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2	TRANSCRIPT OF THE	
3	NEW YORK CITY	
4	TAXI & LIMOUSINE COMMISSION	
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9	THURSDAY, JANUARY 5, 2017	
10		
11	33 Beaver Street	
12	COMMISSION HEARING ROOM, 19TH FLOOR	
13	BOROUGH OF MANHATTAN	
14	10:00 a.m.	
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23	MAMARONECK, NEW YORK 10543 212.95.DEPOS (953.3767)* 914.381.2061	
	FACSIMILE: 914.722.0816	
24	E-MAIL: Stenokath@verizon.net	
25		

HEARING CONVENED AT 10:22 a.m. COMMISSIONERS PRESENT: Meera Joshi, Chair Jacques Jiha Bill Aguado Lauvienska Polanco Nora Constance Marino Ken Mitchell ALSO PRESENT: Chris Wilson, General Counsel Staff The Public The Press Reported by: Jennifer Cassella

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1	Proceedings
2	THE CHAIR: Good morning, everyone.
3	It's now almost 10:25 and we're going to
4	start our public meeting of the New York
5	City Taxi & Limousine Commission. First,
6	just a few things to report. One, this is
7	real housekeeping, some people have
8	complained that the stickers on cars are
9	now on the outside instead of the inside.
10	This is true. We've run out of the inside
11	stickers. They will be available in the
12	next week or so. Check with Safety and
13	Admissions, and you're welcome to come in
14	and get your sticker replaced for free if
15	your vehicle ended up with an outside
16	sticker, so there you go.
17	First on my report is a farewell to
18	somebody who has served this agency for
19	over 15 years. I'm going to ask her to
20	come up and stand here like a roast as I
21	read a few things about Sherry Cohen who is
22	now a member well, soon to be a member
23	of the Bronx District Attorney's Office.
24	I first met Sherry before I came to
25	the TLC. In fact, I interviewed her for a

Proceedings 1 2 job at the last agency I was with. She explained to me how she'd revamped Consumer 3 Complaints Divisions at TLC. I was very 4 impressed, and she came in with a binder of 5 6 all the protocols she'd put into place to 7 make sure that that system ran like a machine, so no doubt I recommended that she 8 be hired. I'm glad she wasn't because when 9 it came to the TLC in 2011, Sherry was here 10 11 ably running the Prosecution Unit. She's a 12 problem solver, she loves a challenge and always comes up with an efficient and 13 correct solution. 14 15 In 2009, she inherited a Consumer Complaint Division that was literally 16 17 broken. One attorney handled all of the 18 summonsing, and inspectors from Enforcement Division handled thousands of consumer 19 cases. Piece by piece she built and 20 21 restructured the division bringing case times down from months to weeks, getting 22 23 rid of paper and leveraging the technology of our handhelds to allow lawyers to 24 25 practice law instead of doing data entry.

1	Proceedings
2	She's attune to the fact that work,
3	especially for younger attorneys, must be
4	done in a learning environment. She was
5	instrumental in developing and presiding
6	over well-focused training sessions for our
7	enforcement staff and developing CLE-
8	approved training courses for prosecutors.
9	Today, the Prosecution Unit has 9
10	subdivisions comprised of 37 attorneys and
11	25 investigators, data analysts and case
12	managers. Today, the Prosecution Unit is
13	responsible for the prosecution over a
14	hundred thousand summonses annually.
15	Sherry's passion for her staff is
16	evident to anyone who visits the unit and
17	takes a look at the baby board. Whenever
18	she takes a break from prosecution, Sherry
19	was busy matchmaking and growing the TLC
20	family, and you'll see from the number of
21	babies she was extremely successful in this
22	venture.
23	MS. COHEN: I can't take full credit
24	on that.
25	THE CHAIR: Partial credit. Other

1	Proceedings
2	people did have something to do with it.
3	When Sherry learned that the Bronx
4	District Attorney was hiring five of her
5	attorneys at the same time, she was angry
6	and she called them to explain how angry
7	she was. That's a call we kind of wish she
8	never made. Upon learning that she'd hired
9	all these wonderful attorneys, they made
10	her an offer she couldn't refuse and now
11	she's going to be Chief Legal of
12	Recruitment at the Bronx District
13	Attorney's Office, and we can safely say
14	inasmuch
15	(Applause.)
16	THE CHAIR: we'll miss her, she's
17	leaving the Prosecution Unit on sound
18	footing.
19	And I want to end on this note:
20	Sherry embodies a work ethic that is rare.
21	She's committed to making organizations run
22	efficiently, making sure people are making
23	informed decisions and are growing
24	professionally, and she's uncomfortable
25	without a challenge. The TLC is a better

Proceedings 1 2 place because of her and I'm certain the Bronx District Attorney's Office will be as 3 well. 4 So today I'm going to -- I also want 5 6 to acknowledge some members of Sherry's 7 family that are in the audience, Sherry's mother. Thank you for joining us today. 8 MS. COHEN: And lots of people 9 watching livestream. So hi, everybody. 10 11 THE CHAIR: To those on livestream. 12 Today I'm going to present with you a certificate. We do have an official 13 badge that's being dipped in Lucite and 14 15 still drying so we'll get that to you as soon as it is completely dry so your 16 17 fingers don't get stuck to it. But on 18 behalf of the entire agency and really I think the City of New York, to Sherry 19 Cohen, by the City of New York Taxi & 20 Limousine Commission, on behalf of a 21 grateful City, thank you for your 15 years 22 23 of dedication and commitment as you 24 unerringly prized fairness and due process 25 in all that you did, so have we prized your

1	Proceedings
2	friendship. Congratulations.
3	(Applause.)
4	THE CHAIR: And I have another
5	personnel announcement to make. I want to
6	welcome Diana Pinnetti who's in the back.
7	I'm going to ask her to raise her hand so
8	everyone can see. Diana is going to join
9	us as our new Head of Enforcement. She
10	comes to us after 15 years in an Executive
11	Director position in Public Safety and
12	Emergency Preparedness, first at Long
13	Island University and most recently at
14	Barnard where she'll be sorely missed
15	according to her current boss who I called
16	for a reference. This is all after she
17	completed illustrious career with the New
18	York Police Department where she retired at
19	the rank of Lieutenant. She's a decorated
20	member of the Coast Guard as well. Her
21	experience and demeanor will be vital in
22	leading our Enforcement Unit and working
23	with all of our stakeholders who've so
24	clearly voiced their concerns over illegal
25	activity.

Proceedings 1 2 So I encourage everyone to go up and meet Diana. She'll be joining us at the 3 end of the month, and I'm sure you'll be 4 continuing conversations with her on 5 6 enforcement for months to come. So 7 welcome. (Applause.) 8 THE CHAIR: Next on the agenda is 9 adoption of the minutes. 10 11 All in favor of adopting the minutes from the December 8th Commission Meeting? 12 13 (Chorus of Ayes.) THE CHAIR: And with that, the 14 15 minutes are unanimously adopted. And next we have base applications 16 for determination. 17 MS. RICHARD: Good morning, 18 19 Commissioners. My name is Aisha Richard, Assistant Commissioner of the Licensing and 20 21 Standards Division. Today I have a total of 19 base applications for your approval, 22 23 3 new applications, 11 renewal 24 applications, 7 of which include name, 25 ownership and location changes; 5 change

		12
1	Proceedings	
2	location application for changes to	
3	ownership and/or location; and I also have	
4	one base application recommended for denial	
5	due to incomplete application since April	
6	of 2016. Thank you.	
7	THE CHAIR: All in favor of adopting	
8	the recommendations?	
9	(Chorus of Ayes.)	
10	THE CHAIR: And with that, the	
11	recommendations are adopted.	
12	Next on our agenda is a vote on the	
13	Green Grant Rules which based on feedback,	
14	we made some slight changes to which Chris	
15	will go over, and we look forward to	
16	launching this program and bringing even	
17	more accessible service to the boroughs.	
18	MR. WILSON: Yes. These rules were	
19	published in the City Record on	
20	November 4th, 2016 with a comment deadline	
21	of December 7th, 2016. No written comments	
22	were received. A public hearing was held	
23	on these rules on December 8th, 2016.	
24	These rules, just to remind the	
25	Commissioners, will increase the size of	

		1
1	Proceedings	
2	the grants available to people with green	
3	permits to purchasing accessible vehicles	
4	and spread the payment of the grants out	
5	over time. They also make the rules	
6	also permit people to apply for grants for	
7	other than their first vehicle, that is	
8	replacement vehicles.	
9	Following publication and based on	
10	staff comment and recommendation, including	
11	as a result of public feedback, the	
12	following changes were made to the rule:	
13	Revisions were made to clarify the	
14	documentation required for applicants for	
15	grants and revisions were made to clarify	
16	that an applicant can apply for a grant for	
17	a subsequent and later vehicle. As Local	
18	Law requires, the final rule with those	
19	changes was posted on the TLC's website on	
20	December 23rd, 2016 and sent to the	
21	Commissioners on that date.	
22	If you have no questions, all in	
23	favor?	
24	(Chorus of Ayes.)	
25	THE CHAIR: And it sounds like it's	

1	Proceedings
2	unanimous.
3	THE CHAIR: Next on the agenda is a
4	hearing on rules that would set the limits
5	for the number of hours per day and the
6	number of hours per week that a licensed
7	TLC driver can drive. As you know, we've
8	gone through an extensive process to arrive
9	at the proposed formulation and though no
10	formulation is perfect, our proposal is a
11	careful balance between setting limits and
12	allowing licensed drivers, the majority of
13	whom are independent contractors, manage
14	their own schedules. The rules are
15	historic for us because they apply to all
16	drivers and more broadly, because they
17	recognize the dangers to drivers,
18	passengers and to all we share the street
19	with of driving fatigued.
20	There is also a requirement
21	necessary for us to accurately audit trip
22	records submitted and to adequately enforce
23	against those that do not comply with these
24	limits to provide drop-off time and
25	location. This is information that the TLC

Proceedings 1 2 has had for yellow taxis and green taxis since 2009 and 2013, respectively. 3 The list of speakers today is long 4 and the time limit is three minutes so we 5 6 are going to enforce it, but knowing that 7 three minutes is short, I encourage people who cannot adequately convey their points 8 to send in written comments and to meet 9 with us in person. The comment period is 10 11 still open. There are members of the 12 policy and legal team in the back and they'll surely introduce themselves to 13 anyone interested and people are more than 14 15 welcome to schedule an in-person meeting 16 with us following this, not directly 17 following this hearing but in the weeks 18 that are following this hearing, to go over 19 in more detail any ideas they have about the rules. 20 21 Just two things that I want to make clear at the beginning. Several groups and 22 23 some social media campaigns have objected 24 to the proposal on the mistaken belief that 25 we're asking for passenger information.

15

As

1	Proceedings
2	the proposed rule stated that was published
3	30 days ago and is still able on our
4	website and makes clear, we are not asking
5	for any passenger information at all.
6	Another thing I'd like to make clear
7	or clarify is several groups bring up an
8	incident involving taxi data from 2013 and
9	some of them mischaracterized the incident
10	as a security breach, so I just want to go
11	on the record to give people an accurate
12	depiction of the incident. At that time,
13	the TLC provided on Open Data taxi trip
14	data including a driver's license number
15	and a medallion number. The agency used a
16	formulation to anonymize the driver license
17	number and the medallion number in order to
18	protect the privacy of the drivers. That
19	anonymization system proved to be not
20	completely safe and an analyst was able to
21	de-anonymize it and identify drivers and
22	medallion numbers. As soon as we learned
23	of this, we took down all driver
24	information and all vehicle information so
25	there is no further numbers up there that

		1
1	Proceedings	
2	could potentially be de-anonymized, and	
3	that's the way our taxi trip data is	
4	currently released on Open Data and it is	
5	exactly the same way our FHV trip data is	
б	released on Open Data.	
7	On open data for the FHVs, what we	
8	provide today is the time of pick-up, the	
9	date of pick-up and the neighborhood or	
10	taxi zone of pick-up, i.e. Sunset Park.	
11	Many of these zones can encompass dozens of	
12	blocks and many are extremely dense. Open	
13	Data drop-off information would be no	
14	different. It would encompass the date and	
15	time and drop-off, and the taxi zone and	
16	that's it.	
17	So with that, I will have Chris do	
18	the formal introduction of the rule and we	
19	have some guests that are under time	
20	commitments so we'll have to push them	
21	forward, but other than that we are going	
22	to stick to the three-minute time limit and	
23	please take advantage of the opportunity to	
24	meet with us in person following the	
25	meeting. We look forward to your comments	

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1	Proceedings	
2	and if there's other ways to get to our end	
3	goal, we're happy to listen to them.	
4	MR. WILSON: Okay. In the interest	
5	of time, we do have a presentation but	
6	we'll do it afterwards so we can	
7	accommodate the speakers.	
8	THE CHAIR: No, we'll do it after	
9	this.	
10	MR. WILSON: Okay. So the rules	
11	were published in the City Record on	
12	December 2nd, 2016 with a comment deadline	
13	of January 2nd, 2017. Numerous written	
14	comments were received which have been	
15	provided to the Commissioners.	
16	THE CHAIR: And so now we'll have a	
17	presentation, a summary of the proposed	
18	rules from Maddie.	
19	MS. LABADIE: Good morning,	
20	Commissioners. My name is Madeline	
21	Labadie. I'm a Senior Analyst here at the	
22	Commissioner's Office at the TLC. Today	
23	I'll be discussing the proposed rule	
24	revision for the Fatigued Driving	
25	Prevention Rules passed at July's	

1 Proceedings 2 Commission Meeting. 3 As you may remember, these rules are a Vision Zero policy. Our previous rules 4 5 only covered yellow taxi drivers, so we 6 sought to improve and expand the rules to 7 combat fatigued driving. Fatigued driving endangers not only 8 drivers, but everyone on our streets. 9 Finding an improved strategy to prevent 10 11 fatigued driving that applies to both taxi 12 and car service drivers was an important step forward reaching our City's Vision 13 Zero goals. 14 15 Research shows that there are two 16 types of fatigue that can affect driving, 17 acute fatigue and chronic fatigue. Acute fatigue, or short-term fatigue over the 18 19 course of a day or so, is linked to an increased risk of being in a traffic crash 20 and slower reaction time to pedestrians in 21 the crosswalk or traffic signals. Over the 22 23 longer term, a lack of adequate rest can 24 build up into a sleep debt, or chronic 25 fatique, which also makes it difficult to

20 Proceedings 1 2 drive safely. Studies show that driving 3 while fatigued is comparable to driving after heavy drinking. 4 TLC staff also found comparable 5 6 hours of service regulations for other 7 transportation industries. Truck drivers and pilots have been regulated but the U.S. 8 DOT since the 1930s and rail workers since 9 1907. 10 11 The Commission passed an initial set 12 of fatigued driving prevention rules on 13 July 18th, and at that time, the Chair delayed implementation pending additional 14 15 analysis and modifications, the reason 16 we're here today. As you may remember, 17 these rules instituted a daily limit of 12 hours of pick-ups for hire and a weekly 18 19 limit of 72 hours of pick-ups for hire. These rules apply to both drivers and 20 21 bases. Drivers would be able to reset their 22 23 24-hour clock after 8 consecutive hours 24 with no trip allowing from more flexibility 25 when drivers want to change their daily

1	Proceedings
2	start times or condense their work over a
3	shorter period when more work is available
4	while still making sure the driver has an
5	opportunity to get a good day or night of
б	rest. The schedules would not count
7	hours the rules would not count hours
8	consecutively given the diversity of
9	driving schedules across the different
10	industry sectors. Instead, only an hour in
11	with which a pick-up occurred counted
12	toward work hours. Enforcement would be
13	done via periodic trip record audits
14	assessing graduated fines.
15	We are proposing modified rules in
16	response to some of the concerns we heard
17	from drivers and some additional analysis
18	of FHV trip data voluntarily provided to
19	the TLC. The proposed rules would only
20	count passenger time, meaning only the time
21	when a driver has a passenger in the
22	vehicle. This calculation does not include
23	time without a passenger, such as driving
24	to a pick-up location, cruising time, rest
25	breaks, or waiting at the airport. In

Proceedings 1 2 addition, if you start your last trip within the hour limits but go over due to 3 traffic or an unexpected and distant 4 location, you will not be in violation of 5 6 the rule. Given this change in 7 calculation, we've reduced the proposed daily time limit from 10 to 12 hours and 8 the weekly time limit from 72 to 60 hours. 9 The 12 hour rule accounted for cruising by 10 11 counting a full hour if it had at least one 12 trip. The proposed 10 hour rule does not account for any cruising time and so 13 logically it is lower. 14 15 To accurately capture passenger 16 time, we are proposing requiring drop-off 17 date, time and location data for all FHV 18 trips. We are also requesting indication 19 of shared rides so we can improve our understanding of multiple-stop trips and 20 the efficiency in which these vehicles are 21 being used. The proposed rules keep the 22 23 8-hour reset, which restarts your 24-hour 24 clock after 8 hours without a passenger, 25 and the summons structure put in place in

1	Proceedings
2	July.
3	This slide shows how counting
4	passenger time would work and how simple it
5	is. This is one driver's first two trips
6	in a day. She picks up her first passenger
7	at 10:02 a.m. and drops him off at 11:07
8	a.m., a trip lasting 65 minutes.
9	Therefore, 65 minutes are counted toward
10	the 10 hour or 600 minute daily limit. She
11	has 535 minutes remaining in this 24-hour
12	period.
13	She picks up her next passenger at
14	11:25 a.m. and drops her off at 12:00 p.m.
15	noon, a trip lasting 35 minutes. As
16	before, this trip counts for 35 minutes
17	toward her daily limit. After this trip,
18	she now has 500 minutes of passenger time
19	left that day.
20	So as mentioned before, this revised
21	rules proposal is based off valuable
22	stakeholder feedback and analysis with
23	additional data points. These modified
24	rules will be easier for drivers and bases
25	to apply. A rule is only going to work to

		24
1	Proceedings	
2	change behavior if it is easy for drivers	
3	to apply and understand. A rule based on	
4	actual passenger time which drivers have a	
5	record of from their fares, their app, or	
6	their in vehicle technology is much easier	
7	to follow.	
8	This proposal and the rules passed	
9	in July both target comparable instances of	
10	excessive driving that risk fatigued	
11	driving. The overwhelming majority of TLC	
12	drivers are safe, but under the current	
13	rule and this proposed rule and following a	
14	period of outreach and education, the	
15	outliers will be identified and receive	
16	penalties to deter this behavior.	
17	For the data requirement: To move	
18	to a passenger-time calculation, TLC needs	
19	drop-off data from the FHV industry. We	
20	are not asking for any personal information	
21	on passengers. Any trip data that TLC	
22	provides to the public will not contain any	
23	driver or vehicle license numbers, and trip	
24	location information would provide	
25	neighborhoods, not specific addresses.	

