket quota in the City. NYPD 12.
5 Everybody knows it, NYPD 12.

6 MS. DOTTIN: So, the thing is, it
7 caters to our drivers. The language
8 barriers, right? Uber deactivates these
9 drivers. They let them go into cost,
10 and then two and three days later, they
11 take them out of the app when they have
12 spent thousands of dollars to get on the
13 app. If you know a driver has a
14 language barrier, why wouldn't you train
15 the drivers to know how the app works
16 properly?

17 They give them pools, they don't
18 tell them how to operate this pool in
19 order to make it here. So, we have
20 drivers coming in our office crying,
21 "How do I feed my family? Now I have a
22 bill, but no way to feed my family."
23 Can we fix this deactivation process
24 that Uber, Lyft, Juno is putting on
25 these drivers? And make them more

1 accountable to why they're deactivating
2 the drivers to you, not to themselves
3 and their own opinion, but to you.

4 And utilization, when you say,
5 "utilization," they've already figured
6 out how they're going to beat that
7 system.

8 (Thirty-second warning bell.)

9 MS. DOTTIN: So, let us not go by
10 "what if." Let's go by a proper
11 increase for the drivers.

12 MS. JOSHI: Let me just mention one
13 thing on the leasing. You mentioned
14 \$600, which is outrageous, obviously for
15 cars.

16 MS. DOTTIN: Yes, yes.

17 MS. JOSHI: At City Council, we just
18 had a hearing. We testified in favor of
19 a bill that would give us the power to
20 cap those lease arrangements. So, that
21 there would be a maximum amount that you
22 could charge for a standard vehicle and
23 for an accessible vehicle. So, should
24 those bills get signed into law, we will
25 have the authority to do just that.

1 MS. DOTTIN: Fantastic. Hopefully
2 it's soon, so that they can get the WAV
3 vehicles going and the drivers the
4 ability to do it.

5 (Applause.)

6 MS. MARINO: I just have one
7 question. Ms. Dottin, are you for these
8 rules? Are you in support of the
9 proposed rules?

10 MS. DOTTIN: To a degree.

11 MS. MARINO: To a degree?

12 MS. DOTTIN: I'm not for the
13 utilization. I'm for the thirty-seven
14 percent we asked for. Why? Because
15 when Uber decides how they're going to
16 figure out how to manipulate the
17 utilization rate, the drivers will not
18 be making the money that they say
19 they're going to do.

20 We asked for thirty-seven percent.
21 That's what the drivers -- they need to
22 see a solid number, not a "what-if"
23 number. Not "It may be possible," or "I
24 can do this," and "I can --" no.
25 Because you know why? They say, "What

1 if I die tomorrow?" Okay. They have
2 to -- but it's not a "what if," they
3 have to pay their bill tomorrow. Their
4 bill is there. It's waiting every day.

5 MS. SCOTT: Thank you so much for
6 your testimony.

7 (Applause.)

8 MR. WILSON: Thank you. The next
9 speaker is Johan Nijman, and the speaker
10 after that is Bizhong Han.

11 MS. CARRERA: She's taking my time.
12 My name is Elena Carrera.

13 MS. JOSHI: And then, after that,
14 can we move on to the next speaker; just
15 so other people get to give their
16 perspective?

17 MS. DOTTIN: Can I ask you to do
18 something for these drivers? You have
19 to fix this deactivation process. You
20 have to hold -- it's -- the passengers
21 have the right to say anything they want
22 about these drivers, and they don't have
23 a proper defense mechanism. You are
24 their voice. They don't know to come to
25 you and say, "This passenger says I'm

1 driving intoxicated," when half of the
2 drivers, who are Muslim and Chinese,
3 don't even drink. Okay?

4 (Applause.)

5 MS. DOTTIN: They come in, when they
6 get up, the app does not work. But
7 there has got to be a better
8 accountability for the process of saying
9 that a driver is incapable.

10 And when they say a driver drives
11 unsafe, under what rule? If a passenger
12 is sitting in the back and don't know
13 why a driver might have made a maneuver
14 that he did or she did, -- listen, I got
15 deactivated for marijuana. Hello, I
16 don't even smoke the crap. Okay? I had
17 to wait, and I lost a whole night. Then
18 to say, "Well, yes. I had twenty-six
19 passengers before." The last passenger
20 just wanted a free ride. But the thing
21 is, somebody has to make the system
22 accountable to the drivers who spend
23 their money to help move New York City.
24 And they do it with honor, but they are
25 treated like trash. We've got to stop.

1 You're our only voice. Right now,
2 you're our only choice. If we can't
3 count on you, who will we be able to
4 count on? For these drivers, they took
5 a whole day to come here. You sent a
6 message, do you see how important it was
7 to them? They're here, and they're not
8 making a dime. But your rule and your
9 percentage that you pass today for them
10 will help them in the long run. And you
11 holding everybody else accountable will
12 be better for them. Thank you.

13 (Applause.)

14 MS. JOSHI: Thank you.

15 MS. DOTTIN: Thank you.

16 (Applause.)

17 MR. WILSON: Next is Johan Nijman.
18 He will be followed by Bizhong Han.

19 MR. NIJMAN: Good afternoon, Chair
20 and Commissioners. Thank you for
21 allowing me this opportunity --

22 AUDIENCE MEMBER: If you can, speak
23 up. We can't hear you.

24 MR. NIJMAN: My mom came here in
25 1986, and all of what I saw and done was

1 she --

2 AUDIENCE MEMBER: Take your time.

3 AUDIENCE MEMBER: It's all right.

4 (Telephonic Interruption.)

5 MR. NIJMAN: And I wanted to do this
6 because it was an independent job, that
7 I wanted to do. I wanted to be my own
8 boss. And I love to sit on an airplane.
9 So, the best thing for me to do was
10 drive a yellow cab.

11 My number is 431105. I drove for
12 one year, a yellow cab. I bought my
13 yellow cab in 1992 for \$240,000. And I
14 came up with that money by myself. A
15 lot of good friends that I met in the
16 business, they assisted me and I bought
17 a cab. I was able to send four children
18 to college, able to feed two dogs and
19 two cats.

20 After ten years, my back couldn't
21 hold up no more. Number four and five
22 on my back was gone. So, I was able,
23 there was a system, that I could lease
24 my medallion to a broker. There was a
25 rule, "Owner must drive," but that rule

1 was never enforced. So, I was able to
2 give that medallion to the broker.
3 Whatever money I got, I paid for my
4 medallion, and I was able to open my own
5 limousine company called, Johan's
6 Limousine Service.

7 I was able to build almost
8 four-hundred clients. Not one day did I
9 get a job from a base that I was
10 affiliated to. After the app-base
11 companies came into play, it was a great
12 thing because I understand and I know
13 that some of the drivers didn't want to
14 go certain places for different reasons.
15 What we did not understand is how
16 they're going to do it. When they came
17 in, they cut the prices by seventy
18 percent.

19 I was able, on my own, to make
20 \$180,000 a year. And I violated your
21 rule because in your book a guy like me
22 cannot advertise and give service and
23 make himself. I had to rely on an
24 app-based company to make my living.

25 So, you gave me a ticket for \$2,000

1 because I picked up at the Ritz-Carlton
2 Hotel and I had that on my (indicating).
3 But because it was Johan's Limousine, it
4 was not from an app-based company, you
5 gave me a fine of \$2,000. I'm not
6 killing myself. I lost friends in the
7 taxi industry.

8 MS. SCOTT: Your time is up, sir.
9 Thank you for your testimony.

10 MR. NIJMAN: Commissioner, I give
11 you time. I didn't kill myself for you
12 to come to my funeral. I need you to
13 hear me. I need some more time.

14 MR. RANA: Johan, take my time.

15 MS. JOSHI: Just give me the name of
16 whomever is --

17 MR. RANA: Sohail Rana.

18 MS. JOSHI: Thank you.

19 MR. NIJMAN: Thank you. So, your
20 Honor, I bailed myself, not to ask you
21 for nothing or the government for
22 nothing. To have to ask the government
23 to pay my health insurance, that's not
24 me. I want you to lift that rule, like
25 you lift it for Uber that must drive one

1 day. So that I could have some freedom,
2 give service to this City, and build
3 my -- I don't want nobody to hand me
4 nothing.

5 MS. JOSHI: I just want to make
6 sure, the rule you want lifted is the
7 ability to pick up --

8 MR. NIJMAN: Be my own boss, as an
9 entrepreneur. I don't want to get work
10 from an app-based company.

11 MS. JOSHI: So, do you want to be
12 able to pick up on the street, or have
13 your own base?

14 MR. NIJMAN: I want to advertise, my
15 marketing, like I did right now.

16 MS. JOSHI: Advertise your base?

17 MR. NIJMAN: Advertise my company
18 and give the service. I already did
19 marketing. I already did in Robb
20 Report, the most expensive magazine in
21 the country. I did it already, and I
22 got my clients through here. Nascar
23 drivers, I got their families. Goldman
24 Sachs, I had their account but I lost --

25 MS. JOSHI: What I'd like to do

1 is -- because even with the additional
2 three minutes, I think that your case
3 needs more time.

4 MR. NIJMAN: Please.

5 MS. JOSHI: So, I want to make sure
6 that you give your name and number to
7 one of our outreach people; Malcom,
8 Sonia or Kalal (phonetic). But continue
9 with your testimony, but that way we
10 make sure we get the additional
11 information.

12 MR. NIJMAN: Please.

13 MS. JOSHI: Okay.

14 MR. NIJMAN: When you hit me with
15 that \$2,000, I had to stop doing what
16 I'm doing. So, I went to the app-based
17 companies, just to find out that they're
18 sending me 5:00 in the morning from JFK,
19 to Yukon University, eight minutes from
20 Boston, and they pay me \$211 on it.
21 \$211. I got back in the City by 1:30.
22 I couldn't make it back. I stopped at
23 the gas station to take a nap because if
24 I got a job 5:00 in the morning, I would
25 set the alarm for 3:00 in the morning.

1 Meaning, I wake up 2:00 in the morning.
2 So, 1:30 I'm back, and I have \$211.
3 That pay has to be something that you
4 can work on for it to make our life
5 better.

6 Another topic, after I've finished
7 with the five boroughs and I'm going to
8 Connecticut, is it not fair for you to
9 double my fare? That's out of the City
10 limits, no? Please do that. That will
11 be an increase for us.

12 MS. POLANCO: I'm sorry. I'm trying
13 to follow you, but basically do you work
14 for -- do you work -- well, you
15 mentioned all these fares, are they
16 through an app, or is it through your
17 own company, through the limo?

18 MR. NIJMAN: No. You destroyed me
19 over there because you told me I have to
20 get work from my base, and my base never
21 gave me one job since 2003.

22 MS. POLANCO: You mentioned
23 something about, "I'm not able to
24 advertise."

25 MR. NIJMAN: No. Even if I

1 advertise, you are not allowing me to
2 profit from what I invest in. You are
3 not allowing me to do that. In your
4 book, I'm violating. It's like a street
5 pick-up. That's how you treat it.
6 That's how you treat it. So, you fined
7 me \$2,000 for doing so.