1	Proceedings
2	Drop-off location helps TLC ensure the data
3	we receive from bases is accurate, keeping
4	bases accountable to their drivers and to
5	the public.
6	Finally, while taxi data has been
7	available since 2009, we have significantly
8	less information about the FHV industry.
9	The addition of drop-off data and shared
10	ride designation will provide crucial
11	information relevant to this rule, general
12	TLC enforcement, analysis and City
13	planning.
14	So as you all know, TLC makes FHV
15	trip records available to the public via
16	Open Data. When we get Freedom of
17	Information Law requests for trip data, we
18	send requesters directly to the Open Data
19	link. These records do not include any
20	identifying information on the passenger,
21	driver or vehicle. The publicly available
22	records are just the first three columns on
23	the left of the table, the dispatching base
24	number, pick-up date, time and location.
25	With the additional trip data this rule

1	Proceedings
2	requires, the new publicly available data
3	will just add the final two columns on the
4	right; drop-off date, time and location.
5	As you can see, the publicly available
6	location is based on neighborhood zones,
7	not precise GPS data.
8	The submission of drop-off data will
9	be simple for bases that already collect
10	this information. However, we understand
11	that it will take time, possibly months, to
12	implement data collection across the entire
13	FHV industry. TLC will support a
14	coordinated effort to assist bases, just as
15	it did when the FHV industry first began to
16	report pick-up information.
17	We will not use financial penalties
18	during this period. As data is produced
19	and analyzed, the TLC will identify drivers
20	and bases that frequently exceed the limit
21	and notify them when a potential
22	problem beforehand of any before any
23	enforcement. Our goal is to reduce risky
24	driving behavior. Before any fines are
25	issued, we will will provide an extensive

Proceedings 1 2 education and outreach campaign to all drivers on the risks of fatigue driving and 3 how to stay within the daily and weekly 4 limits. 5 6 Thank you for your time and I'm 7 happy to answer any questions you might have. 8 COMM. POLANCO: Two things. One is 9 from what I understand correctly, since 10 11 2009, the taxi industry, the yellow taxis 12 have been providing more data than what we are requiring now for the FHV sector, and 13 so not all the data but similar data, 14 15 correct? 16 MS. LABADIE: Correct. 17 COMM. POLANCO: Okay. Great. And the other thing is in terms of 18 19 there have been concern that some of the bases will not be able to provide this data 20 21 unless they incurred tremendous expenses which will be detrimental to the industry. 22 23 How does the TLC been able to resolve that 24 situation in terms of outreach and maybe 25 providing -- I understand that even

1	Proceedings
2	computers were offered and then we find out
3	that they really didn't need it.
4	MS. LABADIE: Yeah. So there's a
5	lot of trip data collection currently
6	happening in on both sides, both pick-up
7	and drop-off in the FHV industry. You
8	know, I think the big leap was getting that
9	pick-up data with location information in
10	the first place two years ago and we've
11	come much further in our technological
12	resources broadly in the regulated
13	industries in the past few years.
14	You know, we're obviously here to
15	support it. Our technology folks and MIS
16	here have done active support helping
17	people submit, and clarify and make sure
18	everything is on board during any trip
19	records submission. So TLC is obviously
20	here to help, you know, smooth the process
21	and make sure that the data collection is
22	sufficient before, you know, any
23	enforcement ever begins.
24	THE CHAIR: Any other questions?
25	COMM. AGUADO: Yeah. If I can

Proceedings 1 2 figure this out. This is advanced technology here. 3 Can you tell me how secure the 4 information is in TLC that you've been 5 6 securing from yellows and others, and what 7 protocols are in place to make sure that the information remains secure? 8 MS. LABADIE: Sure. So TLC -- the 9 trip record data submitted to us for both 10 11 the taxi and the FHV side is encrypted in transit and at rest. TLC is obviously part 12 of the City's very secure network, so we 13 take, you know, cybersecurity very 14 15 seriously here. So I think that we are confident in our ability to maintain, and 16 17 track and keep everything secure, and 18 obviously only publish things that are, you 19 know, at the level needed by the public, not the level needed for enforcement. 20 21 THE CHAIR: Any other questions? 22 (No response.) 23 THE CHAIR: Thank you very much. 24 And with that, we're going to begin 25 our hearing. We're going to start with

1	Proceedings
2	Council Member Brad Lander.
3	Good morning.
4	MR. LANDER: Good morning. Thank
5	you. Nice to see such a good crowd here.
6	Thank you, Chair and Commissioners for
7	holding this important hearing this
8	morning. I'm giving testimony that's from
9	myself as well as Council Members Rose,
10	Levin, Johnson, Rosenthal and Chin. Here's
11	the written testimony.
12	We are testifying this morning to
13	express our support for the Taxi &
14	Limousine Commission's proposed rules, both
15	to better address fatigued driving and to
16	add trip recording requirements for the
17	for-hire vehicles. As you know, and, you
18	know, as we all know, driver fatigue is a
19	serious issue for all of us, but that go
20	on long trips, but of course especially for
21	those who are out there every day driving
22	for a lot of hours that have led to
23	fatalities and that pose risks for New York
24	City residents, and making sure that for
25	for-hire vehicle drivers are not on the

Proceedings 1 2 road for excessive hours is a critical part of the City's Vision Zero effort. 3 We agree with the TLC and key 4 stakeholders, including FHV bases, that 5 6 tracking trip duration is the best way to 7 understand the extent of the issue, and to establish and enforce safe, daily and 8 weekly driving limits. The policy benefits 9 of trip reporting requirements go far 10 11 beyond preventing driving fatigue, one 12 critical things and the reason I'm glad you're taking it up today, but I do want to 13 note the broader benefits the collection of 14 15 that data will help us not only prevent driver fatique but also facilitate other 16 17 critical efforts that I know are important to the TLC and that are important to the 18 19 Council as well as we start to work more aggressively on accessibility requirements 20 21 to ensure that New Yorkers have equitable access to wheelchair-accessible vehicles in 22 23 New York City; as we hopefully work 24 together on new models for providing 25 drivers with portable benefits like health

Proceedings 1 2 and disability insurance, likely to be funded on a per-trip or hours or trips 3 driven charge with a surcharge; street 4 5 enforcement of illegal drop-offs and 6 solicitation in major service areas like 7 airports; as well as investigation of passenger, pedestrian and driver complaints 8 about a particular vehicle, especially 9 given that the FHVs, unlike yellow or green 10 11 taxis, don't have as prominent a medallion number on the roof. For all of those 12 reasons, we think that these trip recording 13 14 requirements are important and we support 15 them. 16 As you know, yellow taxis have had 17 comparable reporting requirements since 2009, and greens shortly thereafter in 18 19 2013. Implementing comparable requirements for FHVs is an important part of 20 21 maintaining fairness across the TLC system, something that's important to you and to us 22 23 and to all the TLC stakeholders. 24 We appreciate the work that the TLC has done to address critical issues of 25

1	Proceedings
2	maintaining privacy and confidentiality in
3	the data that you will be collecting.
4	Obviously this is critical for New Yorkers
5	concerned about privacy and
б	confidentiality. We believe the protocols
7	you've put in place for yellow and green
8	taxis and will be requiring for FHVs will
9	make sure that passengers cannot be tracked
10	or monitored, and that the proposed rule
11	contains the right balance of reporting
12	essential public information without the
13	potential to compromise individual privacy.
14	We're also encouraged by your
15	recognition that FHV bases have varied in
16	capacity to comply with the proposed
17	reporting requirements, depending
18	especially on the size of the base and the
19	technology available. We support your
20	plans to work collaboratively with FHV
21	bases and would encourage you to focus on
22	larger bases first and those that obviously
23	have the technology and capability to
24	comply with the rules before working with
25	smaller bases that have more limited

1	Proceedings
2	capacity, and to bring them online after
3	that.
4	We're also encouraged by the fact
5	that the TLC plans to issue warnings prior
6	to summonses to drivers that exceed driving
7	limits for a couple of months after the
8	rules go into effect in order to help
9	drivers avoid penalties and understand the
10	limits, but also demonstrate the
11	seriousness of the rule, and that there
12	will also be driver education and training
13	materials provided by the TLC during the
14	first few months of implementation.
15	I know that you are getting some
16	push-back on these rules and that is not
17	entirely surprising. As you know, at the
18	Council, we also have experienced that some
19	of the Uber and the other large FHV
20	companies who have this data are reluctant
21	to share it but I think the protocols
22	you've come up with, the security and
23	confidentiality, the ways that you're
24	thoughtful about comparability across the
25	system and the ways that you plan to roll

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1	Proceedings	
2	it out more than offset those concerns, and	
3	that the public benefit of achieving good	
4	driver fatigue rules and the public benefit	
5	of having data that will enable us to make	
6	good public policy on accessibility, make	
7	good policy on driver benefits, make good	
8	policy on enforcement far exceed those	
9	concerns.	
10	And with that, these other five	
11	Council Members and I strongly support the	
12	rule you're considering today. Thank you	
13	very much.	
14	THE CHAIR: Thank you very much.	
15	COMM. MARINO: I just want to point	
16	out to the Councilman and the Chair and my	
17	colleagues that I'm glad you pointed out	
18	that part of what needs to also be taken	
19	into consideration is the drivers and	
20	assisting them and helping to implement	
21	these rules and not just hit them up with	
22	all these burdensome fines right off the	
23	bat, and I think that's important and I'm	
24	happy that we've taken that into	
25	consideration and that you've also	

		30
1	Proceedings	
2	recognized that.	
3	MR. LANDER: Great.	
4	MR. WILSON: Thank you.	
5	The next speaker is Charles Komanoff	
6	from Right of Way.	
7	MR. KOMANOFF: Good morning,	
8	Commissioners. Thank you very much. Good	
9	morning, fellow New Yorkers. My name is	
10	Charles Komanoff. I'm an organizer with	
11	Right of Way, a grassroots citizen	
12	organization that for the past two decades	
13	has been a force in campaigns for safer	
14	streets in New York City. We are known for	
15	imaginative direct actions and painstaking	
16	database analyses that have drawn attention	
17	to the need to hold motor vehicle operators	
18	accountable to exercise due care. Our 1999	
19	report "Killed by Automobile" is renowned	
20	as the first systematic investigation for	
21	any major city of the out-sized role of	
22	driver error in injuring and killing	
23	pedestrians and bicycle riders.	
24	Right of Way strongly supports the	
25	TLC's proposed rule to require for-hire	

Proceedings 1 2 vehicles operated by transportation network 3 companies to report each trip's drop-off information, that's location, date and 4 This would be in addition to the 5 time. 6 pick-up information that yellows and greens 7 already report -- or sorry, that transportation network companies already 8 report, and in addition to pick-up and 9 drop-off information that the TLC already 10 11 receives from yellow and green taxis. 12 Providing the Commission with 13 reliable data for enforcing rules on shift length by requiring that all rather than 14 15 just some for-hire vehicles report passenger drop-off data will give the TLC a 16 17 powerful and much needed tool to enforce shift rules. In turn, addressing and 18 19 reducing driver fatigue will make our streets, roads and sidewalks safer. Not 20 only will it reduce fatigue-related 21 impairment that contributes to crashes, it 22 23 will also help reduce the overall sense of 24 disorder and disarray on our streets that 25 endangers, injures and kills people

1	Proceedings
2	walking, riding bikes and using motor
3	vehicles.
4	The exemption of app-based FHV trips
5	from such a a reporting requirement is
6	an accident of history rather than the
7	result of an informed decision-making
8	process. Today, this loophole is too great
9	to ignore. App-based trips probably
10	account for close to two percent of vehicle
11	miles traveled on city streets in the five
12	boroughs and more than ten percent in the
13	Manhattan central business district. There
14	is no good reason to extend this exemption
15	and there are at least eight-and-a-half
16	million reasons to terminate it. Thank
17	you.
18	MR. WILSON: Thank you.
19	And the next speaker is Amen Ra
20	Mashariki from the Mayor's Office of Data
21	Analytics.
22	MR. MASHARIKI: I have my written
23	testimony here.
24	Good morning, Commissioner. My name
25	is Dr. Amen Ra Mashariki. I'm the City's

1	Proceedings
2	Chief Analytics Officer, as well as the
3	Director of the Mayor's Office of Data and
4	Analytics.
5	Some of the public debate around the
6	proposed rules has been about what
7	information would be made publicly
8	available and I'm here to talk about how
9	Open Data helps all New Yorkers by making
10	City government more transparent, more
11	efficient and more equitable. My office
12	along with the Department of Information
13	Technology and Telecommunications
14	implements the City's Open Data Law.
15	Local Law 11 of 2012 more commonly
16	known as the "Open Data Law" mandates that
17	City's release this City releases all of
18	its public data by the end of 2018. The
19	promise of Open Data is it that equips
20	anyone who wants it with knowledge that
21	allows them to take action on their own
22	behalf. This is why in July of 2015, the
23	DoITT Commissioner Anne Roest and I
24	committed to Open Data for All, a vision
25	that every New Yorker, not just the tech

Proceedings 1 2 savvy, can benefit from Open Data. 3 The Taxi & Limousine Commission has been one of our strongest agency partners 4 in Open Data for All. Consider a few 5 6 benefits of Open Data and how TLC has been 7 a standout example in realizing them. In August, 2015, TLC published over six years 8 of records on rides taken in green and 9 yellow taxis. Previously, TLC would 10 11 respond to request for this data by loading 12 it onto physical hard drives, but publishing it to Open Data has cut down on 13 the time and resources it takes to fill 14 15 one-off requests. This is a great example 16 of how Open Data and TLC are partnered to 17 drive efficiency. 18 We don't always know what's valuable 19 in our data but users often do. TLC data sets are some of the most popular on the 20 21 portal and are a staple to those in the civic hackers in New York City and beyond. 22 23 Just this week, MIT's Computer Science and 24 Artificial Intelligence Laboratory 25 published a study using TLC data to suggest

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1	Proceedings	
2	that all of New York City's demand for ride	
3	shares could be serviced by 3,000	
4	carpooling vehicles and a computer	
5	algorithm, with wait times averaging less	
6	than three minutes. This is an example of	
7	how TLC and Open Data partnered to drive	
8	community data science.	
9	High-profile data breaches in the	
10	public and private sector have rightly	
11	elicited unease, but municipal governments	
12	in general, and New York City in	
13	particular, have sustained a good track	
14	record. Security and privacy is a top	
15	priority for Open Data. Before the initial	
16	public release of for-hire trip data, TLC	
17	consulted my office and other data experts	
18	to determine what should be released,	
19	ultimately deciding to aggregate trip	
20	locations to the neighborhood level rather	
21	than release exact pick-up locations.	
22	Open Data lies at the nexus of 21st	
23	Century digital services, public	
24	transparency, cutting-edge civic analytics,	
25	and we are constantly seeking to empower	

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1	Proceedings	
2	all New Yorkers with new high-quality data.	
3	I'd like to thank TLC for the	
4	invitation to testify today and for it's	
5	continued partnership on Open Data.	
б	MR. WILSON: Thank you.	
7	And the next speaker will be Will	
8	Carry from the New York City Department of	
9	Transportation.	
10	MR. CARRY: Good morning,	
11	Commissioner Joshi and Members of the Taxi	
12	& Limousine Commission. I am Will Carry,	
13	Senior Director for Special Projects at the	
14	New York City Department of Transportation.	
15	I am here today to speak in favor of the	
16	proposed rule changes.	
17	DOT's core mission is to advance	
18	Vision Zero, the City's multi-agency	
19	initiative to eliminate deaths and serious	
20	injuries from traffic crashes. As DOT	
21	testified at your June 23rd hearing, we	
22	strongly support TLC's efforts to prevent	
23	serious crashes caused by fatigued driving.	
24	Driving is a complex activity	
25	involving a constant interplay of visual,	

1	Proceedings
2	cognitive and manual tasks, and navigating
3	the streets of New York requires
4	extraordinary levels of vigilance and
5	patience. Fatigue can seriously degrade
6	the skill of any driver, including
7	experienced taxi and FHV operators.
8	Several national studies have found that
9	fatigue is a major contributor to crashes
10	that result in serious injury or death.
11	These results have been confirmed by a TLC
12	analysis which found that the likelihood of
13	a driver being involved in a crash
14	increased the longer that driver was behind
15	the wheel.
16	TLC's updated trip reporting rules
17	will enable TL the agency to better
18	track the hours worked by taxi and FHV
19	drivers and more easily enforce its
20	fatigued driver rules. These measures will
21	improve safety for FHV operators and
22	passengers, as well as pedestrians,
23	cyclists and motorists.
24	The new data required by these rules
25	will also provide important traffic

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Proceedings 1 2 management benefits. Since 2009, DOT has used yellow taxi trip records to analyze 3 traffic conditions in Manhattan, including 4 average traffic speeds and congestion choke 5 6 points. This data has enhanced the 7 agency's capability to manage our street network and implement a variety of 8 projects, including select bus service 9 routes, protected bike lanes, and to 10 11 conduct Vision Zero corridor analyses. Currently, TLC only requires FHV 12 bases to report the origin point of trips. 13 With data on FHV trip destinations, DOT 14 15 will have access to a data set of 16 comparable quality to the yellow and green 17 fleets. This new data will improve the 18 accuracy and expand the coverage of traffic 19 data across the five boroughs, enabling DOT to better plan safety, bus priority and 20 congestion reduction projects. It will 21 also allow DOT to better understand the 22 23 rapidly changing nature of the taxi and FHV 24 market.

New York City's population,

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employment and tourism have increased to	
record highs. To continue to accommodate	
our growth, the City needs to use all	
available data sources, including taxi and	
FHV trip records to plan for the efficient	
use of our streets.	
For these reasons, DOT strongly	
urges the Commission to approve these	
measures. Thank you.	
MR. WILSON: Thank you.	
And the next speaker is Mike Geraci	
from National Highway Transportation	
Safety.	
MR. GERACI: Good morning, and thank	
you for your invitation. I am Michael	
Geraci, Regional Administrator for Region 2	
of the National Highway Traffic Safety	
Administration.	
Fatigue is an inescapable biological	
phenomenon with profound effects on the	
mind and body. Whether fatigue is caused	
by the lack of sleep from a late shift at	
work or a baby crying all night, the	
negative ramifications are the same.	
	<pre>employment and tourism have increased to record highs. To continue to accommodate our growth, the City needs to use all available data sources, including taxi and FHV trip records to plan for the efficient use of our streets. For these reasons, DOT strongly urges the Commission to approve these measures. Thank you. MR. WILSON: Thank you. And the next speaker is Mike Geraci from National Highway Transportation Safety. MR. GERACI: Good morning, and thank you for your invitation. I am Michael Geraci, Regional Administrator for Region 2 of the National Highway Traffic Safety Administration.</pre>

1	Proceedings
2	Fatigue does not just cause you to fall
3	asleep at the wheel. It causes impaired
4	decision making, attentional lapses,
5	impaired reaction time, and can be every
6	bit as serious as distracted or alcohol
7	impaired driving.
8	Fatigue, without question, can lead
9	to serious automobile crashes, accidents at
10	work and other physical and mental health
11	consequences. The longer someone remains
12	awake, especially during the night and
13	early morning, the more likely the negative
14	outcomes become. Fatigued drivers come
15	from every race and ethnicity, gender, age,
16	income, education level and employment
17	status. Once sleepy, everyone experiences
18	an increased risk of crashing, regardless
19	of background or whether they feel fatigued
20	or not.
21	Fatigue has costly effects on the
22	safety, health and quality of life of the
23	American public. Our best estimate of
24	drowsy driving crashes is that 7 percent of
25	all crashes and 16.5 percent of fatal

1	Proceedings
2	crashes involve a drowsy driver. This
3	estimate suggests that over 6,000 people
4	died in drowsy driving-related motor
5	vehicle crashes across the United States
6	last year. Fatal and injury drowsy driving
7	crashes lead to a cost of approximately
8	\$109 billion of societal harm. Some
9	researchers feel that this may still be an
10	underestimate. These costly direct affect
11	the families and businesses bottom line.
12	Addressing these issues is difficult
13	when our financial needs and values
14	frequently do not align with avoiding
15	drowsy driving. In a 24/7 society, with
16	growing commutes and a greater emphasis on
17	work, many people do not get the sleep they
18	need. Effectively dealing with drowsy
19	driving problem requires a broad range in
20	change in societal norms, especially about
21	our attitudes in drowsy driving. City,
22	State and Federal Government fatigue
23	management regulations and policies are an
24	important and effective first step
25	addressing this serious issue.

1	Proceedings
2	We applaud the New York City Taxi $\&$
3	Limousine Commission for their attention to
4	and work on the important issue of fatigued
5	driving. We encourage businesses, whether
б	they have thousands of drivers or only a
7	single person, to manage the impact of
8	fatigue, even when driving within the legal
9	constraints. Businesses should also ensure
10	they investigate incidents that may be
11	fatigue-related and make changes to their
12	own policies to avoid the same issue
13	happening in the future. Fatigue risk
14	management is an active and on-going
15	process that if done well, can help
16	businesses provide a safer environment for
17	the workforce and consumers.
18	Thank you for inviting NHTSA to
19	provide comments about the dangers of
20	fatigued driving.
21	THE CHAIR: Thank you very much.
22	MR. WILSON: Thank you.
23	And the next speaker is Michael
24	Cohen.
25	(No response.)

Proceedings 1 2 MR. WILSON: Just in the interest of time while they're finding him, let's call 3 the next speaker who is David Beier. 4 MR. BEIER: Good morning. I am both 5 6 Counsel to and President of the Committee 7 for Taxi Safety which is an industry group comprised of licensed lease agents 8 representing owners of approximately 2,500 9 medallions and the 5,000 drivers who drive 10 11 for us. We have previously submitted 12 comments with reference to the proposed regulations concerning fatigued driving. 13 I will highlight some of those comments at 14 15 this time. Basing calculation of driving time 16 17 on trip or fare duration ignores total time behind the wheel, such as time spent in 18 19 traffic which often is the most fatigue-inducing driving of all. Whether 20 21 or not a passenger is in the vehicle is totally immaterial to fatigue caused by 22 23 driving. These rules would allow a driver to 24 25 drive 16 or more hours per day. As an

1	Proceedings
2	example, of the 10 hour limitation per day
3	for drivers is reset after the driver takes
4	an 8 hour break, so a driver could drive
5	from 12:00 a.m. to 10:00 a.m., the 10
6	hours, take an 8 hour break until 6:00
7	p.m., and then drive from 6:00 p.m. until
8	12:00 p.m. Of course if the driver does
9	not have a passenger in the car for each
10	minute of those 16 hours, then the driver
11	can be on the road for even more than the
12	16 hours each day, which is clearly
13	contrary to the very purpose of these
14	rules.
15	Additionally, these rules will
16	encourage illegal pickups by their
17	calculation of driving time as passenger
18	time only. Drivers will want to avoid
19	utilizing the meter or an e-hail app to
20	pick up passengers so that the driving time
21	in which no passenger is recorded as being
22	in the car is not counted as driving time.
23	Moreover, once again, this Commission
24	creates, promotes and sustains an unlevel
25	playing field that clearly favors for-hire

Proceedings 1 2 drivers and companies because the result of these rules will be that e-hail drivers 3 will be able to drive more hours than taxi 4 drivers because many e-hail drivers -- many 5 6 e-hail rides are to the outer boroughs and 7 airports and return trips and time would not be counted as driving time. 8 This therefore benefits e-hail providers giving 9 them yet another competitive advantage in a 10 11 long list of competitive advantages that 12 this Commission has bestowed upon them. And then the Commission proposes 13 that the enforcement by delayed. It states 14 15 it will first work with FHV bases to help 16 them meet the trip data reporting 17 requirements with no time limit set for how long that period of help will be, and then 18 19 after providing time to help meeting the reporting requirements, this Commission 20 21 also proposes that after these reporting requirements are finally met and before any 22 23 summonses are issued, that it will issue 24 warnings for several months to drivers and 25 bases that exceed the daily or weekly

1	Proceedings
2	driving limits. There simply is no excuse
3	for delaying the issuance of summonses.
4	As to the data reporting of itself,
5	the bases should be required to provide not
6	only information with reference to dispatch
7	calls but data relating to the vehicle
8	location at any time the driver is logged
9	into the ride share platform. If safety is
10	the goal as stated, then make the
11	regulation meaningful. Driving time is
12	driving time and fatigue is fatigue.
13	Whether a passenger is in the vehicle or
14	not has absolutely no relevance.
15	Accordingly, we believe that the
16	Commission if the Commission is going to
17	promulgate a rule, then it should be
18	effective, clear and simple to enforce. 12
19	hours a day, 7 days a week, no exceptions.
20	What can be easier and for effective than
21	that?
22	As said, we have previously
23	submitted written comments and we refer the
24	Commissioners to those comments. We would
25	be glad to meet with individual

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1	Proceedings	
2	Commissioners or this Commission to further	
3	discuss our concerns. Thank you.	
4	MR. WILSON: Thank you.	
5	And the next speaker is Avik	
6	Kabessa.	
7	MR. KABESSA: Good morning. Livery	
8	Round Table objected to the original rules	
9	but when it passed, we looked to help our	
10	members comply. However, before the TLC	
11	even tried to assess the effectiveness of	
12	the current rule, it is looking to change	
13	the rule to something monstrous in nature.	
14	Now, I'm sure you all think it's an	
15	inflammatory statement but it's only	
16	because the TLC did not describe the	
17	changes they are looking implement, so	
18	allow me to do so.	
19	Under the current rule, a pick-up is	
20	counted as one hour, therefore a base needs	
21	to only log the pick-up time and the trip	
22	is an hour. That makes determining the	
23	cutoff point for the driver easy. Once the	
24	count reaches twelve trips, the day of the	
25	driver is done. So that also means that	

1	Proceedings
2	the technology cost, the cost for the
3	technology is still high but not sky high.
4	The story is completely different when it
5	comes to counting driving hours.
6	First, bases will need a dispatch
7	software that can monitor that has to
8	monitor each dispatch for each driver
9	before dispatching it to make sure it
10	doesn't pass the allowed time. This is no
11	longer just a simple report. It requires a
12	live interactive system that can block a
13	dispatch and alert the base of passing the
14	time.
15	Next, and more complicated
16	THE CHAIR: Could I just ask one one
17	question?
18	MR. KABESSA: Just don't take my
19	time from me.
20	THE CHAIR: I know. Delete it from
21	your time. It's like in court, you know,
22	your clock is still is stopped.
23	Just real quick, wouldn't under the
24	old system a base still have to have a
25	system to track every time they send out,

1	Proceedings
2	even if the methodology is different, the
3	principle remains the same, that this puts
4	an onus on the base to monitor the number
5	of hours their drivers are driving?
6	MR. KABESSA: In a much yes. And
7	I said, talking about the technology cost
8	is much simpler because counting it as one
9	hour, IT-wise it's much easier to do, and
10	let me get to the most complicated factor.
11	COMM. MARINO: Could I just ask
12	MR. KABESSA: Yeah, please.
13	COMM. MARINO: Before you continue
14	because I'm what do you mean can block
15	the dispatch?
16	MR. KABESSA: If I'm about to
17	dispatch a trip to you, that system can no
18	longer count on the report that's generated
19	at the end of the month. It has to count
20	how many hours you drove and not allow the
21	dispatch to you if you're on the overtime.
22	This is no longer something that you can do
23	retroactive and hope for the mercy of the
24	TLC. Okay.
25	THE CHAIR: I may be a little

Proceedings 1 2 confused. The principle is that bases are 3 responsible for not dispatching drivers for over the allowable limits and that is 4 simply because if drivers will reach a 5 certain point of fatique, the base, as part 6 7 of their responsibility as a licensee, shouldn't continue to dispatch. 8 There is an exception in the rule that if you're on 9 your last trip and you go over the hour, 10 11 you're not expected to just cut off your 12 trip in the middle and kick the passenger out, you're allowed to continue your trip, 13 and that is a defense to -- it's not even a 14 15 defense, we won't prosecute that because 16 it's a codified exception. 17 MR. KABESSA: I beg to differ on 18 that answer. You may do not prosecute that 19 as an overtime on that daily trip, but you will prosecute that on the accumulated 20 21 driving hours if you check your rules, 22 so --23 That's something we're THE CHAIR: 24 happy to discuss with you if that's a point 25 of -- and I'm glad you're raising it now.

Proceedings 1 2 MR. KABESSA: And I want to get to 3 this because the most important thing I want you guys to understand, this is no 4 longer a report. This is an interactive 5 6 live system. Now, I want to go back. 7 So next, and the most complicated, the system will need to determine what to 8 do when the driver has already driven for 8 9 or 9 hours because that's no longer 10 11 counting how many drivers -- how many hours 12 were driven. Now they have to assess how many -- how long this dispatch trip is 13 going to take, and the only way you're 14 15 going to do that is if you create an API 16 with Google or Waze, okay, because then we 17 can only give you the estimated time of 18 driving. I can tell you --19 THE CHAIR: Waze like I have on my 20 phone --MR. KABESSA: Stop my time. 21 THE CHAIR: -- before I go somewhere 22 23 I can look quickly on Waze and see how long 24 it will take? Is that what you're 25 suggesting, making that coordination?

Proceedings 1 2 MR. KABESSA: No. Remember, we're 3 not dispatching one trip every five minutes. We're trying to dispatch one trip 4 every five seconds. So the system will 5 6 have to query Google Maps or Waze and say 7 I'm about to dispatch a trip from point A to point B, how long is it going to take, 8 then calculate how long I have driven and 9 see if I'm over that. This is not a simple 10 11 report. This is the most important thing. 12 And I will tell you this, Commissioner, no 13 existing software that I'm aware of, 14 15 including Carmel has those features. COMM. MARINO: Well, how do the 16 17 yellows do it then? 18 MR. KABESSA: The yellows, that's a 19 misconception. They yellows do not --They'll get a report and 20 THE CHAIR: 21 the driver can track. And bases dispatch several drivers so if the driver works for 22 23 multiple bases, the accounting will more likely be on the driver's end because if 24 25 they're taking dispatches from multiple

1	Proceedings
2	bases they're responsible for their own
3	hourly limit, which if they're working for
4	multiple bases, they'll hit well before any
5	base hits an hourly limit.
6	MR. KABESSA: And with all due
7	respect, Commissioner, the taxi driver
8	would get the summons in that case, not the
9	taxi base. Okay. So that's very
10	important. That onus can exist on any
11	livery driver if we want to do it.
12	So it's important to understand,
13	Commissioners, no software, no current
14	software has those features and it's going
15	to cost thousands, tens of thousands in
16	some cases to comply. I can safely tell
17	you from the Livery Round Table stand, 95
18	percent of our members won't be able to
19	afford it.
20	Now, what it means is that again,
21	Commissioners, unfortunately, summonses
22	will be issued for noncompliance, not for
23	drivers driving overtime, and we need to
24	not give a hand to this.
25	So what I would like to ask and to

Proceedings 1 2 offer is to do two things before you vote on those changes. First -- and by the way, 3 many speakers spoke in favor of protecting 4 against fatigued driver. This is not the 5 6 question at hand. You had passed a law in 7 July that protects against fatigued driver. Okay. I'm asking the following: Implement 8 the current rule as it is and assess the 9 results, that's number one. Number two, 10 11 use some of the bigger bases, and I'm 12 volunteering Carmel, to try both systems and then assess if indeed we could have 13 missed the fatigued driver doing it your 14 15 current -- your proposed way. Maybe the difference between the current way and the 16 17 proposed way is null. So do it before you 18 subject the industry for such a big fine 19 because it's a huge financial burden, and if you do an API guys, it's not only the 20 21 the initial 10,000, it's a recurring monthly cost. I'm not underestimating 22 23 three percent of people that do it, but 24 maybe there's no need to.

THE CHAIR: I appreciate your

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1	Proceedings	
2	comments and your offer, and I acknowledge	
3	that there are costs, just as there were	
4	costs with the yellows and the greens, the	
5	initial cost of the equipment and the	
6	monthly charge but we welcome the	
7	opportunity to talk with you more about	
8	your ideas.	
9	MR. KABESSA: Yeah. The Livery	
10	Round Table is requesting a meeting with	
11	you, so thank you.	
12	MR. WILSON: Thank you.	
13	And the next speaker is Effie Dror.	
14	MR. DROR: Good morning,	
15	Commissioners, and fellow New Yorkers. My	
16	name is Effie Dror and I am the Fleet	
17	Management Analyst for Datatrack247.	
18	COMM. MARINO: For what?	
19	MR. DROR: Datatrack247.	
20	Datatrack is it a technology-based	
21	company that offers management solutions	
22	for fleets of vehicles and we have a	
23	30 years personal connection and experience	
24	within the New York City industry assisting	
25	and working with the Taxi & Limousine	

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Proceedings 1 2 Commission and other private entities. I'm glad to follow Avik Kabessa because we do 3 understand the needs for engaging and 4 providing better and secured roads for our 5 6 fellow New Yorkers, whether they're 7 pedestrians, or bike drivers, or fellow truckers. However, two years ago we were 8 presented with information that Vision Zero 9 was being enacted and adopted by the 10 11 Commission and we have participated in the 12 last two years providing data and information resulting from technological 13 solutions. 14 15 Our 30 years experience within the 16 market have proven that we are able or 17 there are simple, affordable technological 18 solutions that provide descript data and at 19 the same time cover every angle from driver fatigue, driver behavior, active driver 20 21 modification system and so forth. So the technology is available. It's been working 22 23 in the field for at least five or six years 24 in New York City and actively producing great results with a great ROI factor for 25

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2	any participant company eventual and
3	utilize the technology.
4	The question is, why would driver
5	fatigue, which is a natural component of
6	driver behavior or Vision Zero, would not
7	be culminated together under the same plan?
8	We've already been working with the
9	Commission's office for the past two years
10	providing important pertinent data and we
11	were able to show how technology able to
12	change, educate and alter the behavior of
13	actual drivers engaging on the road for the
14	past two years. So the question is, why
15	would the driver fatigue be so convoluted,
16	complex and wouldn't be apart of the
17	proposed technology that comes with Vision
18	Zero initiative?
19	THE CHAIR: So I just want to
20	clarify. So your question is actually one
21	of sort of looking even more forward,
22	rather than methodology where individual
23	bases choose how they comply with or how
24	they run the methodology to comply with the
25	rule, you're suggesting that there be a

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1	Proceedings	
2	technological solution that's required	
3	which does the methodology automatically so	
4	it doesn't manually have to happen?	
5	MR. DROR: Correct. It's already	
6	here. It's already been working for the	
7	past four or five years in this particular	
8	market incorporating driver fatigue, driver	
9	behavior, trip rec electronic descript	
10	trip records and everything else, very	
11	inexpensive, very affordable.	
12	THE CHAIR: So, I mean, one thing is	
13	I don't know that we actually would	
14	prohibit anyone from taking advantage of	
15	existing technology that would alleviate	
16	them having to actually manually figure out	
17	driver hours today. Nothing in our rules I	
18	think prohibits that. Whether it's	
19	mandated or not is a larger question and I	
20	think that's the one you're bringing up.	
21	MR. DROR: Sure. As the technology	
22	providers, we just can't figure out why	
23	won't we incorporate technology which gives	
24	us descript complete monitoring of the	
25	system and the rules proposed herein rather	

Proceedings 1 2 than going into convoluted procedures and trying to enact and see how they work for 3 the market, how they work for the fellow 4 operators and for the Commission and for 5 6 the City itself. 7 THE CHAIR: Thank you very much for 8 your comments. Thank you. 9 MR. WILSON: And the speaker is Jarret Hova. 10 11 MR. HOVA: While we check the 12 overflow room in the interest of time, let 13 me just call the next speaker, Lauren Smith. 14 15 MS. SMITH: So thank you to the TLC 16 for the opportunity to speak today. My 17 name is Lauren Smith, and I'm a Policy Counsel at the Future of Privacy Forum. 18 19 FPF is a non-profit in Washington that serves as a catalyst for privacy leadership 20 21 and scholarship, and advances principle data practices in support of emerging 22 23 technologies. We believe that the power of 24 data for good is a net benefit to society, 25 and that it must be well-managed to control