8 So, you pushed me into the app-based
9 company, buy a car for 70, 80,000. I
10 have luxury. My insurance is \$7,000.
11 My car payment is \$1,600 a month. My
12 car is 2017, has 85,000 miles at this
13 time. I think it's already four shocks;
14 \$1,800. I think it's already four
15 tires; \$1,200.

16 That figure that these people put in
17 front of you, they didn't talk to me. I
18 don't know who they spoke to. But,
19 please, I'm willing to give you all the
20 information and show you. I'm not
21 killing myself. I refuse to do so.

22 (Thirty-second warning bell.)

23 MR. NIJMAN: And I'm not asking for
24 no handout. All I'm asking you is to
25 give the drivers the fair pay that they

1 deserve. I thank you for your time.

2 MS. MARINO: Thank you.

3 (Applause.)

4 MR. WILSON: Thank you. The next
5 commenter is Bizhong Han, and he will be
6 followed by Yongxiong Yang. Bizhong
7 Han, excuse me.

8 CHINESE INTERPRETER: Good
9 afternoon, Commissioner. I'm a driver.
10 I have four things to suggest. The
11 first thing is about the safety with the
12 drivers and the passengers. I suggest
13 each car is set up with a surveillance
14 camera. So, with this system, each car
15 is under surveillance by the NYPD and
16 connected.

17 In this case, we can make sure of
18 each drivers' safety and each passenger.
19 Sometimes, there's lots of disputes and
20 a criminal case happens. The reason I
21 have these suggestions is because
22 sometimes there's lots of conflict
23 between the drivers and the passengers.
24 Sometimes we drivers get unjustified
25 complaints. That's unfair to us. So,

1 with those surveillance cameras, we can
2 reveal the real situation, the
3 involvement, so we can get a fair case
4 between us and the passengers.

5 I think it's very bad that sometimes
6 we get the complaints, and we get the
7 tickets from Uber or those companies,
8 taxi companies. It's really unfair to
9 us. And I think, in this City, everyone
10 deserves fair treatment and everyone
11 deserves peace. We need to do the fair
12 thing.

13 The second thing I would like to
14 speak about is the company, Via.

15 (Thirty-second warning bell.)

16 CHINESE INTERPRETER: I worked with
17 them for a few years. Sometimes I log
18 on a few hours, and in three hours or
19 five hours, I didn't get any passengers.
20 There are two methods of Via for
21 calculating for the passengers' way.
22 One is counted as --

23 MR. HAN: (In English.) Hourly,
24 hourly. On hourly, pay money. How
25 much? Fifty dollar; ten dollars for one

1 hour.

2 CHINESE INTERPRETER: And another
3 method is calculated by --

4 MR. HAN: You drive two miles, one
5 mile, pay me \$5.00, \$10.00, \$7.00, but
6 that money is a little bit. If you
7 drive three miles, just \$3.00 pay me. I
8 don't know. How they do it? I want to
9 know.

10 MS. JOSHI: What service does he
11 drive for? What companies does he drive
12 for?

13 CHINESE INTERPRETER: Via.

14 MR. HAN: (In English.) Via. I am
15 a driver. Because I drive for these
16 companies, pay to pick up. I drive and
17 right before that, one minute gets off
18 just \$3.00. Why? I've asked how many
19 times how to do it.

20 MS. JOSHI: He gets paid sometimes
21 by the hour, and sometimes by the mile
22 and minute? Is that true?

23 CHINESE INTERPRETER: Yes.

24 MS. JOSHI: What does he get paid by
25 the hour?

1 CHINESE INTERPRETER: He complains
2 he's paid by the mile. Sometimes, you
3 get paid \$3.00 for one mile.

4 MS. JOSHI: Paid \$3.00 for one mile?

5 CHINESE INTERPRETER: By Via.

6 MS. JOSHI: One whole trip.

7 MR. HAN: (In English.) One trip,
8 one trip. Only one, yes. Just gave me
9 \$3.00.

10 MS. JOSHI: How often is he paid by
11 the hour?

12 CHINESE INTERPRETER: Paid by hour
13 is, like, \$10.00 or \$20.00 by hour.
14 When paid by the hour, sometimes we have
15 countless passengers because of one
16 hour. We're paid, just like, between
17 \$10.00 and \$20.00 an hour.

18 MS. JOSHI: One last question, do
19 you work primarily in Manhattan or in
20 the boroughs?

21 CHINESE INTERPRETER: Manhattan.

22 MS. JOSHI: Do you work in the
23 boroughs at all? Do you work only in
24 Manhattan?

25 MS. MARINO: Brooklyn, Queens,

1 Bronx, Staten Island?

2 MR. HAN: (In English.) Brooklyn,
3 no more anything. No more borough.

4 CHINESE INTERPRETER: He works
5 mainly in Manhattan because outside of
6 Manhattan he gets no passengers.

7 MS. JOSHI: No passengers.

8 CHINESE INTERPRETER: Yes, Via is
9 mostly in Manhattan.

10 MS. JOSHI: Manhattan, okay. Thank
11 you.

12 CHINESE INTERPRETER: Lastly, --

13 MR. HAN: (In English.) When your
14 company -- when you pick up --

15 MS. SCOTT: Your time is up. Thank
16 you for your testimony.

17 CHINESE INTERPRETER: The last
18 complaint about Via is to go to the
19 airport, the toll. Usually, when we go
20 there, we pay the toll and the return
21 trip has usually got no passengers. So,
22 we make no money by trips to airport
23 working with Via. That's unfair.

24 MR. HAN: (In English.) One more --

25 MS. SCOTT: Thank you for your

1 testimony. Thank you.

2 (Applause.)

3 MS. JOSHI: You can follow up with
4 outreach because I know you have more
5 points, but everybody has multiple
6 points.

7 MR. HAN: (In English.) One minute,
8 okay? One minute.

9 CHINESE INTERPRETER: One minute,
10 please.

11 MS. SCOTT: We need to let the next
12 person speak.

13 CHINESE INTERPRETER: I got a ticket
14 recently from TLC, and I think this is
15 unacceptable because I got no
16 notification and no proof. I just got a
17 ticket from TLC.

18 MS. JOSHI: Okay. That, I would
19 like you to talk to somebody in the
20 back. Because if you have the ticket
21 number, we can go over the circumstances
22 surrounding it. And if you weren't
23 given notification, we can handle that.

24 CHINESE INTERPRETER: Okay. Thank
25 you.

1 (Applause.)

2 MR. WILSON: Thank you. The next
3 speaker is Yongxiong Hang. The speaker
4 after that will be Hailing Chen.

5 MR. CHEN: I think the names got
6 messed up. He was, you know, speaking.
7 He spoke for three minutes already.

8 MR. WILSON: Okay.

9 MR. CHEN: So, now, you called his
10 name again.

11 MS. JOSHI: Oh, okay. So, you can
12 take the --

13 MR. CHEN: I signed up with him.
14 Okay.

15 MR. WILSON: What is your name,
16 please?

17 MR. CHEN: My name is Hailing Chen,
18 H-A-I-L-I-N-G. Then, C-H-E-N.

19 MS. MARINO: And who do you drive
20 for?

21 MR. CHEN: I drive for every
22 company. Now, if you work for only one
23 company, you cannot survive. That is
24 just common sense, like, common
25 knowledge among all the drivers. Every

1 driver drives multiple car service
2 companies in order to survive. We
3 talked about a lot of the issues, and
4 that is an issue that every driver here
5 has every single day. Right?

6 We talk about the income. Why is
7 the income important? Why can't we go
8 back to the income from three years or
9 four years ago? It's livable, it's a
10 liveable wage, something that drivers
11 are able to put food on their tables.
12 And that is truly what is the madness
13 for the drivers, right?

14 A lot of the Asian and Chinese
15 drivers came today. Why? They have a
16 language barrier, right? They encounter
17 so much problems during either a normal
18 traffic pull over, and they have no
19 people to speak up for them. They are
20 suffering all the time because of the
21 language barrier. Like, that guy was
22 given three minutes --

23 MS. MARINO: Because of the what,
24 the what barrier?

25 MR. CHEN: The language barrier.

1 So, the guy was given three minutes, but
2 the translation took half of the time.
3 So, actually, the guy only got ninety
4 seconds, right?

5 MS. JOSHI: No. We give extra time
6 for translation.

7 MR. CHEN: Okay. So, that was my
8 bad. But we have to take consideration
9 of the language all the time, and we
10 have to take consideration of the proper
11 and more practical circumstances. I
12 drive for multiple companies. I rent my
13 cars. And if I go back to the rental
14 company today, I still feel this bad
15 chemistry.

16 Because when you sign up, when you
17 are ready and have the money in your
18 pocket, the rental company is still
19 treating you like trash. Because even
20 if they get rid of you, they still have
21 the next client lined up. They have
22 twenty people waiting in the office for
23 five or six cars a day, which means
24 fifteen of them are going to go home
25 without having a car. They have to come

1 back tomorrow.

2 (Thirty-second warning bell.)

3 MR. CHEN: What they tell them is,
4 "Come back tomorrow," or "Come back the
5 next day." And that is an inhumane way.
6 That is bad.

7 Whenever people go to the Uber
8 office and whenever people go to the
9 TLC, they are not happy. They have
10 something, some problem that they want
11 to solve. Can we be a problem solver
12 for them? We are drivers, of course.
13 There's no distinction between an
14 FHV-driver, a yellow cab driver or green
15 cab driver. We all suffer the same.

16 MS. SCOTT: Thank you for your
17 testimony, sir.

18 MR. CHEN: Thank you.

19 (Applause.)

20 MR. WILSON: Thank you. The next
21 speaker will be Raquel Amores, followed
22 by Ana Minango.

23 MS. AMORES: Good afternoon. My
24 name is Raquel Amores, and really I want
25 to appreciate you people at the Taxi &

1 Limousine Commission, that you're taking
2 this time to listen to all the drivers
3 here.

4 I'm a driver. I've been working in
5 this job for ten years already. I know
6 what it's going through right now, but
7 what is the main point? It's the income
8 of the drivers, the salary of the
9 drivers. Since I started in the
10 business as a taxi driver, it wasn't
11 like this. Right now, I can say it's
12 completely a mess.

13 We have these apps that came five
14 years ago; Juno, Lyft, Uber, Via and
15 other kinds of apps. They're not
16 helping the drivers. We're not saying
17 the apps are bad. They're really
18 convenient for the customer because we
19 are -- it's easy to request a car. It's
20 easy to follow where the car is.

21 But as the driver, we're sitting
22 every single day. We put in ten,
23 twelve, fourteen hours. Before
24 anything, -- like, we see a lot of
25 drivers killing people because they're

1 falling asleep. They used to work
2 almost twenty-four hours because they
3 need to make money, because they need to
4 support their families.

5 Right now, what we're worried about
6 is that not all the drivers are making
7 the same salaries as before. We're
8 trying to increase our salaries because
9 we have families. We have brothers and
10 sisters here that we're taking our time
11 today, not working a penny today, and
12 taking all the time to make sure that we
13 are going to get back on track, so you
14 guys know and find out what is going on
15 with these apps.