1Proceedings2risks and offer the best protections and3empowerment to consumers and individuals.4Last week, FPF submitted comments to5the TLC in partnership with four other6leading groups: The Center for Democracy7and Technology, the Electronic Frontier8Foundation, the Constitution Project, and9Tech Freedom. These organizations all10wrote to highlight the significant privacy11risks posed by the addition of more data12reporting requirements to for-hire vehicle13bases.14In the letter, we made three15recommendations that we think are crucial16to mitigate the privacy risks posed by this17rule. We call on the TLC to take three18steps. First, to tailor the data19collection more narrowly to the stated20purpose by focusing on trip duration rather21than the location of trips. Second, to22collect less precise, more general23geographic information. And third, to24enact policies and procedures that detail25the privacy and security protections for		
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such sensitive data.	
COMM. MARINO: May I just interrupt	
for one second? Your second one, collect	
less precise, I mean, it's already not	
really precise, isn't it? I mean, the	
drop-off is just a general area, so how	
much less precise can you get than that?	
THE CHAIR: What's available on Open	
Data and through FOIL is a taxi zone, so	
that's a neighborhood that covers several	
blocks.	
MS. SMITH: But we're saying that it	
should be collected at that level as well,	
whereas what I believe what you'd be	
collecting is more precise.	
THE CHAIR: It would be difficult to	
achieve the purpose of auditing the rule if	
the drop-off was say Sunset Park. It's a	
large neighborhood and the duration of a	
trip could vary vastly depending on what	
part of Sunset Park we were talking about.	
So I take your point that you would like us	
to collect less granular level for a host	
of reasons but most importantly particular	
	<pre>such sensitive data. COMM. MARINO: May I just interrupt for one second? Your second one, collect less precise, I mean, it's already not really precise, isn't it? I mean, the drop-off is just a general area, so how much less precise can you get than that? THE CHAIR: What's available on Open Data and through FOIL is a taxi zone, so that's a neighborhood that covers several blocks. MS. SMITH: But we're saying that it should be collected at that level as well, whereas what I believe what you'd be collecting is more precise. THE CHAIR: It would be difficult to achieve the purpose of auditing the rule if the drop-off was say Sunset Park. It's a large neighborhood and the duration of a trip could vary vastly depending on what part of Sunset Park we were talking about. So I take your point that you would like us to collect less granular level for a host</pre>

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2	auditing for fatigue driving, I'm not sure
3	it would be helpful.
4	MS. SMITH: So we would, and I
5	believe the other groups as well, would be
б	happy to engage in a dialogue about what
7	would be the best way to approach defining
8	the granularity of that data. There are
9	certainly other standards such as in HIPAA
10	and other sort of well-established
11	regulation that could help guide that, that
12	could help both protect consumers as well
13	as more accurately sort of achieve the
14	goals of the rule without going overly
15	broad.
16	THE CHAIR: Well, as I said in the
17	beginning, I look forward to continued
18	meetings on this and look forward to your
19	ideas.
20	MS. SMITH: Great. We do as well.
21	Thank you.
22	So location data can be highly
23	sensitive information. These additional
24	data points pose particular risks in light
25	of the TLC's existing data collection,

1	Proceedings
2	given that FHV bases must already report
3	the date, time and location of the
4	passenger pick-ups. With the addition of
5	drop-off data as proposed by the rule, the
6	TLC's data set would provide the TLC and
7	the public with a comprehensive view of the
8	movements of individual New Yorkers.
9	THE CHAIR: And that one I have to
10	beg to differ. I don't know if you caught
11	the beginning of my speech with that
12	clarification. Can you describe to me how,
13	with my clarification, that our what we
14	would put on Open Data would provide a
15	comprehensive look of an individual trip?
16	MS. SMITH: Yes. So the next
17	section will address that and then I'm
18	happy to respond after if that works.
19	THE CHAIR: Sure.
20	MS. SMITH: So we understand that
21	the Commission has proposed this rule
22	change in order to reduce the risks
23	associated with fatigued driving but the
24	TLC could better pursue this goal by
25	collecting trip duration. Troublingly, the

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1	Proceedings	
2	proposed rules are also unclear on how this	
3	new information about passenger drop-offs	
4	could be shared among City departments.	
5	Clear rules must be established to address	
6	potential access to the data by other	
7	agencies and law enforcement. Law	
8	enforcement access to such data about	
9	citizens in particular can raise serious	
10	Fourth Amendment concerns.	
11	Data collected by the TLC, as you	
12	mentioned, can also be subject to New	
13	York's Freedom of Information Law. And	
14	acknowledging the discussion earlier, the	
15	TLC has previously released similar data in	
16	response to Freedom of Information	
17	requesters, and requesters have	
18	de-anonymized the data and made it easily	
19	accessible to anyone with an Internet	
20	connection.	
21	THE CHAIR: Just to clarify, I said	
22	in the beginning we are not releasing	
23	driver information or vehicle information.	
24	Those we at issue. So again, I ask you	
25	without driver information, without vehicle	

1	Proceedings
2	information, without any passenger
3	information which we absolutely do not
4	collect and with only a drop-off and
5	pick-up location that are a taxi zone
6	encompassing dozens of blocks and New York
7	is dense, there's lots of people on every
8	block, how is that giving a comprehensive
9	view of an individual trip?
10	MS. SMITH: So we do appreciate the
11	steps that have been taken since that
12	prior that prior FOIL request and do
13	think that these are positive steps in
14	terms of what is released. Studies have
15	demonstrated that even de-identified data
16	can be reverse engineered to reveal
17	passenger names
18	THE CHAIR: But there's no data to
19	de-identify. When we say we don't give out
20	a driver number, there's nothing to
21	de-identify. We don't give out the number.
22	MS. SMITH: So studies that look at
23	transportation and location histories over
24	time, now that we can have bigger and
25	bigger data sets, studies have been able to

Proceedings 1 2 re-identify individuals, not necessarily with your data set but in general and we're 3 happy to send along studies that --4 THE CHAIR: I would love to see 5 6 those where the locations were large 7 neighborhoods, and if you have examples of that we'd be happy to look at them. 8 MS. SMITH: Okay. And again, I 9 think that the steps that have been taken 10 11 to limit what is released are absolutely 12 positive ones and certainly reduce the fear that we had sort of initially reading the 13 rule. I would say that even the existence 14 15 of more granular data sets creates a risk 16 and, you know, by adding this drop-off time 17 and location so that you not only have pick-up exact -- precise pick-up time and 18 19 location as well as precise drop-off time and location in an existing data set, the 20 21 privacy risk posed by this grows 22 substantially. Essentially, even with robust 23 24 de-identification, which honestly a lot of 25 folks in the privacy community don't

1 Proceedings 2 believe is even fully possible --THE CHAIR: And is irrelevant as I 3 said in this situation because we're not 4 providing driver, or vehicle or any 5 6 passenger information. 7 MS SMITH: So our concern is not solely with the data this is officially 8 released. Our concern also applies to the 9 existence of a data set with this level of 10 information and both it's existence as well 11 12 as the security practices that would be taken around it, as well as whether it 13 would be shared internally within 14 15 government at a higher level of detail. 16 Again, security experts, many of them don't even believe that de-identification can be 17 possible, and, you know, as we see the, 18 19 sort of the rate of data collection and study is often outpacing our ability to 20 21 secure such data, and, you know, as time moves forward, those technologies advance 22 23 significantly. 24 So again, we're certainly happy to 25 engage in a dialogue, but we think that

Proceedings 1 2 having a policy that would follow those three recommendations would be more likely 3 to prevent security risks, prevent both 4 breaches, as well as other incidents that 5 6 could reveal information about passengers. 7 And, you know, I doubt that if we had this -- you know, we initially pushed back 8 against the initial rule that called for 9 the collection of pick-up time and location 10 11 data, and the addition of drop-off data 12 sort of makes it much easier to connect those dots, I doubt that if we had talked 13 to the TLC prior to that FOIL release 14 15 earlier, I'm sure that the answer might 16 have been that they secure the data and 17 take seriously the projection of the data, but as time advances we see that data 18 19 security and protection is incredibly important, but the more data points that 20 21 you have in a data set, the greater the risks are. Even in, you know, other areas 22 23 of car data that we work on, sort of 24 behavioral driving information which is the 25 rate at which you drive your car, the

Proceedings 1 2 number of times that you brake heavily, information like that that would not seem 3 identifiable to a casual observer. As 4 5 there is more and more of that type of data 6 collected, there have been studies found 7 that that information about driving habits, if you plug into a carport and collect that 8 information can be as identifying about a 9 driver as a fingerprint. 10 11 THE CHAIR: So I quess we have to dear the automated vehicle which will 12 collect all of that. 13 MS. SMITH: So my point would be 14 15 that the more sensitive data points that 16 you collect in a database, the greater the 17 risks. And given that this is a set of information that can reveal serious 18 19 information about the day-to-day habits and movements of New Yorkers, which we consider 20 to be more location data is considered in 21 the privacy community to be much more 22 23 sensitive than other information, we think 24 that the risk that is created by this 25 database would be unnecessarily high and

1 Proceedings 2 doesn't --3 THE CHAIR: So in the interest of time because it's three minutes, we'll 4 definitely love to meet with you more and 5 6 give you -- I think there's definitely some 7 miscommunication on what exactly we do which may help guide your further thoughts 8 on this issue, but we look toward to 9 hearing your comments in more detail in 10 11 person. 12 MS. SMITH: Great. Thank you. 13 MR. WILSON: Thank you. And I'm told that Jarret Hova is 14 15 here. 16 MR. HOVA: Good morning, 17 Commissioners. My name is Jarret Hova and I am the Policy Director for Tech:NYC. 18 19 Tech:NYC is a coalition of technology companies working to strengthen the 20 21 connection between New York's technology industry and its law and policy makers, 22 23 with the ultimate goal of ensuring that New 24 York is the best place to grow and develop 25 a technology company.

1 Proceedings 2 I am here today to share feedback on 3 the proposed fatigue regulations. We support the comments and positions of our 4 several member companies who will testify 5 6 today and likely have already submitted 7 letters to the agency, but want to speak independently to provide a slightly 8 different perspective, that of the broader 9 technology industry here in New York. Like 10 11 many others here today, we support TLC's 12 goals to reduce driver fatigue and its 13 proposal to limit driver hours. But we have significant concerns about the 14 15 data-sharing component of the proposed rule 16 and we respectfully respect that the rule 17 be amended to omit any request for location drop-off data and information on shared 18 19 rides. I'm going to jump around a little 20 21 bit on my testimony because I think we've addressed some of the things that I was 22 23 planning to talk about. 24 The first thing that I'd like to say 25 is it goes without saying that the

Proceedings 1 2 proliferation of technology has vastly increased the amount of personal data that 3 entities, both public and private, can 4 access. That data can include some of the 5 most private personal matters, such as home 6 7 addresses, medical situation, financial information and family affairs. For this 8 reason, it is crucial that the institutions 9 protect their users' data and ask for only 10 11 as much information as is necessary to 12 achieve the underlying goal. This is true for companies, NGOs and government alike. 13 Against this backdrop, government 14 15 must have a valid justification for 16 accessing private data in the first place, 17 tailoring all requests for data narrowly to the government's objective, and balancing 18 19 those objectives against the risks to the public. In this case, while we again agree 20 21 that diminishing driver fatigue is a valid goal, we do not believe the TLC has made 22 23 the case that the agency needs pinpoint drop-off data for all FHV rides to reduce 24 25 driver fatigue. TLC can make the

Proceedings 1 2 determination in question, the duration of a driver's shift, by requiring only 3 duration information and not also requiring 4 pinpoint drop-off location data. In fact, 5 6 in its own Statement of purpose -- of Basis 7 and Purpose, TLC states that the duration of trips and not the pick-up and drop-off 8 data accurately identifies a driver's risk 9 of fatique and makes it easier to track 10 11 drivers' hours for purposes of compliance. The second issue I'd like to address 12 is again, something that's specific to the 13 area of concern that we have which is 14 15 proprietary business information. We have concerns that the information sharing 16 17 required by the regulation --COMM. MARINO: Can I just ask you a 18 19 question? MR. HOVA: Yes, of course. 20 21 COMM. MARINO: So you're saying that basically only the time matters and not the 22 23 locations, correct? 24 MR. HOVA: That if you have the 25 start time and you also have the completion

Proceedings 1 2 time, that the specific drop-off location is irrelevant if what we're trying to do is 3 determine the amount of time that a driver 4 is driving. 5 6 COMM. MARINO: But how would we 7 obtain that? MR. HOVA: The regulation already 8 asks for the drop-off time. TLC is already 9 receiving the pick-up time and all we're 10 11 requesting for is to omit the requirement 12 for drop-off location, not time, just location. That's what we're saying. 13 COMM. MARINO: Then it's really 14 15 non-verifiable then, correct? Then you can 16 really write anything. You can say I was in the car for five minutes when I was in 17 the car for an hour and five minutes. 18 19 There's no way to -- there's no crosschecks there. 20 21 MR. HOVA: I mean, our thought on that is that if -- I mean, I'm not sure the 22 23 TLC has had problems with bases falsifying data before but if that's the case, then 24 25 the issue doesn't change.

Proceedings 1 2 COMM. MARINO: It's the driver, it's just a lot -- it's not just the base. 3 There's drivers, there's -- I mean, I just 4 think it's -- I don't know how you 5 6 would -- how that could be credible 7 information then. At least when you have a starting point and a drop-off point, 8 there's some way to just --9 THE CHAIR: I mean, I can say 10 11 generally, whenever -- we have a basic duty 12 to audit and verify the data that we keep, especially when we make broad public policy 13 based upon it and this would be no 14 15 exception to that general rule. 16 MR. HOVA: I would say in response 17 that we're not sure that if a base is motivated to falsify their data based on 18 19 the duration that they wouldn't also be motivated to falsify the data based on 20 location as well. I'm not sure that that 21 prevents any more of an impediment towards 22 23 falsifying that data. 24 So back to the point about 25 proprietary business information. We also

1	Proceedings
2	have concerns that the information sharing
3	required by the regulation could compromise
4	sensitive proprietary data. This is
5	especially true now that several technology
6	companies in the FHV industry offer
7	ride-sharing services in which one driver
8	will pick up multiple passengers during the
9	same trip. The formulas that allows
10	companies to determine commonalities among
11	customers' desired trips are tantamount to
12	trade secrets. Entrusting this data to a
13	regulator arouses reasonable concerns
14	especially, as noted above, when the
15	information is not necessary for the
16	government action in question.
17	And again, Chair, I think I
18	THE CHAIR: I think the question
19	from FOIL is, is it a trade secret or not,
20	and I don't know that it has been
21	established that it is a trade secret. In
22	fact, I mean, the irony is I think
23	competitors like to look at other
24	competitors' data to fine-tune their own
25	algorithms, and who's the benefit of that,

Proceedings 1 2 the customers. We get the best algorithm 3 possible. So there's a chance under FOIL, if 4 people believe their information is a trade 5 secret, to prove that and that will stop 6 7 any type of disclosure. MR. HOVA: I think your point about 8 FOIL is taken. Our concern here is just 9 that this data will be floating around. 10 11 And I think as the previous speaker eluded 12 to, this is information that could be shared within agencies, it could be leaked. 13 There's a variety of different ways that 14 15 this data could be accessed, 16 notwithstanding I think, what you've 17 already talked about, you know, the ostensibly very, you know, strong 18 19 protections within the FOIL Law and the 20 FOIL procedures that TLC has. That point 21 is taken. And then there's a second 22 23 proprietary concern related to all bases, 24 not just to those that are in the 25 technology industry, which is sharing

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1	Proceedings	
2	information about when and where a	
3	particular base experiences high volumes of	
4	business. Other bases can't take	
5	advantage other bases can, excuse me,	
6	take advantage of this information by	
7	reallocating resources to try to cut into a	
8	particular base's business.	
9	THE CHAIR: I hate to stop you	
10	again, but I believe that's what they do	
11	today. It's called competition.	
12	MR. HOVA: I'll just refer you to my	
13	previous point about that when there is	
14	pinpoint data that's out there, I think	
15	it's it could be a risk or drivers, for	
16	bases.	
17	The third point I want to emphasize	
18	is just a reelection on New York. As a	
19	coalition of technology companies focused	
20	on the industry ecosystem in New York, we	
21	are particularly concerned about this	
22	rule's impact on New York's image as a	
23	tech-friendly city. Technology companies	
24	and the technology community writ large	
25	share concerns about government overreach	

Proceedings 1 2 when it comes to private data. This broad rule, without what we believe is a 3 sufficient justification, again, not 4 opposed to the duration but the specific 5 6 pinpoint drop-off location, we think sends 7 the wrong message to the tech community in New York and beyond about our City's 8 attitude about concerns and our City's 9 willingness to work with the local tech 10 11 community. This is particularly true because for-hire vehicle industries exist 12 in cities nationwide, but New York is 13 unique in seeking such specific information 14 about customer movements. We urge TLC and 15 16 the City in general to revise the proposed 17 rules about how these regulations impact the big picture business climate for tech 18 19 companies in New York. In conclusion, we ask that TLC amend 20 21 the subject rule to omit any requests for drop-off location data and information on 22 23 shared rides. Thank you. 24 MR. WILSON: Thank you. 25 The next speaker is Brad Gerstman.