16 These apps, they're killing us.
17 It's not fair that we're working too
18 many hours. And when we're outside,
19 they're just sitting behind and
20 receiving the money easily, not doing
21 nothing. We have to risk our lives
22 outside.

23 We have to risk. People work at
24 night. I work on the weekends. I have
25 two children. I have to leave my kids

1 in the house to bust -- excuse my
2 language -- to bust my ass and be
3 outside. It's scary if something
4 happens because I'm a female. I don't
5 know who is going to be outside. I
6 don't know if I'm going to come back
7 later or the next day to see my kids.

8 But I'm fighting for myself. I'm
9 going to fight for my brothers and
10 sisters because we need you. And we put
11 this word to you guys because you're the
12 only voice that can listen to us.
13 You're the only voice who can do
14 something about us.

15 (Thirty-second warning bell.)

16 MS. AMORES: Because if we don't
17 talk, if we're not here, you're never
18 going to know what's going on out here.
19 These apps, they're killing us. They're
20 taking our money, and that's not fair.
21 It's not completely fair that we have to
22 work for them to make them more rich and
23 us, more poor. It's not fair. Thank
24 you.

25 (Appause.)

1 MS. MARINO: Raquel, who do you
2 drive for?

3 MS. AMORES: I used to work for a
4 car service for five years and when Uber
5 and Juno and all these apps started.
6 But I've used Uber, Lyft, Juno, Via.
7 I've worked with them, but it's not
8 fair.

9 MS. MARINO: But you have all those
10 apps on your phone?

11 MS. AMORES: We have to do it. We
12 have to work. Because if we work just
13 for one company, we are not able to
14 support our families.

15 MS. JOSHI: You have four apps on
16 your phone?

17 MS. AMORES: I have four apps on my
18 phone.

19 MS. JOSHI: Wow.

20 MS. AMORES: So, it's not fair.
21 They're supposed to put something, that
22 before the TLC -- I've been working in
23 the business for a long time. It wasn't
24 fair. Before, you cannot work for more
25 than one base. You had to be working

1 just for one base, no other base. It's
2 not right. And now, you can for work as
3 many as you want to. But we have to
4 work because it's not enough money.

5 MS. MARINO: I just have one other
6 question, and I know we have to move on.
7 The base you said that you worked for,
8 was that a --

9 MS. AMORES: It's a car service.

10 MS. MARINO: That was an
11 old-fashioned car service?

12 MS. AMORES: Yes, an old car --
13 fashioned. But now, it's out of
14 business. Why? Thanks to the apps that
15 we have right now.

16 MS. MARINO: It's out of business.
17 What was the car service that is out of
18 business?

19 MS. AMORES: Northside and Jaba.
20 Jaba is J-A-B-A.

21 MS. MARINO: What county?

22 MS. AMORES: Queens -- Williamsburg.

23 MS. MARINO: Brooklyn.

24 MS. AMORES: Brooklyn. And then
25 there's, like, none of them.

1 MS. MARINO: So, the car service
2 base you worked for is out of business,
3 and now --

4 MS. AMORES: It went out of business
5 because of all these apps. These apps
6 are destroying all the cars services,
7 and it's not fair for all the drivers.

8 MS. MARINO: Thank you very much.

9 MS. AMORES: We just want you to be
10 the voice. You can hear us, and that's
11 it. Thank you.

12 MS. MARINO: Thank you, Raquel.

13 (Applause.)

14 MR. WILSON: Thank you. The next
15 speaker is Ana Minango. She will be
16 followed by Barry Napach.

17 MS. MINANGO: I need someone that
18 speaks Spanish.

19 MS. MARINO: Someone is coming.

20 SPANISH INTERPRETER: Good afternoon
21 to the people from TLC and to the New
22 York City authorities that are present.
23 I'm going to talk directly today about
24 Uber, Lyft, Juno and the other companies
25 that are through phone or via the apps.

1 It has been fourteen years since
2 I've been working with bases, like
3 MetroLine, Northside. And TLC was
4 carrying out -- was performing with
5 their job. What was the job that TLC
6 was carrying out? It was the control of
7 the prices charged by the driver and
8 controlling that the passenger wouldn't
9 be overcharged.

10 Five years ago, I stopped working
11 with bases, and I started working with
12 Uber. Five years ago, the local phone
13 call was \$8.00, according to the local
14 economy in New York. Now, Uber is
15 calling for -- she said "call," but she
16 meant "trip" -- for a trip of \$5.75,
17 whether it's local or even going farther
18 than that.

19 Here, I have an example that shows
20 you that the price is going up for Uber,
21 but not so for the drivers. Uber is
22 becoming richer, but that is not the
23 case with the driver. For example, this
24 trip from Brooklyn to La Guardia, Uber
25 got paid \$31.00, and I got paid \$19.00.

1 That is including \$2.00 in tip. I have
2 another example where I traveled from
3 Brooklyn to Madison and 39th Street.
4 The passenger paid Uber \$23.46, and Uber
5 paid me \$11.00.

6 (Thirty-second warning bell.)

7 SPANISH INTERPRETER: So, I got
8 desperate and I called 3-1-1. And I
9 asked where is TLC? Where are they;
10 lost in New York City? Before TLC used
11 to control the driver and the price paid
12 by the passenger. But now with the
13 miles of the trips, the distances, the
14 timeframe is the same. Uber is taking
15 all -- they are not taking just our
16 money, they are stealing our money.

17 MS. SCOTT: Thank you for your
18 testimony. Your time is up.

19 SPANISH INTERPRETER: And there are
20 many examples. For example, we got to
21 the Newark Airport, they pay us \$40.00,
22 \$36.00, and that is including toll.

23 MS. SCOTT: Thank you very much for
24 your testimony.

25 SPANISH INTERPRETER: And that is

1 something I want the TLC to take care
2 of.

3 MS. JOSHI: Thank you.

4 MS. MARINO: Thank you.

5 (Applause.)

6 MR. WILSON: The next speaker is
7 Barry Napach, and he will be followed by
8 Zoila Millan.

9 MR. NAPACH: Hello, my name is Barry
10 Napach. Good afternoon. I've been
11 driving a cab. I started before you
12 even had the TLC, and I'll give you some
13 historical analysis.

14 In the 1980s, when you drove a taxi,
15 if you were a fleet driver, you got paid
16 by commission. You didn't lease a cab.
17 According to the TLC regulations,
18 leasing a cab was illegal. They called
19 it "horse-hiring" because you had to
20 work like a horse.

21 So, when I started driving a cab it
22 was commission. As soon as I left the
23 garage, I started making money. Now,
24 it's a process of continually pushing
25 down the worker. First, I started with

1 the leasing with the yellow cabs. Then,
2 I bought a medallion, and I got out of
3 the business in 2012. So, I made it
4 out.

5 But in 2014, they allowed Uber. So
6 Uber gave the opportunity to squeeze the
7 drivers even more. The TLC allowed Uber
8 to have, what they call "surge pricing."
9 Whoopee, whoop. The drivers said, "Wow,
10 there's no drivers. I can make triple,
11 quadruple the fare. I'll be able to
12 make money." So, they ran out and
13 bought cars, and you enticed them to buy
14 those cars by the rules you made.

15 And now, they're stuck. Now,
16 everybody bought a car. The pizza pie
17 is finite, but there's so many cars,
18 everybody is taking a slice. There's
19 not enough to feed anybody. You screwed
20 up the yellow cab business, --

21 (Telephonic Interruption.)

22 MR. NAPACH: -- the drivers and the
23 value with their earnings. The Uber
24 drivers thought they were getting into a
25 good livelihood by going out and

1 committing themselves to leasing the
2 car, insurance. They thought they would
3 make money. But, no. Uber and other
4 guys, it's capitalism.

5 The only cost you can really squeeze
6 is your labor costs. So, that's what
7 they're doing to all these guys.

8 They're squeezing them because they want
9 to make the IPO. They don't want to
10 serve the public, and you are allowing
11 them to do that. Their agenda is to put
12 everybody here out of work and just have
13 the cars drive around by themselves. I
14 don't want to live that long, and I
15 don't think you will either.

16 But their agenda, and you're
17 allowing for them to do it, is to
18 squeeze the workers, squeeze them. They
19 all testified. Squeeze them and squeeze
20 them and squeeze them.

21 MS. JOSHI: Do you support the
22 proposal to --

23 MR. NAPACH: Look, I studied finance
24 also. It's not going to work because
25 where did you get the figures about all

1 the analysis? You get them from those
2 companies. How do you know they're
3 accurate?

4 MS. JOSHI: Okay. I just wanted to
5 know. So, you believe that the
6 information they gave us is not
7 accurate?

8 (Applause.)

9 MR. NAPACH: My inclination is it
10 isn't accurate because you don't know if
11 it's accurate. They've always lied.
12 They've been sued. They've lost in
13 court, Uber. How do you know they're
14 accurate? You --

15 Okay. One other thing about Uber
16 that you allowed them to do. You
17 complain about yellow cabs
18 discriminating, they don't pick up
19 minorities.

20 (Thirty-second warning bell.)

21 MR. NAPACH: But you allow Uber to
22 only pick up people who have credit
23 cards. How many poor people, primarily
24 people of color, they don't have credit
25 cards? So, you're allowing Uber to

1 discriminate against all those people.
2 Yellow cabs, you get on their case as
3 individually discriminating. Uber
4 collectively discriminates against all
5 of them. They tell everybody, "You
6 don't have a credit card, don't call.
7 You don't count. You're nobody." I
8 mean, you can still buy a bus fare with
9 cash.

10 MS. SCOTT: Thank you for your
11 testimony, sir.

12 MR. NAPACH: Okay. You're very
13 welcome.

14 (Applause.)

15 MR. WILSON: Thank you. The next
16 speaker is Zoila Millan, and will be
17 followed by Mohammed Dilder.

18 SPANISH INTERPRETER: Good
19 afternoon. Thank you for listening.
20 Ladies and gentlemen from TLC, I'm
21 speaking directly to you.

22 Before Uber and the other companies
23 showed up, there were prices for drivers
24 and passengers according to the economic
25 life of New York City. Those prices

1 were respected in the five boroughs.
2 TLC used to control the bases so that
3 the laws would be abided by. Today, we
4 are asking, where is that control from
5 TLC for all those companies?

6 I've been working in a taxi for
7 sixteen years. Uber is a new company,
8 five years. I'm asking, where are the
9 prices, the controls for out of the five
10 boroughs? If we go to Long Island,
11 Connecticut, we don't -- Uber takes away
12 fifty percent. Then, we don't get
13 anything substantial, extra, and we have
14 to come back with an empty car.

15 One question I would like to ask is,
16 why if, for instance, hearing earlier,
17 we have to pay for higher insurance, we
18 have to pay for licensing fees for TLC
19 and the same people in the same field in
20 New Jersey, they don't have to pay those
21 kinds of things? We are supposed to be
22 getting paid a little extra more, but
23 nothing significantly. So, what is
24 different?

25 Also, if you come and bring somebody

1 from Long Island to the City, you get
2 paid half of it. Why? Why is that the
3 case? Why the difference?

4 MS. SCOTT: Your time is up. Thank
5 you.

6 SPANISH INTERPRETER: I leave that
7 upon your hands in the name of the all
8 the drivers that are outside on the
9 street, men and women. I set that
10 discussion for you. Thank you.

11 MS. JOSHI: Thank you for your time.
12 I also want to mention something. We,
13 as part of the new law and in advance of
14 the study that we have to do on
15 passenger fares and driver pay,
16 primarily passenger fares, we are
17 getting lots of information from the
18 past year from the companies about how
19 much passengers paid and how much
20 drivers were paid.

21 So, we will be reaching out for
22 receipts from you so that we can match
23 them up to verify that the information
24 we are getting from companies matches
25 the information that has been provided

1 to you. So, over the course of the next
2 few weeks and next month, we will be
3 reaching out to different groups by
4 e-mail to get some receipts. They don't
5 have to be a lot, but at least something
6 that we can use to match up to the
7 information that we are getting from the
8 companies. And we would appreciate any
9 cooperation you could provide in that.

10 MR. WILSON: Okay. The next speaker
11 is Mohammed Dilder, followed by Rajava
12 Singh (phonetic).

13 MR. DILDER: Hello to you all, and
14 good afternoon. My name is Mohammed
15 Dilder. Dear Taxi & Limousine
16 Commission, I just want to tell you some
17 things.

18 I've been driving green taxis. When
19 we pick up from Brooklyn, Queens, Bronx,
20 whenever you go to Manhattan; Downtown,
21 Midtown, Uptown, when you drop the
22 passenger, you cannot pick up anyone
23 there. So, you have to come back. And
24 when I would pick up in Brooklyn,
25 Queens, Bronx, when I would come back,

1 it was stop-still traffic. Uber is
2 wasting our time. We come empty. We
3 don't have no fare. Also, when we drop
4 at the airport, we have to come back
5 empty. We don't get a fare.

6 Also, I need help. The help is,
7 I've got so many tickets from the
8 police. They gave me so many tickets,
9 now I've got to revoke -- suspend, my
10 green taxi permit, my license, my
11 registration. I don't know what I'm
12 going to do. I don't have a second job.
13 How am I going to take care of my
14 family, my child? I don't have another
15 job. I only work in taxis. I take care
16 of my family. I pay rent.

17 So, I need your help. I don't know
18 what to do. The police give me so many
19 tickets. I hired a lawyer. I paid to
20 the lawyer, like, \$4,000/5,000, and he
21 never showed up to the hearing in court.
22 So, my permit is gone, and my license,
23 my family, my registration --

24 MS. JOSHI: I'm sorry. Did you say
25 you hired a lawyer for \$4,000 --

1 MR. DILDER: Yes.

2 MS. JOSHI: -- and he did not show
3 up?

4 MR. DILDER: He did not show up on
5 the court date. So, I don't know what
6 to do. Now, I've received from the TLC,
7 a letter for a hearing date. So, my --

8 MS. JOSHI: So, I am going ask you
9 to meet with one of our prosecution
10 teams so they can go over what your open
11 summonses are and you can explain your
12 situation leading up to the hearing.

13 MR. DILDER: Yes. The police too
14 much chasing us. They give us so much
15 tickets. I don't know what to do. We
16 give no argument to police. When we
17 pull over, we give the license, we never
18 ask. Because if we ask, we are law
19 breaking. So, they too much give us
20 tickets, summons. And now, I've got to
21 revoke my taxi -- green taxi permit, my
22 TLC license, DMV license will be
23 revoked. I don't know what to do. I
24 have no other job.

25 Another thing, we pick up

1 passengers. They're picked up from
2 drivers, and they don't pay the driver,
3 they're running from the car. And when
4 we call the police, they come, like, in
5 a couple of hours. When the police come
6 to the driver, the police asks, "Where
7 is the guy?" Then, if we hold the guy,
8 who the fight was, --

9 (Thirty-second warning bell.)

10 MR. DILDER: -- that he treat you
11 like this, and he was the one that run
12 away, and they ask -- the police ask me,
13 "Where is the guy?" I don't know what
14 kind of rule is that. The police never
15 catch them. We've got no help nowhere.

16 MS. JOSHI: Your time is up. But I
17 do want to mention, on picking up in
18 Manhattan and the airports, the green
19 taxis, that's a part of the State law.
20 We've advocated with the State that it
21 really limits your ability to earn a
22 living. I will continue, but I urge you
23 to get in touch with your State
24 representatives.

25 MR. NAPACH: Why are you going to --

1 Why are you going to -- wait a minute.
2 Wait a minute. I own a medallion. Why
3 are you going to do that? You're going
4 to let them do what I bought the
5 medallion to do?

6 MS. JOSHI: You know what? This is
7 one person at a time, so I'm going to
8 direct my comments to the person that
9 is --

10 MR. NAPACH: I mean, that's very
11 tough --

12 AUDIENCE MEMBER: This is
13 outrageous.

14 MR. NAPACH: You sold a franchise to
15 me to allow me to pick up at the
16 airports. Not him, me.

17 MR. DILDER: This is all about my
18 speaking. Thank you for that. So, I
19 need help because I have no other job.
20 This is my main thing. There's too
21 much -- the police give us too much
22 tickets. Now, I've got to revoke -- I
23 received a letter from TLC, now, I've
24 got to revoke my license, my permit, my
25 DMV. I need help. I don't know what to

1 do. How am I going to take care of my
2 family? I have no other job.

3 MS. MARINO: Who do you drive for?

4 MR. DILDER: I'm driving a green
5 taxi.

6 MS. MARINO: A green taxi.

7 MS. SCOTT: Thank you for your
8 testimony, sir.

9 MR. DILDER: Thank you.

10 (Applause.)

11 MR. WILSON: Thank you. The next
12 speaker is Rajava Singh, followed by
13 Mohammed Chowdhury.

14 MR. NAPACH: Excuse me. Can I have
15 the opportunity to speak again with this
16 new idea about the --

17 MS. JOSHI: No. But I'm happy to
18 speak to you after the hearing.

19 MR. NAPACH: That's a great idea.
20 Why don't you make the medallions even
21 less? When are you going to go work for
22 Uber, like some other people --

23 MR. WILSON: Rajava Singh?

24 (No response.)

25 MR. WILSON: Mohammed Chowdhury?

1 (No response.)

2 MR. WILSON: Okay. The next speaker
3 is Aniekan Etor.

4 MR. NAPACH: He's going to yield his
5 time to me (indicating). Is that okay?

6 MR. WILSON: Yes.

7 MS. JOSHI: You have three minutes.

8 MR. NAPACH: I appreciate that. Did
9 I understand that you are considering
10 allowing the green cabs to pick up at
11 the airport?

12 MS. JOSHI: No.

13 MR. NAPACH: So, you're not
14 considering that?

15 MS. JOSHI: Right.

16 MR. NAPACH: And you're not
17 considering that they could pick up
18 people in Manhattan?

19 MS. JOSHI: Right.

20 MR. NAPACH: So, why are you --

21 MS. JOSHI: I was explaining that
22 the authority of where the green taxis
23 can pick up is governed by State law.
24 And we've talked to State legislatures
25 about some of the problems green taxi

1 drivers are having with that
2 restriction.

3 MR. NAPACH: But that's a given, we
4 all know that. Okay. Let me see.
5 Well, you're squeezing the driver. I
6 mean, these poor drivers, they got
7 enticed by what you've allowed Uber to
8 do with the surge pricing. And isn't it
9 a fact that executives from the TLC are
10 now working for Uber?

11 (Telephonic Interruption.)

12 MR. NAPACH: That is a fact.

13 MS. JOSHI: You can verify that as
14 easily as I can.

15 MR. NAPACH: Well, you know better
16 because you know who works here.

17 MS. JOSHI: There are people that
18 have worked here that worked for Lyft
19 and worked for Uber and worked for other
20 parts of the --

21 MR. NAPACH: Okay. In terms of
22 fairness, there's two things I wanted to
23 bring up. You gave a speech at the
24 Rudin Center at NYU last week,
25 September 27th, Ms. Joshi. You said

1 that there's 16,000 more black cars --
2 well, FHV's -- that the paperwork still
3 has to be processed.

4 MS. JOSHI: There's 16,000
5 applications that were jammed in the
6 week before the cap went into effect.

7 MR. NAPACH: So, all of those cars
8 are going to be licensed in the near
9 future?

10 MS. JOSHI: When we get to
11 inspecting them all, which is not an
12 easy process being that they --

13 MR. NAPACH: So, now the pizza pie
14 is not going to get any bigger, and
15 there's going to be 16,000 more slices
16 coming out of it. So, how --

17 MS. JOSHI: I'm being honest. If
18 you would prefer, that I wasn't
19 honest --

20 MR. NAPACH: No, no. I appreciate
21 that.

22 MS. JOSHI: -- that's what happened
23 before the cap.

24 MR. NAPACH: Okay. So, how are
25 these guys going to make a living? Do

1 you think --

2 MS. JOSHI: I agree with you. I
3 think we've advocated for years that
4 there should have been a cap on
5 vehicles. I was being honest about the
6 fact that the cap is only doing so much.

7 We all know that more needs to be
8 done because there's too many vehicles
9 out there and not enough passengers in
10 order to supply the amount of fares that
11 you need to make the vehicle cost that
12 you have to bear as drivers.

13 MR. NAPACH: And also, the TLC
14 released a study last year that now, FHV
15 vehicles are making more pick-ups per
16 day than yellow cab drivers, yellow
17 cabs, correct?

18 MS. JOSHI: You'll have to let me
19 know what study that is. I'd be more
20 familiar with statistics that show that
21 yellow taxis actually do more pick-ups
22 in a given hour than FHV's.

23 MR. NAPACH: Really? Okay. Well,
24 I'll have to forward it to you. One
25 other thing, half the yellow cabs are

1 required to be wheelchair accessible,
2 correct? Why is it that H -- what is
3 it -- FHV vehicles, why are they
4 excused? Why are they excused? You
5 could have enough power today to make
6 them also have fifty percent, but you
7 don't. Why?

8 Because the game plan that, I
9 think, -- which makes sense to me
10 because I have a little bit of a
11 brain -- is you're doing whatever you
12 can to sabotage the yellow cab business.
13 You took the rates off the door. Why
14 did you do that? People like to see
15 that. That's always been there. You
16 took them off.

17 MS. JOSHI: I'm not going to talk
18 you out of your opinion. It's obviously
19 fixed. I'm not going to talk you out of
20 it.

21 MR. NAPACH: No, but why do yellow
22 cabs have to have fifty percent
23 wheelchair accessible and FHV's aren't?
24 It doesn't make sense. Wheelchair
25 people want to call up for a car also.

1 MS. JOSHI: There's a federal court
2 settlement that the terms of which ended
3 up being fifty percent yellow taxi. We,
4 on our own, this agency, took the
5 initiative where neither any other
6 elective body wanted to, to enforce an
7 accessibility mandate on the FHV
8 industry. It is not the same terms as
9 the yellow taxi --

10 MR. NAPACH: Wait a minute. Wait a
11 minute.

12 AUDIENCE MEMBER: It's a joke. Uber
13 wrote those rules.

14 MR. NAPACH: The federal rules --

15 MS. JOSHI: We were then sued by
16 Uber about the rules that we passed.

17 MR. NAPACH: But the federal
18 government exempted, by their own
19 statute, taxis from being required for
20 service for the handicapped --

21 (Thirty-second warning bell.)