Proceedings 1 2 MR. GERSTMAN: Hello, and thank you 3 very much. My name is Brad Gerstman, spokesperson for New York Equal 4 Transportation Access, and I'm also an 5 6 attorney who has brought a number of 7 lawsuits against Uber and Uber drivers for assaults of individuals and passengers. 8 So there's a lot to discuss. 9 Ι mean, some of this stuff really is 10 11 incredible but there's a big white elephant 12 in the room that we all have not pointed to yet and the big white elephant is the 13 yellow cab medallion system. They have 14 15 TPEP. TLC knows exactly where those cars 16 are all the time, everyday, and all the 17 details about the trips, when the meter 18 goes on, when the meter goes off. So the 19 notion that there's some kind of privacy here or that the public security, the 20 21 interest of public safety shouldn't be a concern here in general is just a complete 22 23 fallacy. As far as I'm concerned it's a 24 red herring. And the other big white 25 elephant in the room is that Uber doesn't

1	Proceedings
2	want to give any information over. Let's
3	be honest, they don't want to have any
4	regulations. No matter where they go they
5	say they don't want the regulations. They
6	won't give a fingerprint in Austin, Texas,
7	a single fingerprint of their drivers. So
8	all this stuff, they're just throwing out
9	there at you. I get the tweets, I get the
10	e-mails too, so don't even think about it.
11	But I want to tag my comments along
12	with where the Council Members are on this,
13	okay, and where a number where Brad
14	Lander came in here and spoke and he was
15	talking about general trip requirements
16	because of the trip safety that are broader
17	than not just whether or not somebody is
18	fatigued when driving, which needless to
19	say is an important issue, but there are a
20	lot of bigger issues. When somebody is
21	assaulted inside a vehicle or there's
22	wrongdoing inside a vehicle and you're in
23	an Uber car, do you know what, you have no
24	information to go on. You cannot find that
25	person. Okay. TLC does not have the

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2	information, okay, and we have no way of
3	tracking down who that is and it requires
4	NYPD to get a subpoena to subpoena Uber and
5	then Uber then is required to give over the
6	driver information.
7	So if you look at yellow cabs on the
8	other hand, if something goes down, an
9	assault in a yellow cab or the driver is
10	even nasty to somebody, immediately a call
11	can come right into TLC and it can be
12	resolved, and even if you don't know what
13	the name of the driver is, you know the
14	four cars that were in that area at that
15	particular time. There is no privacy
16	associated.
17	So where you think you've gone far
18	enough in asking for trip data, okay, and
19	Uber says you've gone way too far, I'm here
20	to say that you haven't gone far enough.
21	What the TLC needs to do in the interest of
22	public safety is to implement a tracking
23	system, much like TPEP, and follow those
24	Uber drivers so you know where they are.
25	There are 40,000 vehicles or more on our

Proceedings 1 2 streets, there's only 14,000 yellow cabs, 3 and if you felt it necessary to put TPEP and to track yellow cabs inch by inch 4 5 traveled throughout our city, then without 6 question, without question, the same public 7 interest exists in tracking Uber vehicles. Anything short of that to me, is a, you 8 know, is just taking a pass at what your 9 responsibilities are for public safety here 10 11 in New York City. We have a major problem. 12 I can tell you I have a client who 13 was kidnapped by an Uber driver, taken to the South Bronx instead of the Upper East 14 15 Side. If it wasn't for her jumping out of 16 the car and finding safety and that car 17 still chasing her, okay, and we can't find out who that is. And when we go to Uber, 18 19 do you know what they say, we won't link that individual driver up with you anymore. 20 21 Is that okay with TLC? How about T --COMM. MARINO: If you don't mind me 22 23 interrupting. 24 MR. GERSTMAN: Go ahead. I'm sorry. 25 COMM. MARINO: Is this in suit, this

90 Proceedings 1 2 case? 3 MR. GERSTMAN: Yes, as of today. COMM. MARINO: And have you 4 5 subpoenaed Uber? I mean, I'm asking this --6 7 MR. GERSTMAN: We will, we will. We don't even have a driver name but we will 8 subpoena them. We'll get to the bottom of 9 it. 10 11 COMM. MARINO: Right. You have a 12 John Doe right now, obviously. MR. GERSTMAN: Right now, but let's 13 just say that person's also driving for 14 15 Lyft or let's just say he gets paired up 16 with you or my daughter, okay, and if they 17 terminate, just say Uber says I'm going far 18 enough, we've investigated the issue and 19 we're terminating the driver, then what? They go work for Lyft because TLC has no 20 21 idea who that person is. THE CHAIR: I just want to say this 22 23 is a public service message that I'll put 24 in here. If people do have an issue with a 25 driver, if they contact us, we are the only

Proceedings 1 2 entity that can revoke a license. So, you're right. If a driver has a problem 3 with -- if you have a problem with a driver 4 5 and you report it to an app or to a base and they tell the driver okay, you can't 6 7 work for us, they can go work for somebody else. So we encourage the public if they 8 do have an unpleasant experience or a 9 horrible experience, anything on that 10 11 scale, report it directly to us so we can 12 do an investigation because only then if it's true as alleged, can permanent action 13 be taken against the driver so they're no 14 15 longer able to serve the public. 16 MR. GERSTMAN: And thank you, Madam 17 Commissioner, but I have to take issue with 18 the entire process. Okay. 19 COMM. JIHA: Could I ask a question? MR. GERSTMAN: Go ahead. 20 21 Can I just respond quickly? 22 COMM. JIHA: Sure. Go ahead. 23 MR. GERSTMAN: It's going to be two 24 seconds. 25 One is, yellow cabs you know, okay,

92 Proceedings 1 2 no one has to report anything, correct? Ι 3 mean, you --4 COMM. MARINO: We already have it 5 through TPEP. 6 THE CHAIR: Yes. 7 MR. GERSTMAN: You have the information. 8 9 COMM. MARINO: We already automatically have it through TPEP. 10 11 THE CHAIR: Yeah. MR. GERSTMAN: Right, so you already 12 13 have it. So in that case you have it. Here, if you have a for-hire vehicle with a 14 15 true base where Uber doesn't have a true 16 base, okay, that's a whole other story, we 17 won't get into it today, they don't have a true -- the base is going to terminate that 18 19 driver and report the driver because they are business people. Here you have just 20 21 Uber whose idea is to keep the information confidential within them. And they 22 23 have -- they know where their drivers are 24 every second of every day just like you 25 know where --

1	Proceedings
2	COMM. JIHA: Let me ask you a
3	question.
4	MR. GERSTMAN: Go ahead, sir.
5	COMM. JIHA: I thought that Uber
б	sent you a picture and the name of the
7	driver when they're picking you up.
8	MR. GERSTMAN: First name and a
9	picture, and let me explain the interesting
10	part about this. First name and a picture.
11	So I have a second client that we went into
12	suit today
13	COMM. JIHA: So you have that
14	information then?
15	MR. GERSTMAN: No. Here's why. As
16	soon as you Uber says instead of calling
17	TLC or the police, please call us if you
18	have a problem, and so what we found is
19	that they call Uber, they dial that 800
20	number, they tell them there's a problem
21	and when they're not getting satisfaction
22	from Uber because all Uber is trying to do
23	is just hold you back from calling the
24	police, when you do call the police you say
25	look, this is terrible, I have to call the

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2	police, I'm hanging up, they wipe your app
3	clear.
4	THE CHAIR: Can I just make one
5	comment? We do have a packed house. This
6	is one particular case that is in
7	litigation. It may not be appropriate for
8	us to spend the time today to go over each
9	and every detail. We do have your comments
10	and we have
11	MR. GERSTMAN: Right. And it's a
12	bigger issue though.
13	THE CHAIR: I think the
14	large we've gotten your comments on your
15	feelings on a larger issue, and in the
16	interest of time, we're going to have to
17	move onto the next speaker, but thank you.
18	MR. GERSTMAN: Sure.
19	COMM. MARINO: Are these comments
20	written?
21	MR. GERSTMAN: Yes.
22	COMM. MARINO: Can I get a copy of
23	these? Thank you.
24	MR. WILSON: Okay. The next speaker
25	is Julia Kite.

Proceedings 1 2 MS. KITE: Thank you, Commissioner 3 Joshi, and members of the Taxi & Limousine Commission for calling this hearing. I'm 4 Julia Kite, Policy and Research Manager of 5 6 Transportation Alternatives. Were are a 7 44-year-old membership-based organization advocating on behalf of New York City's 8 pedestrians and cyclists for safer, better 9 and more livable streets. 10 11 We were pleased and honored to have contributed to the initial creation of the 12 13 fatigued driving prevention rules last year, as this is a cause very close to our 14 15 mission to protect New York City's most vulnerable road users. We were contacted 16 17 by the family of Luisa Rosario, the Manhattan woman who was killed in November, 18 19 2015 by a taxi driver reportedly having been on the road 16 hours, and we heard 20 firsthand their grief at the loss of their 21 loved one in this entirely preventable 22 23 crash. 24 We understand the practical 25 rationale for changing the way working

Proceedings 1 hours are measured for the purposes of 2 enforcing the new rules, but we have 3 serious concerns that only counting the 4 times when drivers have a passenger on 5 6 board will not adequately prevent fatigued 7 driving. This new measurement standard is less suitable to the goal of reducing 8 fatigued driving than the original one 9 presented in June, 2016, and stands in the 10 11 way of this rule being truly effective, 12 although I do understand the reasons for 13 changing. But regardless of whether there's a 14 15 passenger in the cab, driving requires 16 sharp mental faculties at all times, and 17 knowing that drivers spend between 40 percent and 60 percent of their driving 18 19 time without a passenger, setting the daily limit to 10 hours of driving with a 20 21 passenger can still allow a driver to be on the road for 16 hours total. This is a 22 23 dangerous situation regardless of who is or 24 is not in the car. This rule change would 25 not have prevented the kind of driver

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2	behavior that led to the death of
3	Mrs. Rosario.
4	For this reason, we suggest that if
5	this new proposed standard of measurement
6	remains, that the maximum amount of driving
7	time with a passenger be reduced to 6 hours
8	in order to take into account the several
9	hours per a day a driver may be behind the
10	wheel without a fare. This is still a
11	reasonable amount of time because if the
12	driver then spends roughly half his time
13	cruising for fares, this would still be a
14	total of 12 hours behind the wheel max, in
15	line with what the original limits were
16	proposed in summer of last year. And we
17	urge the TLC to continue developing
18	technologies for more accurate measurement
19	of total driver time, which can eventually
20	replace the standard of measuring only the
21	time with a passenger.
22	The TLC's creation of rules to
23	prevent fatigued driving was a high point
24	of proactive street safety policy in 2016
25	and we would just hate to see those efforts

Proceedings 1 2 weakened. We wouldn't want all the time 3 and work that you've put into creating and implementing these rules to be negated due 4 to the fact that the new proposed method of 5 6 calculating hours will in fact do little to 7 actually prevent fatigued driving. So we ask you to please reconsider 8 the change, recognizing that driving is 9 driving regardless of whether there's a 10 11 passenger on board. Thank you very much. 12 THE CHAIR: Thank you for your 13 comments, and I think in, yes, part of our struggle here is under either scenario, 14 15 there was always a proxy for cruising in 16 the FHV world and a proxy for the time you 17 went to -- and it took to get a passenger. And we've looked to strike the balance that 18 19 gets to safety goals as well as allows drivers the, as independent contractors, 20 21 the ability to manage their schedules within limits, and also to earn an income 22 23 which, you know, the income that they're 24 currently earning because only very few 25 percentage of our drivers are over the

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2	limits that we've proposed as the same with
3	the prior limits.
4	But a couple of things I just want
5	to quote. There are yes, any rule, even
6	if you took you know, there was one
7	suggested earlier, why not just have 12
8	hours a day, 7 days a week, but I don't
9	know that we want drivers, if we take that
10	to the extreme, driving 365 days a year for
11	12 hours. So any rule taken to the extreme
12	will most likely in this imperfect scenario
13	get you to a result that doesn't feel
14	comfortable and I I'm totally
15	sympathetic.
16	But I would like to remind everyone
17	that this is an industry that's driven by
18	the ability to make money so that sort of
19	gravitational force works against extending
20	your day. The more time you're in the car,
21	that's more gas, it's more potential
22	tickets for parking or for moving
23	violations, or for a run-in with one of our
24	inspectors that doesn't turn out well, wear
25	and tear on your car, and the frustration

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2	of being in traffic. So I don't think it's	
3	the goal of any driver to spend long hours	
4	on the road and in fact, it's completely	
5	inefficient for them, and because that is	
6	the natural force of the world, we don't	
7	want to discount that because there is an	
8	outlier situation if we were to take any	
9	rule to the extreme.	
10	With that being said, we do	
11	appreciate how you've acknowledged that	
12	technology could take away a lot of this	
13	sort of prediction that we're doing on what	
14	the best methodology is, and it's our hope	
15	that should the rule pass and as we get	
16	more accustomed to the patterns in	
17	the across the sectors, that we are able	
18	to fine-tune and make this as tight of a	
19	rule as possible to ensure the safety. And	
20	we appreciate your partnership and support	
21	on all of our safety efforts. Thank you.	
22	MS. KITE: Thank you, Commissioner.	
23	MR. WILSON: Thank you.	
24	The next speaker is Steven Shanker.	
25	(No response.)	

Proceedings 1 2 MR. WILSON: I'm not sure if 3 Mr. Shanker is here. I'll call the next speaker. Pierina Sanchez. 4 MS. SANCHEZ: Good morning. My name 5 6 is Pierina Ana Sanchez and I'm the New York 7 Director at Regional Plan Association, which is an urban policy think tank that 8 works in transportation policy but also 9 energy and environment policy and community 10 11 development. We've been around for a 12 hundred years and we plan for the New York Metro which is 31 counties surrounding 13 Manhattan. 14 15 RPA supports TLC's amended fatigued 16 driving rules as they build upon the City's 17 Vision Zero initiative and will help improve public safety, but the bulk of our 18 19 comments address other benefits that enhanced for-hire vehicle trip data would 20 21 bring to transportation policy. New York City needs to create a 22 23 uniform for-hire vehicle data collection 24 standard that would apply equally to yellow 25 taxis, green cabs and black cars, including

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Proceedings the both -- including both traditional car services and e-hails services -- I'm sorry, including traditional car services and e-hail services such as Uber and Lyft. Having more precise data on the travel patterns of all of these vehicles is essential for planning how to best use our finite roadway capacity and gain a better understanding of congestion and the performance of the City's dense street network.

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15 the same level of data as the yellow car taxi fleets and the green taxis would have 16 17 an been excessive financial and administrative burden for many smaller 18 19 companies but also much has changed over the past six years. E-hails or on-demand 20 services have been introduced allowing the 21 public to request a car in seconds from 22 23 their smart phones, easier and more 24 convenient than standing on the corner with 25 an arm stretched in the air. Smart phones

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2	are now equipped with GPS technologies and
3	enough raw processing power to do
4	everything and more than the specialized
5	hardware and software required by the TLC,
6	all for a few hundred dollars.
7	But the biggest development is, as
8	has been mentioned, that there has been a
9	surge in for-hire vehicles totaling at
10	around 80,000 vehicles as of 2015, and this
11	breaks down to around 13,600 yellow cabs,
12	7,700 green cabs, and 66,000 more than
13	66,000 black cars. It's estimated that
14	about 40,000 of these, also has been
15	mentioned, of these black cars are using or
16	working with transit network companies such
17	as Uber, Lyft and Via. These companies
18	have the capability to provide the data the
19	TLC is requesting and other black car
20	operators may be able to do so if TLC is
21	able to work with them.
22	Combined, these companies represent
23	more than 75 percent of the for-hire
24	vehicle fleet, and TNC companies have
25	raised concerns that rider privacy would be

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2	compromised but the TLC's proposal would	
3	protect the privacy of users, from RPA's	
4	perspective, just as it does today with the	
5	yellow and green taxi data.	
6	To conclude, this request is	
7	reasonable and will allow policymakers and	
8	planners, like the Regional Plan	
9	Association, to better serve the public,	
10	and this is the most desirable outcome of	
11	any new rule. Thank you.	
12	MR. WILSON: Thank you.	
13	The next speaker is Nat Goldbetter.	
14	MR. GOLDBETTER: Good morning,	
15	Commissioners. I'm Nat Goldbetter. I	
16	represent the League of Mutual Taxi Owners.	
17	It's an organization combined mostly of	
18	owner/driver operators in the City.	
19	Pertaining to the fatigue rule as it	
20	is right now, we really don't have any	
21	problem, and talking for most of my members	
22	who have given me input on all of this	
23	stuff so I'm speaking on their behalf. The	
24	10-hour days doesn't seem to be a problem	
25	for most of my men. The 60 hours a week is	

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2	a little constraining to them. Frequently,
3	drivers have to go out and work that extra
4	day because either business is slow or cars
5	are down with repairs and all kinds of
6	reasons why at times they need to go out
7	and make some extra money, especially in
8	these times where competition is virtually
9	killing us.
10	Vision Zero, I personally cannot see
11	this ever happening as long as we don't
12	address the traffic conditions as they are
13	in the City today. I'm not sure if
14	anyone any of the Commissioners go out
15	or pay attention
16	COMM. MARINO: I'm sorry. You don't
17	see what happening?
18	MR. GOLDBETTER: Vision Zero.
19	COMM. MARINO: Vision Zero as a
20	whole?
21	MR. GOLDBETTER: As a whole.
22	I don't know if you Commissioners go
23	out and when you're driving around the City
24	or walking around the City, take a look and
25	see how many TC plates are there, Taxi

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2	Commission plates. There are way, way, way	
3	too many of these vehicles out there.	
4	Traffic is at an all-time worst and this is	
5	not good, especially when we consider that	
6	emergency services are being tied up in	
7	traffic time and time again. This was	
8	cited in the New York Post articles of last	
9	month which went in depth into what the	
10	problems are with the traffic in the City	
11	and it's not getting any better. The	
12	Department of Transportation is not helping	
13	out, the TLC is not helping out and the	
14	City Council is not helping out, simply	
15	because we've allowed Uber, a predatory	
16	company to invade our space.	
17	MR. WILSON: Mr. Goldbetter, can I	
18	just ask you to go back to addressing the	
19	rule? I mean, you're talking about larger	
20	issue of policy beyond what's covered by	
21	the rule and	
22	MR. GOLDBETTER: Well, everybody	
23	else is. They're going into all this data	
24	stuff. I'm making a point here.	
25	MR. WILSON: But that's what the	

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1	Proceedings	
2	rule's about.	
3	MR. GOLDBETTER: Well, I'm making a	
4	point here that we're never going to get to	
5	zero vision if we have zero vision. Okay.	
6	We have to see what's going on here.	
7	42,000	
8	COMM. MARINO: Are you in support of	
9	the rule? Are you supporting the rule	
10	though? Because it gathers data to help us	
11	see what's going on.	
12	MR. GOLDBETTER: No, I'm not worried	
13	about the data. We already give the data.	
14	We're yellow cabs and the data is out	
15	there. What I'm saying is the only part of	
16	the rule that I'm against is the 60 hours a	
17	week.	
18	THE CHAIR: So I would invite you to	
19	give a little more detail about your	
20	opposition to the 60 hours in a meeting	
21	with us after this hearing so we can	
22	understand more where you think you	
23	might your members might have a problem.	
24	MR. GOLDBETTER: Okay.	
25	Finally, we are we need to do	

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2	something about this traffic and we need to
3	do something about Uber. We have to
4	control the number of vehicles on the
5	street.
6	THE CHAIR: I think what Chris
7	Wilson's comment was the rule deals with
8	limiting hours and data collection. Other
9	issues which are, you know, I'm not going
10	to say that you don't feel strongly about
11	them, they're just not the subject of
12	today's hearing. And in light of the fact
13	that there's lots of people that want to
14	speak about the rule, I think we've
15	gathered your main concern with the rule
16	having to do with the 60-hour week and at
17	this point we'll probably move on to the
18	next speaker, unless you have an additional
19	comment on the rule.
20	MR. GOLDBETTER: No, I don't have
21	any additional comments on the rule. I
22	think I made my point and that's all I'm
23	here for.
24	THE CHAIR: Thank you very much.
25	MR. WILSON: Thank you very much.

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2	The next speaker is Lucien Reynolds.
3	MS. REYNOLDS: Hi. Good morning,
4	Commissioners. My name is Lucien Reynolds.
5	I'm here to deliver the testimony on behalf
б	of the Manhattan Borough President, Gale A.
7	Brewer. Forgive me if I cough a little.
8	It's dry air in the winters affects me.
9	My name is Gale A. Brewer and I am
10	the Manhattan Borough President. Thank
11	you, Commissioner Joshi, for holding this
12	hearing on proposed rules changes designed
13	to address the risks of fatigued driving
14	and for the opportunity to testify today.
15	The rules discussed today are being
16	proposed in the same spirit as those that
17	prohibit driving while under the influence
18	of alcohol and while text messaging while
19	driving. Though less widely recognized as
20	a danger, research has revealed that
21	driving while fatigued can pose a serious
22	risk when the driver's operating the
23	vehicle while under the influence or
24	distracted by technology. Being awake for
25	18 hours can lead to impairment equal to

Proceedings 1 2 when a driver is under the influence of alcohol. 3 Those who make their living behind 4 the wheel, including truck and taxi drivers 5 6 and drivers of for-hire vehicles, are often 7 at the greatest risk of danger. The Taxi & Limousine Commission reports that the vast 8 majority of its licensed drivers do not 9 drive an excessive number of hours, but 10 11 there are a small number who do. 12 This past July, TLC adopted common sense rules to address this problem by 13 limiting the number of hours that a 14 15 licensed taxi or FHV driver may work no more than 10 hours in any 24-hour period or 16 60 hours within a calendar week. 17 The 18 Commission delayed implementing the rule 19 change while they analyzed the best way to measure the number of hours worked, and has 20 21 since concluded that trip duration provides the most accurate barometer. 22 23 To obtain this information, TLC 24 would need to use both pick-up and drop-off 25 location data. The Commission already has

Proceedings 1 2 this information for our yellow and green taxi fleets but lacks drop-off data from 3 the black cars and other FHVs like Uber, 4 5 Via and Lyft. It is my understanding that 6 some of these companies are not pleased 7 with the new data collection requirement, arguing that it is a violation of privacy. 8 Unlike the privacy concerns that stem from 9 FHV apps that track the whereabouts of 10 11 customers after they have finished their 12 rides, the TLC data to be collected will simply be neighborhoods where riders are 13 picked up and dropped off. One would never 14 be able to ascertain the destination 15 16 address or other personal information about 17 the passengers in the vehicle as the TLC 18 plans to anonymize all of its data before 19 making it available on the City's Open Data Portal. 20 21 If FHVs --THE CHAIR: One item. We won't 22 23 anonymize because we won't put up driver or 24 vehicle data. I just want to make sure

that that's -- that the Borough President

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112 1 Proceedings 2 understands. 3 MR. REYNOLDS: I'm sorry. Could you repeat that? 4 5 THE CHAIR: We will not need to 6 anonymize because we will not put up any identifiers for a driver or a vehicle, and 7 we're not going to --8 9 MR. REYNOLDS: Yeah --THE CHAIR: No, it's not up there. 10 11 There's nothing to anonymize. Yeah. That column is blank. 12 13 MR. REYNOLDS: Information from the trip will be anonymized in the sense that 14 15 the only thing that will be available 16 are --THE CHAIR: The larger neighborhood. 17 18 Yes, exactly. 19 MR. REYNOLDS: Yeah. I think that was the thrust of what she said. 20 THE CHAIR: Okay. 21 MR. REYNOLDS: If FHVs are to be 22 23 part of the mass transit contribution to 24 alleviating Manhattan's traffic woes, then 25 they must agree to share their data. New

1	Proceedings
2	Yorkers have come to accept expect that
3	they can assess how well yellow and green
4	taxi services are performing by looking up
5	their data on the NYC Open Data Portal that
6	we have all worked so hard to build.
7	Thank you, again, for the
8	opportunity to testify today in support of
9	the proposed rule changes. I look forward
10	to working with the Commission to continue
11	finding ways to make our streets a safer
12	place. Thank you.
13	THE CHAIR: Thank you very much.
14	MR. WILSON: Thank you.
15	The next speaker is Peter Schenkman.
16	MR. SCHENKMAN: Good morning. Happy
17	New Year. It's been awhile since I've
18	stood here. I'm here to speak in support
19	of the amended fatigued driver rules.
20	The streets of New York City are
21	dangerous. I know this more now than ever
22	before. I lost my dad this past summer on
23	the streets of Queens to an aggressive
24	driver who ultimately paid no penalty for
25	his careless driving or my father's life.

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2	I'm here to support the fatigued	
3	driver rules as a former CEO of a large	
4	bulk holder fleet and as the former	
5	Assistant Commissioner of Safety and	
6	Emissions at the TLC.	
7	My truck drivers laid the rubber	
8	down from Maine to Virginia knowing that	
9	on-time pick-up and delivery was crucial,	
10	but more important was safety and making it	
11	home alive. Fatigued driving has been a	
12	problem for so long the Federal Hours of	
13	Service Laws date back to 1938. Now, while	
14	these laws do not apply to taxis and FHVs,	
15	both were designed to counter the proven	
16	cause and effect of lack of sleep and hours	
17	behind the wheel resulting in increased	
18	crashes. I applaud the TLC for taking	
19	these measures to increase the safety of	
20	all New Yorkers including the drivers	
21	themselves.	
22	At the TLC, I was tasked with	
23	ensuring the safety of New York City taxis,	
24	which thanks to the S&E staff remain the	
25	safest in the world. New York City taxi	

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1	Proceedings	
2	drivers are some of the best in the world.	
3	They also need to be the safest. Something	
4	we could not control was how long the	
5	drivers were on the road in these taxis.	
6	We always knew drivers were running day and	
7	night to make those extra dollars. Now the	
8	data proved it and TLC is using the data to	
9	positive effect.	
10	Drowsy driving results in over a	
11	hundred thousand crashes a year. Eight	
12	states already have drowsy driver laws	
13	including New York, and there's a New York	
14	State Assembly bill that proposes to create	
15	the offense of driving while drowsy.	
16	We all know driving a taxi is tough	
17	and it's gotten a lot worse in the shared	
18	economy thanks to TNCs, a complacent	
19	industry and relatively unsupported	
20	regulators across the globe. These changes	
21	are pushing drivers into longer hours, less	
22	sleep and ultimately more risky behavior	
23	just to make ends meet. Whether it's	
24	speeding a little bit more or creeping	
25	through intersections to nab that fare,	

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1	Proceedings	
2	safety should have no compromise.	
3	While other rules are being created	
4	and altered in the name of industry	
5	competition and more need to be	
6	forthcoming, we can't forget that the world	
7	looks to this room for industry guidance.	
8	So let's say yes to safety and take a break	
9	because it's no accident, it's a crash.	
10	Thank you.	
11	THE CHAIR: Thank you.	
12	MR. WILSON: Thank you.	
13	At this point I guess I should ask	
14	the Commissioners and also the reporters if	
15	a 10-minute break would be useful?	
16	Okay. So we'll take a break for 10	
17	minutes and convene again in 10 minutes.	
18	Thank you.	
19	(Whereupon, a short recess is	
20	taken.)	
21	MR. WILSON: And let me just also	
22	say for the record that Commissioner Aguado	
23	left at approximately 11:45 and	
24	Commissioner Jiha left at approximately	
25	12:10.	

1 Proceedings 2 The next speaker -- I called Steven Shanker previously. I'm told Jacob Potent 3 is here to give a statement on behalf of 4 Mr. Shanker. 5 6 MR. POWERS: Thank you. Good 7 afternoon. I'm actually Keith Powers filling in for both Steve Shanker and Jacob 8 9 Potent. 10 THE CHAIR: I was going to say you didn't look like --11 12 MR. POWERS: I've changed my look, 13 but thank you, guys. I'm here to -- there 14 you qo. Thank you 15 THE CHAIR: Check on the mic. The 16 mic isn't working over there. 17 Is it working? 18 MR. POWERS: Yes, it's working. 19 Thank you. My name is Keith Powers. I'm here 20 21 to testify on behalf of Steven Shanker, Counsel for the Livery Round Table. 22 23 Mr. Shanker could not be present but would 24 like his testimony on behalf of the Round 25 Table to be read into the record, so I will

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2	begin.	
3	While Vision Zero is a laudable	
4	goal, the most recent proposed rules will	
5	only achieve one thing, it will hurt the	
б	for-hire vehicle industry. The TLC is	
7	seeking to combat driver fatigue, and while	
8	everyone wants to stop preventable motor	
9	vehicle accidents, the reality is that	
10	placing further onerous regulatory burdens	
11	on the for-hire vehicle bases will not	
12	lower the accident rate. It will only	
13	force more bases out of business.	
14	Since new players hit the scene,	
15	many bases have since closed and/or now	
16	operating on ever-tightening profit	
17	margins. While it is not necessarily the	
18	City's obligation to keep mom and pop shops	
19	alive, one would think the City wouldn't	
20	want to destroy small businesses,	
21	especially where there is absolutely no	
22	evidence that there is an onerous that	
23	these onerous proposed regulations are	
24	going to have any effect on the City's	
25	goal.	

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2	Before these new entrants came
3	along, many bases still used two-way
4	radios. There was no need for high-tech
5	dispatch software and mobile apps.
6	Although these features were attractive,
7	they simply were not in the budget. The
8	regulations that have been put in place,
9	particularly the current reporting
10	requirements for pick-up time and location,
11	have forced bases to purchase costly
12	technology that they previously did not
13	need and could not afford.
14	Now, the TLC wants livery bases, who
15	can barely afford the technology they have,
16	to purchase even more advanced technology,
17	or get their vendors to modify their
18	software so they can provide additional,
19	extensive data. This is not a simple task
20	for a small base, and the cost is simply
21	not feasible. It will drive them out of
22	business.
23	COMM. MARINO: Can I may I
24	interrupt you? Because I am a bit
25	concerned for small bases. I'm also a

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2	small business owner	
3	MR. POWERS: Sure.	
4	COMM. MARINO: so this is	
5	something that rings that I have a	
6	personal interest in	
7	MR. POWERS: Sure.	
8	COMM. MARINO: to protect the	
9	small business owner. So what exactly is	
10	cost prohibitive? Because my understanding	
11	so far is that there are software programs	
12	out there that are not particularly costly	
13	costly burdensome, if that's a phrase,	
14	I'm not sure, but that aren't, you know too	
15	overwhelming. So what is so cost	
16	prohibitive about this?	
17	MR. POWERS: It's two things I	
18	believe, and I'm reading on this behalf,	
19	but I think one of them is that the	
20	existing sort of software and services are	
21	expensive and you're adding more sort of	
22	time and labor into those, and the second	
23	is I think that there's additional related	
24	pieces of technology and service on the	
25	driver's side to exactly know when you're	

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1	Proceedings	
2	doing the pick-up time and location that is	
3	an additional piece of technology in the	
4	vehicle that you need. I know that	
5	COMM. MARINO: But what do you	
6	mean I'm sorry.	
7	MR. POWERS: You know, I will	
8	provide that additional data. I know that	
9	Avik and others have raised it so	
10	THE CHAIR: And we're happy to meet	
11	afterwards and Nora will tell you if you	
12	want to provide additional data on what you	
13	think the exact increased expense would be.	
14	COMM. MARINO: Yeah. Because my	
15	understanding is that it really isn't that	
16	much I mean, for software for maybe a	
17	couple of hundred dollars. I mean, it's	
18	just when you take a call you can enter	
19	just as you need to, you know, tell the	
20	driver or call it in on a two-way radio,	
21	you can just pick up from point A, drop	
22	them to point B and it's done, and the	
23	software would do the rest. So I just, I	
24	really want to understand what you think is	
25	cost prohibitive because I don't see	

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2	anything, but if there is something I want
3	to know.
4	MR. POWERS: Well, two answers. One
5	is, I appreciate the and we'll probably
6	take you up on the offer to come in and
7	meet, and also to provide additional data
8	points about it. And I will say I think
9	that the part of this is the entire sort of
10	starting from the original proposal through
11	now I think has a cost on the bases and we
12	want to make sure that the TLC understands
13	that cost, and we can try to find out we
14	can try to provide more data about sort of
15	the additional cost on today's regulation.
16	THE CHAIR: Today's would be an
17	incremental cost on what they already do,
18	and there's a cost associated with this
19	regardless what you're driving, so TPEP has
20	a cost, LPEP has a cost, any data tracking,
21	any dispatch software is going to have a
22	cost and that is, you know, one of the
23	business expenses.
24	MR. POWERS: Yes. Thank you. And I
25	appreciate the question and the comment.

123 Proceedings 1 2 THE CHAIR: Sure. 3 MR. POWERS: I forget where I left off. 4 THE CHAIR: I'm sorry. 5 6 MR. POWERS: No, no, no. Ι 7 appreciate it. So the -- and then -- so we're not 8 9 just talking about technology. There are significant costs associated with hiring 10 11 lawyers to ensure compliance, adding staff 12 to make sure that data is being gathered 13 and properly transmitted to the TLC. The Commission has admitted that 14 15 almost all licensed drivers do not drive an excessive number of hours. As such, how 16 17 does the Commission justify the imposition of regulations that require bases to obtain 18 19 and utilize costly and burdensome technology when there's not much proof 20 of -- that such actions will yield any 21 benefit? 22 23 Just to use my time efficiently 24 here, the initial driver fatigue rules were implemented in July. There has not been 25

1 Proceedings 2 enough time to determine if the existing 3 driver fatigue rules are sufficient to meet the stated --4 THE CHAIR: I won't cut into your 5 6 time. The original rules were never 7 implemented. As I said from the dais, we postponed implementation, then we later 8 announced a further postponement of 9 implementation. 10 11 MR. POWERS: I do know that and I'm 12 also -- I'm reading the paper, yes. I am. 13 THE CHAIR: Don't shoot the 14 messenger. 15 MR. POWERS: Yes, exactly. Please don't. 16 17 So the point be here being that we had to sort of come here and testify and 18 19 start looking at the rules in July and now are faced to have to sort of deal with a 20 new set of rules and inform bases and 21 educate them, and so forth and so on. 22 23 So we -- the request today is to 24 hold off on implementing new rules to give 25 us for time, give us an opportunity to come

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2	and meet with you guys, provide more	
3	evidence. And with all due respect, we	
4	don't believe this is the west way to	
5	proceed on the industry.	
6	COMM. MARINO: Is your testimony	
7	written?	
8	MR. POWERS: Yes.	
9	COMM. MARINO: Can you please pass	
10	them up to us?	
11	MR. POWERS: Yes.	
12	COMM. MARINO: Thank you.	
13	MR. WILSON: Okay. And thank you,	
14	Mr. Powers.	
15	The next speaker is Ashwini Chhabra.	
16	MR. CHHABRA: Good morning,	
17	Commissioners. My name is Ashwini Chhabra,	
18	and I'm here representing TLC licensed	
19	bases that use Uber. I'd like to start by	
20	saying that Uber wholeheartedly supports	
21	the goals of the City's Vision Zero	
22	initiative, and we further support the	
23	Commission's commitment to addressing	
24	driver fatigue.	
25	However, there are aspects of the	

Proceedings 1 2 rules being considered today that are unrelated to driver fatique which we cannot 3 support. Specifically, we object to the 4 5 requirement to report drop-off location information for FHV trips, not drop-off 6 7 time, or information about whether trips are shared for the following reasons: 8 First, while drop-off time may be needed to 9 calculate trip duration, neither the 10 11 drop-off location nor whether a trip was 12 shared has any bearing on driver fatigue. In fact, given uncertainty introduced by 13 traffic conditions, road closures and 14 15 numerous other factors, where a trip ends 16 is a highly unreliable measure of trip 17 duration. If the TLC wants to audit trip duration, as others have offered, we'd be 18 19 happy to explore alternatives to reporting destination data for the more than three 20 21 million FHV trips that happen every week. Most importantly, these rules would 22 23 have an impact on the individual privacy 24 that the TLC and others and us perhaps have not always appreciated. Two years ago, 25

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2	over the objections of privacy advocates,	
3	the Commission voted to require FHV bases	
4	to report the pick-up time and location of	
5	every single trip. Since then, TLC has	
б	amassed a data set of over 165 million FHV	
7	pick-ups.	
8	At the time, Gautam Hans, who's here	
9	today, then with the Center for Democracy	
10	and Technology warned, "If the TLC proposes	
11	at a later date to collect additional	
12	information such as drop-off location"	
13	THE CHAIR: I just want to note, we	
14	have collected lots of trip records but	
15	that's also reflective of a thriving	
16	business that creates all those trips.	
17	MR. CHHABRA: Yes. That it's	
18	true.	
19	That would "collection of	
20	additional information such as drop-off	
21	location that would raise further privacy	
22	concerns given the sensitivity of location	
23	information." Fast forward two years and	
24	we're not debating the collection of	
25	drop-off locations.	