22 MR. NAPACH: -- for the same reason
23 of the airlines. People in wheelchairs
24 go on planes. They don't have to be
25 wheelchair accessible. They were

1 excused by the federal government, and
2 so were taxis.

3 You took it upon yourself to require
4 yellow cabs to be wheelchair accessible.
5 And what I think, and what my opinion
6 is, is you're doing what Mr. Bloomberg
7 wanted; destroy the yellow cab business.
8 So, the yellow cabs now, you take a
9 wheelchair cab, it's uncomfortable.
10 Uber cars are comfortable.

11 MS. SCOTT: Thank you for your
12 testimony, sir.

13 MR. NAPACH: Thank you, and thank
14 you for giving me your testimony.

15 MR. WILSON: Aniekan Etor is the
16 next speaker.

17 MR. ETOR: Your Honor, I really
18 thank all of your team, the TLC, for
19 your continued devotement to drivers and
20 the work they do, the many groups who
21 perform these driving functions. I do
22 happen to drive for Uber. I drive for
23 Lyft, and I drive for Juno. And I can't
24 draw the line between the three.

25 What I'm saying today is not really

1 for my own interest. It's mostly for
2 the interest of the drivers. Because I
3 happen to drive for this time, I will
4 consider somehow continuing my life.
5 I'm an accountant. My last position was
6 assistant comptroller, but I lost my
7 job.

8 After staying home two, almost three
9 years, I decided to take this in order
10 to support my family. I don't know who
11 is policing Uber, whether you are, the
12 Commission, really policing Uber because
13 Uber is really taking advantage of
14 drivers.

15 Let me talk about three things. One
16 is the insurance, another one is the
17 intimidation, and the third one is the
18 payment to drivers.

19 MS. JOSHI: The first one was
20 insurance?

21 MR. ETOR: Insurance, yes.

22 MS. JOSHI: Insurance, intimidation
23 and the third one was?

24 MR. ETOR: Is the payment to
25 drivers.

1 MS. JOSHI: Okay.

2 MR. ETOR: Okay. In terms of
3 insurance, the rule is that we have to
4 get a base letter in order to restock
5 after the last day to drive. This base
6 letter, the base companies, like Uber,
7 will never give you a base letter. You
8 have to get it from the insurance that
9 is in that Uber office or Lyft office.
10 And whatever they decide that you have
11 to pay, that's what you pay. It varies
12 from company to company.

13 MS. JOSHI: So, they prescribe which
14 insurance company you have to --

15 MR. ETOR: Yes, you have to get from
16 what's in that office. Let's say you
17 want to drive for Uber. Let's start
18 with Uber. Uber is not going to give
19 you that code in order for you to do
20 registration. You have to get that base
21 code from the insurance company. That
22 is not Uber-facilitated. And the same
23 things with Lyft, because I tried to --
24 the rate is outrageous.

25 MS. MARINO: The what is outrageous?

1 MR. ETOR: The insurance premium.
2 Because Uber is using -- they've got the
3 same one for a while, and Lyft is using
4 a similar brokerage, and I pay so much
5 money. And I'm supposed to get
6 insurance paper. The first month after
7 I paid almost \$3,000, I didn't get the
8 paper. The second month, I said, "How
9 can I drive without insurance papers?
10 What about if I have an accident?"

11 (Thirty-second warning bell.)

12 MR. ETOR: "If the police stop you
13 and they pulled you, come to the
14 office." I said, "Suppose I had
15 something happen to me, I died. How
16 will my family be able to get in touch
17 with the insurance company?" "Oh, your
18 family will figure it out and come to
19 the office. Then, we're going to work
20 it out from there."

21 And because I was concerned about
22 that, -- the intimidation I'm talking
23 about, what did Lyft do? -- they said to
24 me, "I'm complaining so much."

25 MS. SCOTT: Thank you for your

1 testimony, sir.

2 MS. JOSHI: You had two points. Can
3 you just wrap them up very, very quickly
4 because there's other people behind you
5 that want to testify. So, one sentence
6 on each would be great.

7 MR. ETOR: Okay. In terms of the
8 payment, Uber can pay you less than
9 one-hundred dollars for doing a long
10 distance. Two weeks after, they take
11 back forty dollars and they say,
12 "Payment adjustment." You can't argue.
13 If you argue, they deactivate you. That
14 happens a lot.

15 MS. JOSHI: All right. Thank you.

16 MS. MARINO: Are you for the rules
17 or against the rules? Are you for these
18 rules that we're proposing?

19 MR. ETOR: Which rules are you
20 referring to?

21 MS. MARINO: The minimum wage.

22 MS. JOSHI: So, we've proposed --

23 MR. ETOR: The new rules are not
24 going to address this. If you take a
25 look at how much the base rate is for

1 Uber, what the base rate is for Lyft,
2 what the base rate is for Juno, you will
3 find out that Uber's base rate is the
4 lowest at 1.75. Lyft is maybe 2.25.
5 Juno, maybe 2.75.

6 So, at least, why not make the base
7 rate at least to be uniform so the other
8 regulations, the rules, like this time
9 or -- time can be a variable, but let
10 all of them pass the base rate and that
11 will at least help because that --

12 MS. JOSHI: That's what we've
13 proposed, that they have to all meet a
14 minimum mile and minute standard. And
15 we put a calculator on our website.

16 So, you should use it to plug in a
17 trip and see what the trip would be if
18 you were paid the Uber base rate, the
19 Juno base rate, the Via base rate -- I'm
20 sorry, not Via -- the Lyft base rate,
21 then what your pay would be under the
22 rules that we are proposing today so you
23 can see the difference in the pay.

24 MR. ETOR: Yesterday, I called
25 the --

1 MS. JOSHI: But we do have to move
2 on because there are other people behind
3 you that would like to testify. But I
4 appreciate you coming today and sharing
5 the information.

6 MR. ETOR: Thank you.

7 MS. JOSHI: Thank you.

8 (Applause.)

9 MS. JOSHI: We've got a few more
10 people, then I can open it up to people
11 that weren't able to sign up.

12 MR. WILSON: So, the next speaker is
13 MD Sarker, and he will be followed by
14 Saibou Sadibe.

15 MR. SARKER: Good afternoon,
16 Commissioners, Chairman and other
17 honorable persons. Thank you for giving
18 me time to speak. I just -- it's been
19 two things. As an Uber driver, I'm
20 driving since 2015. So, how's it
21 going? How are they surviving? When
22 I'm sitting and staring at the ceiling
23 and I open my apps, I get one customer.

24 And the customer is going, let's
25 say, all the way to the end of Long

1 Island. When I drove that customer, the
2 customer is smiling because he got to
3 his house. And the driver, he's crying
4 and he's crawling with frustration. So,
5 it's quite an injustice. Please fix
6 this kind of problem.

7 The other thing, the Uber pool. In
8 the busy time, when it's rush hour, the
9 Uber pool, one by one the shared riding
10 is getting to their house and the driver
11 is, I think, very exhausted. And this
12 is unhealthy, and please stop this kind
13 of Uber pool and Lyft ride share.
14 Because why does it pay? The customer
15 needs to go to home.

16 So, even if it's more percent, the
17 money, they'll take the bus or train.
18 Why take the taxi? If you take the
19 taxi, you have to pay more money.
20 Driver didn't get the tax fee from the
21 company. Driver has to pay the car
22 payment, and he has to pay insurance,
23 gasoline, toll. And the driver has a
24 big-sized family. Like two, three kids,
25 it's a big family. He cannot support

1 this kind of family and the Taxi &
2 Limousine Commission treat him like
3 he -- a couple of years, like, four,
4 five years and Taxi & Limousine
5 Commission, there was this kind of
6 problem. The driver is missing these
7 things.

8 Today, give us the opportunity to
9 reach a resolution. So, please as soon
10 as -- fix this problem. And hurry back.
11 I'm waiting on the, like, taxi worker
12 guidelines and demand the minimum fare.
13 Give us our service back. Thank you,
14 everyone.

15 (Appause.)

16 MR. WILSON: Thank you. The next
17 speaker is Saibou Sadibe, and he will
18 followed by Aziz Bah.

19 MR. SADIBE: My name is Saibou
20 Sadibe. I'm here today as an Uber
21 driver and also as a member of the New
22 York Taxi Worker Alliance.

23 First, as I said, I'm against this
24 proposal for seventeen dollars an hour
25 as proposed, because I'm a driver. I

1 used to drive yellow, now I'm driving
2 Uber. And the reason why, you know,
3 these companies, they only -- you know,
4 right now what they're looking for is
5 how to make higher money.

6 So, if you tell them, "Okay. This
7 is where's the limit, you have to
8 guarantee seventeen dollars to a
9 driver." How are you going to follow --
10 how are you going to make sure that this
11 company will not -- even if a driver
12 gets more money, what proof do you have
13 to follow them that they'll give the
14 exact money to the driver?

15 One idea, when you say, "Okay --
16 because I'm a driver in the company,
17 there's a lot of people, okay? If you
18 guarantee seventeen dollars an hour to
19 these drivers, it's okay. So, if a
20 driver makes sixty or seventy dollars,
21 how can you follow him -- this company
22 to know that driver makes more and you
23 can give more to the driver? So, this
24 is our concern.

25 (Thirty-second warning bell.)

1 MR. SADIBE: This, also, rule goes
2 only for Uber drivers, but you, here at
3 TLC, are for all drivers. You have to
4 make the right decision because whatever
5 you decide today, tomorrow, is going to
6 affect the taxi industry. We don't want
7 to be back tomorrow again to follow the
8 case of the yellow driver or for green
9 drivers. Make the right decision for
10 everybody. That is why we are asking
11 you to have a minimum base fare for all.

12 The minimum base fare today, yellow
13 is doing \$2.50, you know, like one
14 dollar per mile. You can do Uber, Lyft
15 yellow, everybody goes on the same base
16 even \$3.30. \$3.30, we mentioned it.
17 You know, you can raise, and then Uber
18 drivers, let them get fifty --
19 eighty-five percent of whatever Uber is
20 making. They don't have any charge.
21 Like, you have ten dollars, they take,
22 sometimes, thirty-six or twenty-nine --
23 twenty-five to thirty-seven percent.

24 And what do they do with the money?
25 They don't have any credit or car

1 expense. They don't have any garage,
2 you know. How many people they pay
3 here? You go to Uber and see no more
4 than one-hundred people, but they are
5 making at least \$600 million. So,
6 fifteen percent is enough for them.
7 Just give the other eighty-five percent
8 to the drivers. That's what we deserve
9 because you're making more expenses and
10 they can't even feed their families.