Proceedings 1 2 I'll skip around in my testimony because a lot of privacy experts that I'm 3 going to be citing here are here and I'd 4 5 rather you hear from them directly, but I 6 do urge you to read in their entirety the 7 written comments from Professor Albert Gidari, Director of Privacy at Stanford Law 8 School, Center for Internet and Society. 9 I've included copies of his letter in the 10 11 materials I provided you, and I believe Professor Gidari shared a copy of his 12 letter with the New York Attorney General's 13 Office, the Bureau of Internet and 14 15 Technology. Professor Gidari writes, 16 17 "Transparency is an important privacy value. The Commission has taken the time 18 19 to work with industry participants on these rules, but there is little evidence that 20 consumers of these services have been told 21 the basic facts about governmental data 22 23 collection surrounding their trips and how the data is used or disclosed. Consumers 24 25 are an important stakeholder here and their

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2	privacy is an important component of their	
3	safety, every bit as much as driver	
4	fatigue."	
5	COMM. MARINO: Can I just	
6	MR. CHHABRA: Yeah.	
7	COMM. MARINO: What is the risk	
8	though, without the consumers without	
9	any passenger information? I mean, we're	
10	not even collecting that, are we?	
11	THE CHAIR: Right. And I	
12	think so it's like, have consumers been	
13	informed is a question I think we addressed	
14	in the beginning because there is a lot on	
15	social media that provides actual	
16	misinformation to consumers today saying	
17	that we will collect passenger information.	
18	So, you know, it's almost the case that we	
19	have that consumers are actually	
20	misinformed today. We're trying to correct	
21	that right now in this meeting rather than	
22	consumers being informed because we're not	
23	collecting any passenger information.	
24	MR. CHHABRA: So I beg to differ,	
25	and I do think I agree there's	

Proceedings 1 2 misinformation. If you are -- if you live 3 in Bay Ridge, Bayside, Staten Island, your address is personally identifying 4 information because you probably live in a 5 single-family home. Your address is your 6 7 identity, and so if you have a trip that starts at your single-family home and ends 8 at a doctor's office, or ends at your house 9 of worship, or ends at the municipal ID 10 11 enrollment center, that reveals a lot about 12 who you are and where you're going, and I think that's the concern, is you may not 13 need -- you don't need a person's name in 14 15 the trip records to reveal who the person 16 is and this is not something that's 17 transparent in the report that's published but this is what is collected by the 18 19 government. And I think it's not 20 transparent --21 THE CHAIR: And it has been for several years and in even more detail in 22 23 the taxis because we have the exact breadcrumb. 24 25 MR. CHHABRA: Yeah. No, and it has

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2	been with taxis and I think much has been	
3	made of well, if you collect this for	
4	yellow taxis and so why not for FHVs, and I	
5	haven't I think there's a good reason	
6	not to do it for FHVs just because you've	
7	done it for taxis. When the policy was	
8	implemented in 2008, we lived in a	
9	different world. You didn't see the	
10	numerous data breaches that you've seen in	
11	the intervening years. Taxis	
12	COMM. MARINO: But we lived in a	
13	different world whereas if I I mean with	
14	our phones, someone always seems to know	
15	where we are just by the nature of our	
16	phones and, you know, if you order	
17	something on Amazon, the next thing I know	
18	I'm getting an ad for it on Facebook. I	
19	mean, it is a different world and I do	
20	understand your concern but, I mean, you go	
21	over a toll and the government knows about	
22	it. So there's it is a different world,	
23	but that can be that arguing can be used	
24	on the flip side of that as well.	
25	MR. CHHABRA: It is a different	

Proceedings 1 2 world. I think to dismiss privacy as a red herring, as one of the speakers tried to 3 do, is -- it would be a mistake I think for 4 the current Commission who didn't vote on 5 6 the rules around taxi data collection to 7 repeat the mistake, what would now be a mistake because you do now know more about 8 the impact of large data sets. We do know 9 that yellow taxis --10 THE CHAIR: And also we know about 11 the benefits of policy making done using the 12 benefit of the data -- the taxi data. 13 For example, the hail law, the green taxi 14 15 program, the foundation of that case was 98 16 percent of yellow taxis were doing pick-ups 17 in Manhattan and we established that through taxi data, and that helps support 18 19 change in state law which allowed green taxis to exist in the boroughs. 20 21 So there -- a lot has changed. One, we didn't realize the enormous benefits in 22 policy making and yes, the world is now much 23 24 more -- we are at less people and more data 25 points and that's accessible to the

1	Proceedings
2	corporations we deal with in much more
3	detail than with government because they
4	have your credit card, they know your
5	personal likes and dislikes, what
6	restaurants you frequent and the like.
7	So I don't know that it's so black
8	and white. I do appreciate you saying it,
9	you know, it is a different world than when
10	the Commission voted on TPEP but it's not
11	black and white that it was a bad decision
12	to vote on TPEP.
13	MR. CHHABRA: I do want to answer
14	the question though which has been raised
15	several times about well, yellow taxis
16	report this so why not FHVs. Yellow taxi
17	trips predominate in Manhattan, as you
18	pointed out, which is a population dense
19	area. FHV trips do a lot FHV bases do a
20	lot of their business in other parts of the
21	City where there are single occupancy
22	homes, where there are fewer trips
23	happening, where pick-ups are generally
24	done point-to-point, so when I request a
25	trip it is to my home address to be dropped

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2	off at wherever I'm going. A taxi trip is	
3	often at the corner, maybe a couple of	
4	blocks away as I'm walking so there's less	
5	risk of there being re-identification of my	
6	identity with those trips. And so I think	
7	we need to consider those added risks to	
8	privacy when we're contemplating expanding	
9	the requirement to FHVs.	
10	I do I would love to finish what	
11	I was going to read and I will keep it on	
12	the brief end because I know I'm running	
13	out of time.	
14	THE CHAIR: And also of course	
15	you're invited to meet with us to go over	
16	any other details that you weren't able to	
17	express today.	
18	MR. CHHABRA: Thank you.	
19	COMM. MARINO: Can I just ask one	
20	question?	
21	MR. CHHABRA: Yes.	
22	COMM. MARINO: If your concern is	
23	that the difference is that the FHVs	
24	generally pick people up from their home	
25	where yellows and greens are street hails,	

Proceedings 1 2 is that the concern or the difference? MR. CHHABRA: That's one of the 3 4 concerns. 5 COMM. MARINO: Okay. So the 6 drop-off being in just a neighborhood, I 7 mean, you would agree that that's acceptable? 8 MR. CHHABRA: And again, just to 9 clarify, I'm not arguing with what is 10 11 posted on Open Data. I think there is a 12 concern because we did reach out to riders through e-mails, and tweets, and folks have 13 14 pointed out, the response we got was an 15 overwhelming we don't want our data on our 16 pick-ups and drop-offs to be collected by 17 the government. So it's not --18 THE CHAIR: But just to be clear, 19 the e-mail that the riders got told them 20 that the government wants to collect your 21 passenger data, so the people responded to I think was probably a mischaracterization 22 23 of the proposed rule. 24 MR. CHHABRA: I respectfully 25 disagree with the characterization of that

Proceedings 1 2 as a mischaracterization. If I live in a house 123 Gold Street somewhere in Bayside, 3 it's either myself or my spouse who took 4 5 that trip, and so it is personally identifiable. It you want to go onto a 6 7 search engine and type in an address, you will find out --8 9 COMM. MARINO: But what if you had a friend over? 10 11 MR. CHHABRA: There are certainly 12 trips that aren't personally identifiable but there are a heck of a lot of trips that 13 14 are, and my -- the reason I'm urging 15 caution here is for the trips that are identifiable. So it's not so much that 16 17 this is ending up on an Open Data website. 18 It is that the government is now in 19 possession of trips that identify me going to places that I don't necessarily want the 20 21 government to be aware of. That's the feedback we got from riders. 22 23 COMM. MARINO: I would like to --24 THE CHAIR: I think we -- let's -- I 25 know you want to finish, so we'll make sure

Proceedings 1 2 you have time to do that. 3 MR. CHHABRA: So we wrote to some Uber riders, tremendous response. Some of 4 the concerns raised in the e-mails were 5 6 that the government's collection of this 7 data will lead to an Orwellian state, that it is creepy, and concerns that the plan 8 was not shared fully with City residents as 9 it should be, given its privacy 10 11 implications. Though these riders couldn't attend 12 this hearing in person, many wanted us to 13 share their comments with you. One rider 14 15 wrote, "To bemoan the fact that New York is 16 systematically destroying its citizen's 17 privacy and personal freedoms." "I'm a 18 veteran of two wars who fought to defend 19 Americans' freedom to come and go. I'm 20 very concerned with your plan to collect 21 additional precise information about the trips I take." 22 23 Another wrote, objecting to these rules, "I moved from Germany to the U.S. a 24 25 few years ago. My parents and friends from

1 Proceedings 2 East Germany told me what it's like to live 3 in a country of surveillance. You do not feel safe." 4 Several other riders wrote to say 5 6 they "will curtail or end their use of 7 TLC-licensed services if the Commission proceeds with these rules as written." And 8 visitors to the City wrote to say that "the 9 outcome here will impact whether they visit 10 11 the City again." 12 One thing that's clear from these 13 messages --COMM. MARINO: Will impact what? 14 15 I'm sorry. 16 MR. CHHABRA: Whether they visit the 17 City again. One thing that's clear from these 18 19 messages is that government collection of rider location data is simply too big an 20 issue to consider as adjunct to the issue 21 of driver fatique. It's an issue riders 22 23 feel passionately about and any decision 24 about this policy needs much more involvement by the general public than has 25

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2	been afforded.
3	Finally, beyond rider concerns, the
4	Commission must also consider what can
5	happen to this data once it has been
6	gathered in one place by the TLC. The data
7	would be vulnerable to data breaches which
8	are sadly far more commonplace now than
9	they were when the Commission started
10	collecting taxi data years ago. That data
11	would be vulnerable to demands from other
12	government agencies who may want it for
13	different and unknown reasons than the TLC.
14	And because the TLC regularly makes at
15	least some of this data public, it would
16	also be vulnerable to re-identification by
17	third parties.
18	Given the foregoing, as you consider
19	what actions you take with respect to the
20	driver fatigue rules, we recommend you
21	proceed only with those provisions that
22	actually pertain to driver fatigue. Do not
23	require the reporting of drop-off locations
24	or whether a trip is shared by multiple

customers. We understand that there is a

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1	Proceedings	
2	need to audit the duration data and we	
3	think there are other ways to get at that	
4	without the wholesale download of driver	
5	trip destination and location information.	
б	I thank you for your patience, and	
7	at this time I'm happy to take any	
8	questions you may have.	
9	THE CHAIR: Thank you.	
10	MR. WILSON: Thank you. And the	
11	next speaker is Gautam Hans.	
12	MR. HANS: Good afternoon. I'm	
13	Gautam Hans. I'm a teaching fellow at the	
14	University of Michigan Law School in our	
15	Entrepreneurship Clinic. I focus on	
16	innovation, technology, and intellectual	
17	property. Today I'm speaking in my	
18	individual capacity, not on behalf of the	
19	university, the law school, the clinic, or	
20	any of our clients. I appreciate your time	
21	today.	
22	A number of the issues that I was	
23	going to speak about have been discussed	
24	already so I'll set them aside, but I'm	
25	happy to discuss them particularly in	

Proceedings 1 2 privacy concerns and I'll highlight a couple of points. 3 First, I firmly believe in the TLC's 4 5 need to protect New Yorkers and promote the 6 goals of safety, non-discrimination and 7 compliance. As a regulatory agency, I think it's pretty well-established the need 8 to do so. My scholarship particularly 9 focuses on the intersect between 10 11 administrative agencies and privacy and 12 innovation, particularly my concerns are how those goals can be balanced and I think 13 this debate and discussion today highlights 14 15 some of those concerns. 16 My proposed solution in my 17 scholarship focuses on government agencies' adoption of two organizing principles in 18 19 designing data mandates, first one based on the fair information practice principles 20 21 which is a sort of longstanding data management framework dating back to the 22 23 70's that has been adopted by federal, 24 state and international governments. 25 Second, I argued for a least

Proceedings 1 2 restrictive means of tests to discuss the balance between the governmental goals and 3 the method by which they achieve those 4 goals. And I have some concerns about 5 6 whether or not this particular proposal 7 meets both of those frameworks that I adopt in my scholarship, but in particular, the 8 restricted means question, which I believe 9 other speakers have talked about, whether 10 11 or not duration can be appropriately 12 measured through pick-up and drop-off or some other means. I understand that 13 there's concerns about auditing. I support 14 15 those concerns. I would say that spot-checking might be a more effective way 16 17 of doing so. There may be concerns from the TLC about whether it's actually true 18 19 but I think that points to the need for further debate. 20 21 In terms of the data management question and the -- imply or implicate, I 22 23 guess I would highlight two things. One, I now there's a lot of discussion about data 24

implication and anonymization. These are

25

Proceedings 1 2 pretty technical terms. I fundamentally don't think complete anonymization is ever 3 possible. I understand that in the Open 4 Data initiative, that the data that you 5 6 release will only -- won't contain any 7 information that is tied to a trip or a rider, but that information is still being 8 collected by the agency even if it's not 9 being released to the public. And that is 10 11 the -- the concern is not just about the 12 open government issue but also about data breach issues that have been raised, 13 third-party sharing which I don't think is 14 15 foreseen but can happen. And in terms of re-identification, 16 17 the other problem is not just the data set that TLC releases, but also other sets that 18 19 exist. THE CHAIR: I mean, it's funny that 20 you're bringing up data breaches and that 21 is something that actually was a concern of 22 23 City Council for our licensees because they collect even more data than we do and there 24 25 was an instance where there was a data

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2	breach, and driver information was given	
3	out and the Attorney General settled it.	
4	And so now, just so you know, and this is a	
5	little off subject, but our licensees have	
6	to have security and privacy protocols as	
7	part of the licensing process because of	
8	the amount of data which is much more	
9	detailed than we collect, that they collect	
10	on the trips.	
11	MR. HANS: Absolutely. Well, I'm	
12	glad to hear that.	
13	I think the other final point I	
14	would make is that the concern about how	
15	this is different from other vehicles that	
16	collect information and ties into the	
17	concerns I have about how government	
18	agencies can increase the number of data	
19	they collect over time. These some of	
20	these rides are not just taken by companies	
21	that operate in New York, but also operate	
22	in other jurisdictions unlike the taxicabs	
23	that do operate here. You know, the	
24	taxicabs in New York aren't operating in	
25	D.C. or in LA, but some of these companies	

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2	have ride information that pertains to	
3	non-New York trips. I have concerns about	
4	that as well. It's not my concern is	
5	THE CHAIR: We wouldn't get that	
6	information.	
7	MR. HANS: I believe that to be true	
8	at this point. I guess my concern is that	
9	we do see from some agencies the increase	
10	in data collection overtime, and I know	
11	that's not being contemplated presently but	
12	those issues have risen in the past in	
13	other contexts.	
14	THE CHAIR: Just so you're aware,	
15	we've been collecting the pick-up for	
16	awhile and we have not had any instance	
17	where companies are giving us data from	
18	other other than the ones done by elite	
19	TLC-licensed drivers and TLC-licensed	
20	vehicles from their licensed base, but I	
21	appreciate your acknowledgment that these	
22	are national and international companies	
23	that we're dealing with and their data	
24	doesn't encompass just New York passenger	
25	data, it actually encompasses worldwide	

146 1 Proceedings 2 passenger data. 3 MR. HANS: Absolutely. Thank you very much for your time. 4 Thank you. 5 MR. WILSON: 6 And the next speaker is Andrei 7 Greenawalt. MR. GREENAWALT: Good afternoon, 8 Chair and Commissioners. My name is Andrei 9 Greenawalt. I'm the Vice President for 10 11 Public Policy at Via, and I appreciate the 12 opportunity to address you today regarding 13 this proposed rule. We're headquartered here in New York 14 15 City. We want our city streets to be safe for our drivers, riders, family and 16 17 friends, just as you do. And since our launch in 2013 here, we've appreciated the 18 19 TLC's consistent engagement with us in a constructive manner across a range of 20 issues, including on how best to calculate 21 and enforce the hours limitation. 22 We 23 believe that ensuring drivers are not 24 fatigued is an important public policy 25 qoal.

Proceedings 1 2 We operate in a highly efficient 3 way, and the percentage of time that our driver partners use our platform while 4 operating an empty car is quite low. As a 5 6 result, this new way of calculating hours 7 will effectively require that Via drivers be on the road fewer hours than drivers 8 with other companies who spend more time 9 cruising with no passengers. Nevertheless, 10 11 we recognize you're balancing many 12 considerations, and overall, we think you've struck an appropriate balance in the 13 current proposal on the hours. However, 14 15 we're deeply concerned with the new data 16 reporting requirements included in this 17 most recent proposal. In particular, we 18 don't believe the TLC should require 19 drop-off location information not on geographic location or other data. 20 We 21 don't think it's necessary to implementing New York enforcing the rule. 22 23 Second, if the TLC were to have the 24 detailed data it proposes in addition to 25 pick-up times and locations, which we

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2	already report, we believe it will hold	
3	information that could be pieced together	
4	to understand how our proprietary	
5	technology operates.	
6	Now, we understand the TLC has no	
7	current plans to release this detailed data	
8	publicly, and that's been reiterated	
9	several times today	
10	THE CHAIR: And also I think we're	
11	confined by FOIL because anything that	
12	risks privacy would be forbidden under FOIL	
13	for us to be releasing.	
14	MR. GREENAWALT: Right. So the I	
15	think our concern is that there's nothing	
16	in the rule itself and there's nothing in	
17	existing law that guarantees that the	
18	information wouldn't be turned over, and so	
19	you could have future TLC staff, future	
20	Commissioners could make a different	
21	decision or a request could be made under	
22	FOIL. And I understand there's a process	
23	under FOIL, but I don't think we feel like,	
24	you know, that process would be even	
25	necessarily a robust comprehensive process	

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2	to protect this information and we prefer
3	not to have to turn it over in the first
4	place, especially because we don't think
5	it's necessary to the rule at hand which is
6	about driver fatigue.
7	Furthermore, in a world of
8	THE CHAIR: And the rule is about
9	driver fatigue but there are also some, and
10	as Council Member Lander talked about, but
11	for us as an agency there's some additional
12	benefits to it, and one of the most
13	significant ones is consistent enforcement
14	and administrative enforcement which takes
15	the burden off of inspectors doing hoots on
16	the ground enforcement as well as in
17	foreign policy making.
18	So it is driver fatigue. It's the
19	ability to audit and if there's added
20	benefits, our charter allows us to have
21	jurisdiction to impose to make rules on
22	broad public policy relating to for-hire
23	transportation and as it relates to public
24	transportation. So where these trips are
25	happening is certainly part of that

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2	mandate.
3	MR. GREENAWALT: Yeah. And I think
4	our view on that is that we don't believe
5	it's necessary to driver fatigue. We
6	understand there are obviously a whole host
7	of public policy reasons that you use data
8	and that you want potentially additional
9	data, but we just kind of feel like that
10	should happen as a separate robust process
11	and discussion with us and others in the
12	industry, as well as people in the public
13	interest world and kind of take that away
14	from the driver fatigue discussion.
15	And I think, you know, I think for
16	some of the points that have been raised,
17	the public policy benefits for having this,
18	you know, I think we question whether you
19	would really need, you know, even if we're
20	wrong if you don't need it at all, like do
21	you really need to pinpoint drop-off
22	location to achieve those public policy
23	benefits? And I think there's lots of
24	interesting, you know, complicated
25	questions around that that we would happily