11 So, we're asking you be, you know,
12 fair with all drivers. Make, you know,
13 a base fare for all taxis. Green,
14 yellow, everybody who has to go into the
15 City. And also, the second issue --

16 MS. SCOTT: Thank you for your
17 testimony, sir.

18 MR. SADIBE: Yes. I wanted you just
19 to look into the relationship now
20 between, you know, the union and the
21 company. We know that IDG, they tell
22 us, they're getting money from Uber.

23 MS. SCOTT: Thank you for your
24 testimony.

25 MR. SADIBE: But the contract,

1 nobody has it. You should have the
2 contract and find out how it's working.

3 MS. SCOTT: We are going to move on
4 to the next speaker. Thank you, sir.

5 (Applause.)

6 MR. WILSON: The next speaker is
7 Aziz Bah, and he will be followed by
8 Nasanel Carmen.

9 MR. BAH: Good afternoon, everyone.
10 My name is Aziz Bah. I am a driver and
11 a member of the Independent Driver
12 Guild.

13 To keep the record straight, sir, we
14 are here to discuss fair pay for every
15 driver. It doesn't make sense to try to
16 pit one against another. We are not
17 here to fight for that. With that said,
18 I want to talk specifically about
19 vehicle classification as far as
20 app-based companies are concerned.
21 Because when Uber started, there were --
22 and it still exists -- vehicle
23 classification.

24 But most of those vehicles, -- and
25 I'm going to particularly speak about

1 black cars and SUVs -- those guys have
2 been given a promise of great pay, great
3 business, based on the quality of cars
4 they bring in, and they had it. For a
5 long time, business was good. Great.
6 Then, all of a sudden, Uber started to
7 divert to an Uber pool, and then made it
8 their bread and butter.

9 As a result, they needed more
10 drivers to downgrade to drive Uber pool.
11 And as a result, they eliminated --
12 completely, pretty much eliminated --
13 black SUVs. Those guys don't have any
14 kind of business whatsoever, they just
15 roam the streets with over \$100,000 cars
16 without no business.

17 And Uber's solution is to keep them
18 lower, and that just don't make any
19 sense. I think at some point, they need
20 to figure out how to divide that
21 business and how to keep those guys
22 going. That's the first issue.

23 The second one I want to address has
24 to do with deactivation. A lot of these
25 drivers, not only Uber, all the

1 app-based companies, they get
2 deactivated left and right for no reason
3 and have never been able to get any kind
4 of fair hearing. The smallest mistake,
5 those guys get deactivated. They go to
6 Uber or Lyft or Juno or whatever company
7 it is, no one listens to them. We
8 should demand a fair hearing for every
9 single deactivation because --

10 (Applause.)

11 MS. MARINO: I just want to make
12 sure I understand. You're saying that
13 the app-based companies deactivate the
14 drivers?

15 MR. BAH: They deactivate them, yes.

16 MS. MARINO: They like cut you, like
17 when you're out, you're out?

18 MR. BAH: They cut you completely.
19 You're driving, the next minute you
20 know, boom, you can no longer drive.
21 And you will call them --

22 MS. MARINO: You don't have access
23 to the app, you mean?

24 MR. BAH: You don't have access to
25 the app. They deactivate the app. You

1 can't log-in. You can't work.

2 MS. MARINO: Without an explanation?

3 MR. BAH: Without an explanation.

4 They can give you a broad explanation.

5 They'll say, "impaired driving," for

6 example. But, if there is a situation

7 of an impaired driver, for example, our

8 solution is, allow these guys to get a

9 drug test.

10 (Thirty-second warning bell.)

11 MR. BAH: Put them back on, as

12 simple as that. But they never give

13 you, pretty much any -- give you a

14 reason.

15 MS. JOSHI: I don't want to belabor

16 it, but what is IDG's agreement with

17 Uber regarding deactivation? Because my

18 understanding is when this group was

19 formed, they were going to have some

20 more say, through the group, in the

21 deactivation process.

22 I just want to know what that is

23 because you're not the first person who

24 has come today to testify about

25 deactivation. So, it doesn't sound like

1 a lot has changed since IDG has been
2 formed. So, I want to know what role
3 IDG has had in the time it has been
4 formed until now in influencing the
5 deactivation process.

6 MR. BAH: There is a proper
7 deactivation process going on, but the
8 system is not fair. The system is not
9 working perfectly because to the rate,
10 the rate at which Uber is deactivating
11 drivers, they are not giving everyone a
12 fair hearing, and that's our issue.
13 Certain people, certain selective people
14 that we fight for, get that hearing.

15 MS. MARINO: Where is that hearing?
16 Where is it held?

17 MR. BAH: It's held at Uber.

18 MS. MARINO: At their headquarters?

19 MR. BAH: Yes, the fair hearings
20 that Uber has every now and then. So,
21 we just want it to be broad. We just
22 want it to be fair across the board, and
23 we want every single driver, actually,
24 to have access to that hearing. We're
25 not saying everyone is going to get

1 reactivated, but hear everyone's story.
2 You just can't deactivate the driver
3 without them even knowing why they're
4 getting deactivated.

5 And finally, I want to talk about
6 pay. A lot of people came over here
7 today and, you know, explained--

8 MS. SCOTT: Thank you for your
9 testimony, sir.

10 MS. MARINO: I took up some of his
11 time. Can you give him, like, an extra
12 three seconds?

13 MR. BAH: I'll explain -- let's talk
14 about our hardships. The reality is,
15 your proposal gives us a minimum rate.
16 But your proposal says nothing -- pretty
17 much gives all the app-based companies a
18 maximum rate. Right now what I'm trying
19 to say is, why not just give these app
20 companies ten percent or five percent?
21 They're still going to make money.
22 Don't limit me in what I get.

23 AUDIENCE MEMBER: Yes, yes.

24 (Applause.)

25 MR. BAH: I own my car or I rent my

1 car. I put my gas. I do every single
2 thing. These guys are the middlemen.
3 Now, you guys are hiring a commission to
4 study how much drivers should get paid?
5 No, study how much Uber should take or
6 Juno or any app company. Give me
7 ninety-five percent, let them get five
8 percent. They still make money.

9 MS. MARINO: I just have one more
10 question. I know we have to move on,
11 but what are they taking right now?
12 What is the percentage that --

13 MR. BAH: The app company pricing is
14 complicated. They can take anywhere
15 from thirty-five all the way to
16 sixty-five percent or seventy percent.
17 You name it.

18 AUDIENCE MEMBER: We don't know the
19 percent.

20 MS. JOSHI: You don't know the
21 percent today? Are you told what the
22 passenger is paying on your receipt from
23 your trip?

24 MR. BAH: Yes.

25 MS. JOSHI: But you are not told --

1 there's no uniform percentage like there
2 was about a year ago?

3 AUDIENCE MEMBERS: (Speaking at
4 once.)

5 MR. BAH: Guys, allow me. Around
6 2014, the rate was set; UberX, fifteen
7 percent; XL, eighteen percent
8 commission-based; black car twenty
9 percent -- black car, twenty-five; SUV
10 twenty-eight percent. Then, things
11 started changing. And up until last
12 year, about a year and change ago, they
13 started with something called, "upfront
14 pricing."

15 MS. MARINO: Upfront price?

16 MR. BAH: Upfront pricing.

17 MS. MARINO: Upfront pricing.

18 MR. BAH: Meaning, they charge the
19 customer a price upfront, then the
20 driver is paid base rate, mile and
21 distance -- time and distance. But now,
22 they can charge maybe the longest route,
23 depending on where the rider is going,
24 and the driver takes the shortest route.
25 The driver is going to be left holding

1 the bag because he's going to be
2 receiving way less.

3 And on our receipt, we can totally
4 see how much the riders pay, at least
5 that's what they show us. We're not
6 sure if that's exactly what it is. But
7 then, sometimes when you compare,
8 they're taking about fifty percent.

9 MS. JOSHI: So, there was a woman
10 who testified earlier and she gave us
11 some numbers. And if you divide those,
12 there were examples of about fifty-four
13 percent and forty-two percent.

14 MR. BAH: Correct, yes. So, which
15 means --

16 MS. MARINO: That's outrageous.

17 MR. BAH: -- you guys have to step
18 up and do something. These app
19 companies shouldn't take anything from
20 us. We should keep ninety-five percent
21 of our money because we work for it.
22 Thank you very much.

23 AUDIENCE MEMBER: Yes.

24 (Applause.)

25 MR. WILSON: Thank you. The next

1 speaker is Nasanel Carmen, followed by
2 Golam Mahbub.

3 MR. CARMEN: Hi, good afternoon. My
4 name is Nasanel Carmen. I -- actually,
5 because of a lot of these problems, the
6 last time I worked for Lyft or Uber was
7 about -- I don't know -- maybe the
8 beginning of June.

9 I found a company -- well, I've been
10 working for them also for a long time,
11 but I have nothing -- they solve all
12 these problems. Which, Via pays me up
13 to \$75.00 an hour, guaranteed rates, it
14 doesn't matter who you pick up. You
15 just follow their routes, and they pay
16 you. They don't care about the ratings.
17 They don't deactivate you. They treat
18 us like gold. So, Via is not in the
19 problem.

20 I'm against the minimum wage because
21 for a while Via, in the low time, they
22 would pay, let's say, \$15.50 an hour.
23 But that doesn't cut it, I wouldn't do
24 it. I told them, "We have other
25 choices, other companies." I have

1 averaged about \$25.00 an hour, so now
2 Via is, most of the day, they're paying
3 at least \$30.00 an hour, guaranteed
4 rates.

5 So, what I'm saying is, I'm against,
6 first of all, the minimum wage for many
7 of the reasons that he said. I'm
8 against the minimum wage because the
9 minimum wage doesn't -- it's not, you
10 know, it's better to make it like what
11 percentage they can take. You know,
12 like the gentleman before said it.

13 I will give you an example, the
14 shared rides. The shared rides, from
15 what I understand, was introduced by Via
16 and the other people followed suit. But
17 Via pays us extra for the shared rides.
18 If they fill up my car, they either pay
19 me an hourly rate based on the amount of
20 people, because it's peak time, that
21 they're going to put in my car.
22 Sometimes in the mornings, it's \$60.
23 It's been \$75.00 an hour.

24 I have a minivan. They pay me
25 consistently more, peak, for the minivan

1 because of the amount of customers I put
2 in the car. Whereas, the last time I
3 drove for Via, which was about the
4 beginning of June, I picked up -- I
5 looked at my number. I even -- I still
6 have it. I picked up four people at the
7 airport, and they collected about
8 \$85.00.

9 (Thirty-second warning bell.)

10 MR. CARMEN: And I only got, let's
11 say, -- I don't know -- \$35.00. It's
12 ridiculous. So, they're not -- they've
13 devised this plan, they use pool and
14 shared rides to pay the passengers less.
15 Because instead of --

16 MS. MARINO: You mean to charge the
17 passengers less?

18 MR. CARMEN: They pay --

19 MS. JOSHI: Pay the drivers less.

20 MR. WILSON: The drivers.

21 MR. CARMEN: Let's say each person
22 from the airport pays \$25.00, that's a
23 low number. So, let's say I pick up, in
24 my minivan, four passengers.

25 MS. MARINO: So, you have a hundred

1 dollars?

2 MR. CARMEN: Right. They pay me,
3 let's say, \$30.00.

4 AUDIENCE MEMBER: It's not fair.

5 MS. MARINO: That's Via?

6 MR. CARMEN: This was Lyft. Via
7 pays a lot of money. Via pays. I never
8 have -- I don't have any complaints --

9 MS. MARINO: You're getting thirty
10 percent, and they're taking seventy
11 percent?

12 MR. CARMEN: Right. So, which, what
13 they did was, instead of paying -- they
14 used to take, let's say, twenty-five
15 percent, which is a lot. But instead of
16 doing that, when they devised the plan,
17 instead of taking a percentage, they're
18 just going to pay you by the route and
19 by your time, and they're not going to
20 pay you -- they're just making that
21 route and time twenty-five percent less
22 than what the passengers are paying.

23 So, what happens is, all these
24 people are getting into your car, and
25 your ratings go down, by the way, when

1 you pick up more people. That's why Via
2 doesn't even care that much about the
3 ratings. They really don't.

4 And they tell you not to listen to
5 the passengers, by the way. They tell
6 you, "We're going to make a -- you play
7 the music that we tell you. You do what
8 we tell you," and, "Don't let the
9 passenger drive you crazy."

10 Another thing is, you're talking
11 about deactivation. I mean, the
12 passengers consistently tell me to drive
13 over the speed limit, and --

14 MS. SCOTT: Thank you for your
15 testimony, sir.

16 MS. JOSHI: We do have to wrap up.
17 But, thank you.

18 MR. CARMEN: Thank you.

19 MR. WILSON: The next speaker is
20 Golam Mahbub, and then Fernando Garcia.

21 MR. MAHBUB: Hi. Thank you, ladies
22 and gentlemen to let me speak. So, I'm
23 twenty-six years old. I think I'm kind
24 of younger in this profession. Most of
25 them have really longer times of

1 driving, you know. Like, how the money
2 went, like, we're used to it nowadays.

3 But I drive long enough, like, I
4 started driving two years ago. In the
5 beginning, I was driving a taxi. After
6 doing so for seven months, I stopped
7 doing it because there is not enough
8 rides I can take to survive. There was
9 a cost involved, like, losing money, a
10 lot of people mentioned that.

11 So, I decided, "Okay. I see the
12 advertisement," you know, "You're making
13 \$6,000 a month." I was, like, "Okay. I
14 will put in my information, take a
15 \$35,000 auto car." And little did I
16 know that after a month, I'm not getting
17 \$6,000. I'm getting \$500 a week.

18 I used to make \$40,000 a year. I
19 had a good living. I had zero debt.
20 Just when I'm starting this business,
21 after that, last year I was sick for one
22 month. One month put me in the -- I'm
23 sinking in debt. Right now, I have
24 \$34,000 in debt; \$18,000 in car and
25 another \$16,000, and there's twenty

1 percent interest. I'm trying to -- I'm
2 just panicking right now.

3 What's going on? I'm not making
4 enough and also, the point of view,
5 like, you guys are talking about the
6 minivan. Where does the minivans come
7 from? I'm not working for an employer.
8 I'm not an employer. You're talking
9 about minimum wage. I'm an independent.
10 I'm an entrepreneur. I'm a businessman.
11 I've invested money. I deserve more
12 money.

13 And why do those companies decide
14 how much they pay me? They're not my
15 employer. I'm not his employee. So,
16 why do I have to get paid by the hour,
17 as you guys decided? I choose my rate.
18 In my position, I can make money. Okay.
19 So, there is a thing. The last three
20 years, four years, there have been so,
21 like, --

22 (Thirty-second warning bell.)

23 MR. MAHBUB: -- I assume, like,
24 140,000 cars been sold in this industry.
25 I just ask you how much money in sales

1 tax you guys are getting? How much
2 trip-wise are you guys getting? But the
3 driver, I'm sinking in debt in \$18,000,
4 \$20,000. Some of us are even thinking
5 about bankruptcy. I'm going to be
6 singing that tune.

7 So, I'm just a person. I have a
8 good credit. I have a 740 credit.

9 MS. SCOTT: Thank you for your
10 testimony, sir.

11 MR. MAHBUB: I had everything good,
12 but -- until they advertised. This is a
13 false hope they gave to me.

14 MS. SCOTT: Thank you for your
15 testimony, sir.

16 MR. MAHBUB: And now, I've been
17 sinking in it. And why does the rate
18 differentiate between taxi and Uber?

19 MS. SCOTT: We have to move on to
20 the next person.

21 MR. MAHBUB: I've been giving you a
22 better car, better service. I have a
23 4.9 --

24 SECURITY OFFICER: Sir.

25 MR. MAHBUB: So, why am I getting

1 paid --

2 MS. SCOTT: Sir, thank you. We're
3 going to have to move on.

4 MR. MAHBUB: -- than any other taxi?

5 SECURITY OFFICER: Sir, it's time.

6 MR. MAHBUB: Yes. I'm just asking.

7 SECURITY OFFICER: Sir, have a seat.

8 MS. JOSHI: Thank you.

9 MS. MARINO: We've listened to you.
10 Thank you.

11 MR. WILSON: Thank you. Fernando
12 Garcia is our last scheduled speaker.

13 SPANISH INTERPRETER: Good morning
14 and afternoon to the Commission. I've
15 been coming to this place for years, and
16 that has to be recorded somewhere.
17 Because we've been following Uber all
18 around the country, and all the problems
19 that they've been having all around the
20 country.

21 If we had been physicians, we would
22 say that this is the cancer of the taxi
23 industry. They have come to destroy the
24 industry; black taxis, green taxis,
25 yellow taxis, all together. And I have

1 also complained, just like I complained
2 for plates to be differentiated, I've
3 been complaining about this.

4 And, also the transportation from
5 the City, MTA, all those kinds of
6 businesses have been affected as well.
7 We are also complaining about the list
8 of prices that you have with you for
9 more than ten years ago, a list of
10 prices classified by boroughs, by the
11 different rates. You've been having
12 that list from more than ten years ago.

13 Just like you set a standard range
14 price for earlier companies, --

15 (Thirty-second warning bell.)

16 SPANISH INTERPRETER: -- that is the
17 same, at least I'm asking you to do, for
18 Uber, to set a standard rate price.
19 Because when they put, in a car, three,
20 four, passengers, those are passengers
21 that they are taking away from us. So,
22 the same things, put that in place.

23 I thank you for giving attention to
24 this matter, for this issue that is
25 affecting everybody, those colleagues

1 that killed themselves out of
2 desperation. I was somebody who used to
3 take \$200 home, and now I'm having
4 difficulty to make \$100, and I have a
5 green one.

6 MS. SCOTT: Thank you very much for
7 your testimony. Thank you for your
8 testimony, sir.

9 SPANISH INTERPRETER: Before you --
10 (Applause.)

11 AUDIENCE MEMBER: Yes.

12 SPANISH INTERPRETER: I want to tell
13 my peers that this is the time for us
14 unify ourselves, and take the struggle
15 to wherever we have to take it. Thank
16 you.

17 (Applause.)

18 MS. JOSHI: Thank you. Okay. We
19 have reached the end of the speakers
20 that were signed up. We have a little
21 bit more time if there's anybody who
22 wasn't signed up that would like to
23 speak today.

24 MS. WRIGHT: Hi, good afternoon.

25 MS. JOSHI: There's someone right

1 here. Thank you.

2 MS. WRIGHT: Good afternoon, hello.
3 My name is Kimberly Wright, and I work
4 for Uber -- with Uber for over a year.
5 Over that year, I had 2,300 customers.

6 And I want you to know that when I
7 first started Uber, they had a
8 promotion. And they told me if I get
9 about seventy-two customers in one week,
10 I can make, like, \$1,000. I was so
11 excited because I didn't have any money,
12 and making a thousand dollars a week,
13 that sounds fantastic. But girl, I am
14 tired, and I was like, "Since a change
15 happened, how come I have to work so
16 hard to make that type of income to pay
17 my family?"

18 MS. MARINO: How did it change? How
19 did the income change?

20 MS. WRIGHT: That's why I started
21 becoming a member of this team to find
22 out because I need help.

23 MS. MARINO: What was the difference
24 you saw in your income?

25 MS. WRIGHT: The difference in the

1 income is how much -- the promotion is
2 no more. So, I have to work less. I
3 have to work less, and they give me less
4 money. And also, I lease. I make \$450
5 for my lease; times four, that's \$1,800.

6 MS. JOSHI: It's \$450 a week?

7 MS. WRIGHT: \$450 a week.

8 MS. JOSHI: Can you tell me, what
9 kind of car, what year, and whether that
10 includes insurance?

11 MS. WRIGHT: It was an Altima. I
12 have an Altima car, and it's 2016.
13 That's the type of car I have.

14 MS. MARINO: The lease is in your
15 name?

16 MS. WRIGHT: The lease is in Buggy's
17 name.

18 MS. MARINO: Who?

19 MS. WRIGHT: Buggy, that's the name
20 of the company that I lease --

21 AUDIENCE MEMBER: Uber partners.

22 MS. WRIGHT: Yes. And Buggy -- it
23 has Buggy and five other companies have
24 a partnership with Uber.

25 MS. MARINO: For \$1,800 a month to

1 lease a car?

2 AUDIENCE MEMBER: Yes.

3 AUDIENCE MEMBER: Yes.

4 AUDIENCE MEMBER: Sometimes it's
5 more, it depends on the car.

6 AUDIENCE MEMBER: TLC, we don't
7 know --

8 AUDIENCE MEMBER: Yes, I pay \$425.
9 I have proof. I can show you.

10 MS. WRIGHT: Also, --

11 MS. MARINO: Oh, my God.

12 MS. WRIGHT: So, I tell myself if I
13 want to buy a car for myself, they make
14 it impossible. Because I've always got
15 to pay all these bills, and I try to pay
16 for my own car, it's impossible.

17 And that's when I went to our
18 meetings, and I said, "You guys, we need
19 help. What should I do?" And they tell
20 me, "Kim, we have to keep going to the
21 TLC and tell them what's going on, and
22 they are here to help us." So, I just
23 want to thank you for giving us this
24 opportunity to hear our voice.

25 AUDIENCE MEMBER: Thank you.

1 (Applause.)

2 MS. WRIGHT: And I have faith, and I
3 just want you to know, I was a veteran.
4 Nine years, I've been a veteran, and I'm
5 just --

6 MS. MARINO: Thank you. Thank you.

7 (Applause.)

8 MS. WRIGHT: I'm just excited
9 because of the way that I can come here
10 and tell you what's going on. And in my
11 heart, I know you heard from us. So,
12 thank you.

13 AUDIENCE MEMBER: Ma'am, can you say
14 why you chose Buggy?

15 MS. WRIGHT: The reason why I --

16 MS. MARINO: Come up to the podium
17 and answer.

18 MS. WRIGHT: The reason why I chose
19 Buggy is because when you go to Uber,
20 you're going to see one, two, three,
21 four, five companies to pick. And I
22 went to all of them, and the reason I
23 went to Buggy is because I like their
24 name.

25 MS. MARINO: All these five

1 companies are partnered up with Uber?

2 AUDIENCE MEMBER: Yes, yes.

3 AUDIENCE MEMBER: Yes.

4 MS. WRIGHT: Yes.

5 MS. JOSHI: Two quick questions.

6 One, besides the name, do you know if
7 the prices are different among the
8 companies?

9 MS. WRIGHT: That's a good question.
10 Yes, they give you choices. You have a
11 \$350. You have a \$400. You have a
12 \$450, or you even could go to a \$500.
13 So, they give you a choice.

14 MS. JOSHI: Okay. My next
15 question --

16 MS. MARINO: Can I just follow up?
17 I'm sorry. Is that the quality of the
18 car?

19 AUDIENCE MEMBER: Yes, the quality
20 of the car.

21 MS. MARINO: Does it vary whether or
22 not it includes insurance, or is it
23 strictly the car?

24 MS. WRIGHT: It's the quality of the
25 car.

1 MS. MARINO: Does that include the
2 insurance, these numbers?

3 MS. WRIGHT: I have to pay for my
4 own insurance.

5 AUDIENCE MEMBER: We have to put it
6 under our name.

7 MS. MARINO: On top of the lease, --

8 MS. WRIGHT: Yes.

9 AUDIENCE MEMBER: Yes.

10 MS. MARINO: -- you have to pay for
11 your insurance?

12 MS. WRIGHT: Yes.

13 MS. JOSHI: How much is your
14 insurance on top on the \$450?

15 MS. WRIGHT: \$25.00, plus the \$450.
16 I have to pay \$25.00.

17 MS. JOSHI: So, it's \$475 total for
18 the car and insurance for the week?

19 MS. WRIGHT: Yes.

20 MS. JOSHI: For a 2016 car?

21 MS. WRIGHT: Yes, yes.

22 MS. JOSHI: Now, I have one other
23 question.

24 MS. WRIGHT: Sure.

25 MS. JOSHI: Does your car payment

1 get deducted from your Uber pay, or do
2 you have to pay it separately?

3 MS. WRIGHT: I have to pay it
4 separately. They have my card, and
5 they're sending me a text every week,
6 "Kimberly, thank you very much for
7 paying your insurance." They send me an
8 e-mail. So, that is another place --
9 another income that I have to pay.

10 MS. JOSHI: You get those from
11 Buggy?

12 MS. WRIGHT: Yes, Buggy.

13 MS. MARINO: You know, someone said
14 something here today, and it really
15 rings true to me, "This is not a job;
16 this is an investment."

17 AUDIENCE MEMBER: Yes.

18 AUDIENCE MEMBER: Thank you.

19 MS. MARINO: And this is an
20 investment that falls more in the lines
21 of independent contractors -- I don't
22 know. I think we have a lot of work
23 ahead of us.

24 MS. JOSHI: I have one more
25 question. I have one more question.

1 MS. WRIGHT: Sure.

2 MS. JOSHI: What if you decide you
3 don't want to use any of those five
4 companies? What are your choices?

5 MS. WRIGHT: If I don't want to use
6 the five companies, then I won't have a
7 car.

8 MS. MARINO: They won't let you have
9 the app? Is this a deal breaker?

10 MS. WRIGHT: Because you have to
11 be -- Uber, they're so strict on the
12 type of car qualified to work with them.
13 And they made it so easy for us to
14 qualify with those five customers (sic)
15 because those are their Buggys. Those
16 are their Buggys. So, Uber made it easy
17 for us because those are their friends.

18 MS. JOSHI: So, if you went to
19 another leasing company -- we've heard
20 the names of other leasing companies
21 today -- and you leased from them
22 instead, would you still be able to work
23 with Uber?

24 MS. WRIGHT: That's a good question.
25 Yes, you can. Yes, but it would be your

1 own car. So, I have to buy me a nice
2 car. I went to a company, Toyota, to
3 ask them. I said, "Could you guys help
4 me?"

5 MS. MARINO: Yes, because this is
6 what I don't understand. You're saying
7 \$1,800 a month to lease it, but you
8 could lease a car for \$400 a month
9 privately. Can't you?

10 MS. WRIGHT: \$400 a month?

11 AUDIENCE MEMBER: That's just the
12 vehicle. We have to put a TLC plate, we
13 have to put everything for the vehicle.

14 AUDIENCE MEMBER: I rent my car for
15 \$405, everything is included.

16 MS. MARINO: Because the taxi
17 insurance is probably significantly
18 higher than an individual car insurance.

19 AUDIENCE MEMBER: Right.

20 MS. JOSHI: And also, there's no
21 credit checks, lots of these, right?

22 MS. WRIGHT: Oh, yes, you've got to
23 do a credit check. You have to do a
24 credit check, if I want to go to Toyota.

25 MS. JOSHI: No, if you go to Buggy,

1 do they do a credit check?

2 MS. WRIGHT: Oh, no.

3 MS. JOSHI: No. So, there's the
4 difference. These guys won't do a
5 credit check, but Toyota will do a
6 credit check. So, it's easier to get a
7 quick lease with everything included
8 there.

9 MS. WRIGHT: That's why everybody
10 got robbed.

11 MS. MARINO: It's also the insurance
12 though, right?

13 MS. JOSHI: And it's the insurance.
14 They'll bundle the insurance in, and the
15 dealership won't. So, you have to get
16 the insurance policy separately.

17 MS. MARINO: Which is very high for
18 a taxi, it's not like a regular car.

19 MS. JOSHI: It's the same as the
20 taxis.

21 MS. MARINO: That's what I'm saying,
22 it's not like a regular car.

23 MS. JOSHI: Yes. It's a commercial
24 insurance, unlike personal insurance.

25 MS. MARINO: Commercial insurance,

1 yes.

2 MS. WRIGHT: You're absolutely
3 correct. You're absolutely correct with
4 what you just said. But I just want you
5 to know, behind the scenes, Uber has
6 their own meeting. And behind the
7 scenes, we find out about what's going
8 on. When we find out, that's how you
9 find out because we've got to complain.

10 Guess what they just did, and you
11 will go, "Really?" And that's how it
12 works behind the scenes, they have their
13 meetings and it affects us. And when it
14 affects us, that's how you hear about
15 it.

16 MS. JOSHI: I want to reiterate that
17 point. Because there are online forums
18 where we can go and see what drivers are
19 saying, but it is so important to
20 contact us, to come to hearings. It's a
21 pain. It takes a day. It's long. I'm
22 not going to say it's easy, but it's
23 worthwhile.

24 MS. MARINO: I've learned a lot
25 today that I didn't know, and I'm not

1 happy with what I'm hearing at all.

2 MR. CARMEN: I just want to say that
3 until now, the option we had was against
4 those leasing companies --

5 MS. MARINO: Come up. Just come up
6 to -- is that all right, Meera?

7 MR. CARMEN: You asked if there's
8 other options besides those leasing
9 companies. The option that we had until
10 now, which I have -- thank God because I
11 did it on time -- was buy my own car.
12 And that was much cheaper. I was paying
13 the \$1,800 a month, but I figured I
14 would try it for a few months.

15 First of all, Uber, they lied. They
16 said that, "Oh, you're going to make
17 \$5,000 guaranteed a month," but there
18 were so many things that you had to do
19 to get that.

20 MS. MARINO: I understand.

21 MR. CARMEN: That's one thing. But
22 besides that, you know, at least I was
23 able to buy my own car.

24 MS. MARINO: Not everybody can.

25 MR. CARMEN: That cap, by the way, I

1 was against the cap because -- I'll tell
2 you. Because what it did was, it didn't
3 really -- you still -- so, the people
4 that are struggling and they're paying
5 the \$1,800 a month now have no other
6 option. See, I had an option of buying
7 my own car and putting a plate on it.
8 And by the way, the company -- I have
9 terrible credit.

10 MS. MARINO: Isn't the cap on the
11 drivers?

12 MS. JOSHI: The cap is on the
13 vehicles. But I do want to be
14 respectful, because if everybody comes
15 up -- if one person comes up twice, I
16 have to let everybody come up twice, and
17 that's not fair to the --

18 MS. MARINO: That was my fault.
19 Sorry, Chair.

20 MS. JOSHI: So, I'm going to give
21 one last call. If there is a person who
22 has not spoken today, -- somebody who
23 has not spoken today -- let's hear from
24 them, and we can continue the
25 conversation.

1 But we have to be respectful of the
2 people that have come here and waited.
3 So, I want to give the opportunity to
4 people who haven't spoken today.

5 MR. RANA: Actually, he gave his
6 time twice.

7 MS. JOSHI: How did he have two
8 slots?

9 MR. RANA: My name is Sohail. I
10 have been driving for twenty-six years
11 in New York City. And in those
12 twenty-six years, I have never seen the
13 TLC working this hard for the drivers.
14 At least you guys are trying, and there
15 is lots and lots of work that needs to
16 be done. I'm glad that you are hearing
17 all these drivers. So, I just want to
18 thank you guys.

19 (Applause.)

20 MR. RANA: And the other thing I
21 want to do is, I'm also a steward and
22 member of the Independent Drivers Guild.
23 The Independent Drivers Guild wants a
24 fair pay across the board. It doesn't
25 matter if you are a yellow cab driver, a

1 green cab driver, app-based drivers. It
2 should be, like, a fair pay for all the
3 drivers, livable wage.

4 AUDIENCE MEMBER: Eighty percent.

5 MR. RANA: Yes, whatever it is. So,
6 we've heard so many problems. Like, you
7 guys hear it all the time, so I'm not
8 going to repeat any of the problems. My
9 only thing is, don't be like -- you
10 know, just continue the good work, what
11 you are trying to do.

12 And don't worry about the -- you
13 know, like, don't be -- not the word
14 "scared," -- of these app-based
15 companies. Because we are with you, the
16 drivers. All of these drivers are with
17 you. Don't be scared of these companies
18 because they are really sucking our
19 blood. They are predatory.

20 So, whatever these companies tell
21 you, whatever the deal is, whatever --
22 like, whatever it is, just remember that
23 we drivers, we are always with you, and
24 we are going to be here. So, if you
25 continue to fight, you're always going

1 to find us with you. That's it.

2 AUDIENCE MEMBER: Yes.

3 (Applause.)

4 MS. MARINO: Thank you.

5 MS. JOSHI: With that, it is now
6 4:25, and it ends today's public
7 hearing.

8 Again, I want to reiterate the
9 gratitude that all of the Commission
10 members have for the time each and every
11 one of you has taken out of your workday
12 to be here and to share, with us,
13 stories, some of which I know brought up
14 emotions that are difficult to talk
15 about in public. But, you did, so I
16 appreciate that and the information that
17 you've provided all of us.

18 MS. MARINO: Yes, thank you.

19 MS. JOSHI: So, thank you very much.

20 MS. MARINO: I really learned a lot.

21 Thank you.

22 (Applause.)

23 (TIME NOTED: 4:25 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)

ss:

COUNTY OF NEW YORK)

I, Danielle Rivera, a shorthand reporter within and for the State of New York, do hereby certify that the within is a true and accurate transcript of the statement taken on October 3, 2018.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of October 2018.


DANIELLE RIVERA

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