Proceedings 1 2 discuss. 3 COMM. MARINO: How close to the drop-off would you find acceptable? 4 5 MR. GREENAWALT: I mean, again, we 6 think that any sort of drop-off information 7 is not --COMM. MARINO: Any sort? 8 MR. GREENAWALT: -- not relevant to 9 driver fatigue. Okay. If there are other 10 11 public policy purposes I think we should 12 have a discussion about that. Obviously something broader than pinpoint location 13 would be preferable than pinpoint location. 14 15 So, you know, I heard statements earlier 16 that the taxi zone, maybe that would be too 17 broad. I mean, there's a lot of stuff in between that where I think, you know, we 18 19 can at least have a discussion about whether it achieves -- whatever the true 20 21 public policy goal is against the information that we feel, you know, we want 22 23 to protect and that we feel implicated to 24 individual privacy as well. 25 Furthermore, in a world of

Proceedings 1 2 increasing cybersecurity challenges, I don't think we should underestimate the 3 risk of hackers obtaining trade secrets. 4 Ι think that's real. I was, before 5 6 this -- before this job, I was a federal 7 employee and had all of my information hacked that was with the Office of Personal 8 Management, the Federal government, so this 9 is, you know, I think a real issue that 10 11 there are entities out there trying to get at this information, both domestic and 12 foreign, and we should just not 13 underestimate that. 14 We want New York to be a hub of 15 16 innovation. We just worry that 17 requirements such as these discourage start-ups from basing their companies in the 18 19 City like we are headquartered here or --COMM. MARINO: Can I just ask you --20 21 THE CHAIR: I just want to note, we do have at least an hour and 15 minutes of 22 23 more speakers so I'm really going to 24 encourage people to continue conversations outside of the hearing if we can't cover it 25

Proceedings 1 2 now, and we're happy to meet with you. The 3 comment period remains open. MR. GREENAWALT: Great. It will 4 5 take me ten seconds to wrap up. We look 6 forward to meeting with you later. 7 The third point I was going to make is that we share many of the privacy 8 concerns that have been raised by other 9 folks who have testified today and that we 10 11 welcome the opportunity to participate both in this discussion and other discussions on 12 this subject. Thanks for your time today. 13 THE CHAIR: Thank you. 14 15 MR. WILSON: Thank you. 16 The next speaker is Joseph Jerome. 17 MR. JEROME: Good afternoon, and thank you for your time. I'm Joseph 18 19 Jerome. I work at the Center for Democracy and Technology. Our name has come up a few 20 21 times here. Thank for the opportunity to talk to you briefly this afternoon. 22 23 Now, I understand and I -- at this 24 point that bringing up privacy tends to 25 just sort of be an eye rolling thing but I

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2	figured I'd present this or my case as a
3	privacy advocate and what about this
4	proposal sort of concerned me just upon
5	reading it. And I guess I would say that
6	my comments focus on how this proposal sort
7	of seems to challenge what are longstanding
8	privacy principles of purpose,
9	specification and use limitation. In
10	short, these principles require entities to
11	collect and store data in a deliberate way,
12	keeping only what is necessary for a
13	defining purpose.
14	CT regularly questions industry
15	practices when companies claim to collect
16	information for one purpose and ultimately
17	use it for others. In fact, we have very
18	recently raised concerns with some of
19	Uber's efforts to collect additional
20	location information from passengers. We
21	believe that embracing purpose,
22	specification an use limitation is
23	important not just for the private sector,
24	it's also vital for any public sector
25	initiative and regulatory proposals. And

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2	that's sort of the bugaboo today. The	
3	TLC's proposal does not really impose any	
4	such restrictions on its own use of this	
5	information once it has been once it has	
б	been collected and shared from for-hire	
7	vehicle companies.	
8	Now, I understand you have greater	
9	ambits here and this just sort of came up	
10	in the last back and forth, but again, this	
11	is primarily it has been presented to	
12	the public as a rule to address driver	
13	fatigue.	
14	THE CHAIR: And in the Statement of	
15	Basis and Purpose, there are some	
16	additional reasons set forth.	
17	MR. JEROME: Agreed. And so I	
18	guess, again, speaking as a privacy	
19	advocate, it sort of seems like you want to	
20	have your cake and eat it too a little bit.	
21	You know, when I see things like that this	
22	information is going to be used in support	
23	of other enforcement actions, well, that	
24	sort of opens the slippery slope to what	
25	the limit is on the use of this	

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2	information. You know, in privacy land we
3	tend to call this sort of thing as "mission
4	creep" and in a proposal you're
5	discussing
6	THE CHAIR: As a government agency,
7	we have many more limits on what we can do
8	than a private corporation, so we have a
9	mandate from our charter jurisdiction is
10	what it is and we're open to FOIL so all of
11	our communications, calendars and
12	everything else is publicly available. So
13	yes, there could be mission creep but we
14	have a lot more checks and balances as a
15	government agency, as a Commission and as a
16	city entity that any private corporation
17	has when they take in additional data.
18	MR. JEROME: That may be fair and,
19	you know, I hear the criticism the
20	companies can do whatever they want, but
21	again, government, I mean as the government
22	has sort of a rule to sort of set a
23	standard here. And so speaking as a
24	privacy advocate, I guess I'm just would
25	like to see clear explanations of exactly

Proceedings 1 2 what this information can be used for, you 3 know. And again, and I reiterate this 4 concern, if this is supposed to be about 5 driver fatigue and even some of the 6 7 enforcement actions you talk about, so there's discussion about addressing 8 pedestrian and rider complaints during or 9 between trips, again, from my perspective, 10 11 I've yet to be persuaded as to how drop-off 12 location addresses those sort of things 13 or --THE CHAIR: It shows the route. 14 15 We've been getting an increasing number, and especially since Vision Zero, of 16 17 pedestrian bystander complaints of running red lights, reckless driving, all things 18 19 that we find extremely important to the standards that we uphold for our licensed 20 21 drivers, and one of the ways to investigate that is to make sure you can place the car 22 23 in the location. Having the drop-off helps 24 you with the route and gets you closer to 25 that investigative result.

Proceedings 1 2 MR. JEROME: That may be far. Ι guess reiterating what prior speakers have 3 said, I guess it would just be helpful to 4 sort of have that clearly laid out. 5 That type of justification may be legitimate and 6 7 it certainly helps alleviate my concerns but it's not present in the proposal that's 8 currently drafted. 9 In any event, thank you again for 10 11 the opportunity to deal with lots of people 12 complaining about privacy. I know that's sort of irritating to all of you but CT 13 definitely appreciates the opportunity to 14 15 be heard. 16 THE CHAIR: And of course you can continue the conversation with us 17 afterwards. 18 19 COMM. MARINO: And I just want to point out, I don't find a discussion about 20 21 privacy to be irritating at all. You know, I'm supporting these rules at this point 22 23 but I'm -- I'm listening intently to what 24 everyone's saying because privacy is incredibly important, so please don't 25

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2	dismiss that as irritating. It's not for	
3	me.	
4	MR. JEROME: I'm happy to hear. I	
5	mean, as a privacy advocate, that's great	
6	to hear but I, you know, I can understand	
7	that it can be sort of a	
8	COMM. MARINO: Fourth Amendment is	
9	something that should be treasured, so I'm	
10	with you on that.	
11	MR. JEROME: That's fantastic to	
12	hear. Thank you. Thank you, again.	
13	MR. WILSON: Thank you.	
14	And the next speaker is Scott	
15	Rutter.	
16	MR. RUTTER: Good afternoon. My	
17	name is Scott Rutter. I'm the Executive	
18	Vice President of Commonwealth Worldwide	
19	Transportation here in New York. I'm also	
20	the Vice President of the Limousine	
21	Association of New York. Our acronym is	
22	LANY, L-A-N-Y, and we are comprised mostly	
23	of luxury base operators here in the City.	
24	So I want to thank the Commission	
25	for giving us the opportunity to comment on	

Proceedings 1 2 the newly revised -- proposed fatigue driving rules today, and I'd like to begin 3 by saying that LANY understands and 4 supports the City's concerns for public 5 6 safety. It would be difficult really for 7 any us to stand here today and try and defend the position of allowing unlimited 8 or excessive driving hours, particularly 9 given the well-documented effects of 10 11 fatigue driving that are included in the 12 TLC's Statement of Basis and Purpose Rules, as well as a lot of the testimony we've 13 heard earlier here this morning. These 14 15 effects combined with the explosive growth in the for-hire vehicle sector and a 16 17 corresponding increase in vehicle crashes 18 that were recently pointed out in a New 19 York Post article, certainly suggest that additional attention needs to be paid. 20 21 So we're with you a hundred percent of the way on the need for increased focus 22 23 on safety. However, we do not feel that 24 expanding the current data collection

process is the right way to go about that.

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2	It's no secret that growing public concerns	
3	over privacy issues with the current	
4	process are escalating at a rapid pace.	
5	Recent coverage in media and published	
6	legal opinions are expressing increased	
7	concerns about the privacy and particularly	
8	the security of personal data being	
9	collected by the TLC. Now, we've heard a	
10	lot of about that here this morning and	
11	I'll let others continue to articulate that	
12	point of view.	
13	We believe there are also some very	
14	questions as to the necessity and the	
15	effectiveness of expanding what's already a	
16	massive data collection process in attempt	
17	of reducing specifically driver fatigue.	
18	By TLC's own admission and I quote, "Almost	
19	all TLC licensed drivers do not drive an	
20	excessive number of hours." The TLC has	
21	also expressed concerns that some drivers	
22	might be tempted to work dangerously long	
23	hours, and then goes on to state that,	
24	"Even with reduced daily limits, most	
25	drivers would not need to modify their	

Proceedings 1 2 driving hours." Yet, in spite of such recognition by the TLC, a massive data 3 collection process continues to get bigger, 4 adding additional trip details to an 5 6 already intrusive submission process. And 7 all of this is in effort of catching the few who may or may be tempted to exceed 8 daily safety driving limits. 9 We believe that better solutions to 10 11 the City's concern can be found through 12 more communication and specifically interaction between the TLC and the very 13 stakeholders who will be most impacted by 14 15 these new rules. By working more closely 16 together, we believe that we can achieve 17 solutions that would target the few drivers 18 that you've expressed concerns about, 19 rather than all drivers, solutions that would not add to growing concerns over the 20 21 privacy concerns that have been raised today, and solutions that would not add to 22 23 the already significant technical burden 24 that many smaller and mid-size operators 25 quite frankly are struggling with complying

Proceedings 1 2 with today, let alone before expansion. 3 So in closing, I do also want to note that we did recognize the TLC's 4 concern that you brought up about -- or our 5 6 concern about additional enforcement 7 purposes stated in the original rule as well that would be undertaken in the 8 expanded data collection process. And 9 again, I would say that we would really 10 11 urge the TLC to change course, spend more 12 time working with the base operators in 13 coming up with effective solutions to your specific concerns, be them driver fatigue, 14 15 be that additional specific concerns about not breaking the rules, and coming up with 16 17 effective solutions to your specific 18 concerns versus expanding what we believe 19 is already overzealous data mining no matter how well the intent. So thank you 20 21 very much. 22 THE CHAIR: Thank you. 23 MR. WILSON: Thank you. 24 The next speaker is Rakesh Patel. 25 (No response.)

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2	UNIDENTIFIED SPEAKER: There's	
3	nobody left in the overflow room.	
4	MR. WILSON: There's nobody left.	
5	Okay. So he must have gone.	
6	So the speaker after that, Lee	
7	Abramson.	
8	MR. ABRAMSON: Good afternoon. I'm	
9	a driver in the FHV industry and I	
10	appreciate the opportunity to speak to the	
11	Commission in support of the proposed	
12	10-hour fatigue rule. This is my first	
13	time at a hearing so bear with me, but I've	
14	watched many past hearings using the	
15	livestream app.	
16	I do understand some of the concerns	
17	of previous speakers in regards to	
18	questioning how this will help the issue of	
19	fatigue drivers, but I also recall from	
20	previous meetings that in the proposed	
21	initial iterations of the rule, it was	
22	stated that these rules won't affect the	
23	majority of drivers. This rule is meant to	
24	target those that are already pushing the	
25	limits of driving, and are a current threat	

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2	to other drivers, passengers and	
3	pedestrians on the road due to their	
4	excessive driving habits.	
5	While I would love to see a rule	
6	that would satisfy all sectors of the	
7	industry, I understand that realities and	
8	difficulties of doing just that. I feel	
9	that this rule will address the issue of	
10	fatigue driving as most drivers aren't	
11	looking to spend additional hours on the	
12	road away from their families.	
13	As a driver, my concerns are first,	
14	to make it home safely, and second, to earn	
15	a decent living while I'm on the road.	
16	With that being said, I don't want to be on	
17	the road for countless hours just to be	
18	able to make that living and I don't	
19	believe that the majority of other drivers	
20	would disagree. I commend the Committee	
21	for this proposed rule change and sincerely	
22	hope it gets implemented. Thank you.	
23	THE CHAIR: Please come back.	
24	MR. WILSON: Thank you.	
25	The next speaker is Rudolph Winn.	

166 Proceedings 1 2 (No response.) 3 MR. WILSON: Okay. I think he's not 4 here. 5 The next speaker is Michael 6 O'Loughlin. 7 MR. O'LOUGHLIN: Happy New Year. Ι assume it is still 2017. 8 Good morning. I'm Michael 9 O'Loughlin. I speak today for Cab Riders 10 11 United, a passenger voice for improving the 12 safety, and the quality of service and the environmental impact of the City's taxi and 13 for-hire vehicle industry. 14 15 Cab Riders United strongly supports the goal of making New York City's taxis 16 17 and for-hire vehicles safer for everyone involved, the drivers, the passengers, the 18 19 pedestrians, and bicyclists and others outside of the vehicle, and we support, as 20 we did in June, evidence-based regulations 21 to limit driver fatigue and make us all 22 23 safer. And we genuinely understand and 24 appreciate the amount of time that TLC 25 staff and others have put into trying to

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2	craft these regulations. So with that	
3	said, this is awkward but we are not in a	
4	position to support the regulations as they	
5	are proposed today.	
б	Regarding the revised driving	
7	fatigue rule, we're concerned that tallying	
8	only those driving hours spent transporting	
9	passengers will under-count diver hours	
10	spend behind the wheel thereby adding to	
11	the danger for drivers, passengers, and the	
12	New Yorkers outside the vehicle. Our	
13	conversations with those knowledgeable in	
14	the field point to about a 40 to 60 percent	
15	occupancy rate as a rule of thumb for taxis	
16	and for-hire vehicles. Using a 50 percent	
17	occupancy rate to make the math simple, we	
18	can calculate that the TLC's proposed rule	
19	with a 10-hour cap for transporting	
20	passengers would actually allow FHV drivers	
21	to drive their vehicles for closer to	
22	20 hours per day, far beyond what we can	
23	consider safe.	
24	What's at stake in the difference	
25	between 10 hours and 20 hours? We all	

Proceedings 1 know. We've heard it from multiple 2 witnesses. It's there in the Statement of 3 Basis and Purpose from the original rules 4 proposed. Please note that in none of 5 6 these instances, none of the witnesses, 7 nothing that was in print in June, nobody mentions whether the fatigued drivers in 8 these studies are transporting passengers. 9 Fatigued driving is fatigued driving, 10 whether there is a passenger in the vehicle 11 12 or not. If I am passenger who gets in a vehicle and that driver is fatigued because 13 14 he has been driving without a passenger, he 15 is still fatigued and I as a passenger am 16 still put at risk, or as one of our 17 supporters put it, when I drive Upstate, I'm exhausted at the end and it doesn't 18 19 matter whether my wife is riding with me or 20 not. 21 Finally, please note that while a relatively small percentage of the drivers 22 23 may choose to drive the maximum number of

hours permitted, under the proposed rule,

it only takes one exhausted driver to end

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2	the life of another fragile, beloved human
3	being, as was the case when 88-year-old
4	grandmother Luisa Rosario was struck by
5	thousands of pounds of steel piloted
6	through a dense urban environment by a
7	driver who reportedly had already worked 16
8	hours. The rule you are considering today
9	would allow the driver to remain behind the
10	wheel for up to 20 hours, 25 percent more
11	than the driver who was behind the wheel
12	when Luisa Rosario was killed.
13	Cab Riders United strongly urges the
14	TLC to seriously and urgently consider
15	replacing the proposed rule today with
16	another approach to reducing the risk of
17	fatigued driving, such as the original
18	proposed rule or greater use of in-vehicle
19	technology. I'm trying to read you as much
20	as I can here.
21	If the Commission chooses to move
22	forward with the proposed rules today and
23	measuring FHV drivers' time they'll need
24	behind the wheel when they're transporting
25	passengers, we align ourselves with our

Proceedings 1 2 Vision Zero colleagues and transportation alternatives and would urge you to take a 3 precautionary approach and begin with a 4 6-hour time limit. We believe that will be 5 6 more consistent with Vision Zero, stated 7 priority of the Mayor, the City Council, and the Taxi & Limousine Commission, and we 8 understand that some drivers feel compelled 9 by economic necessity to work excessive 10 11 hours, but no one should have to work 12 unsafe hours or inhumane hours, or in unsafe or inhumane conditions in order to 13 make ends meet in New York. 14 Cab Riders United would support 15 16 drivers keeping a greater share of the 17 money that passengers pay. Indeed, just as research shows that rested drivers are 18 19 safer, research also shows that better pay and working conditions also are associated 20 with safety. 21 Regarding the FHV trip data 22 23 reporting requirements, Cab Riders United 24 has been in the past and may very well be 25 in the future, open to carefully manage

Proceedings 1 2 trip data collection for safety and 3 enforcement, for consumer protection, for informed policy making. Indeed we can 4 imagine and this is somewhat eluded to in 5 6 the Statement of Basis and Purpose, that 7 there may be other arguments for collecting the trip data here proposed but those are 8 not the primary leg that this data 9 collection rests on today. Instead, TLC 10 11 proposes to collect the data primarily for 12 the purposes of enforcing the proposed driver fatigue rule because we regard the 13 driver fatigue rule at it is proposed today 14 15 to be gravely flawed. We cannot, 16 especially with the privacy concerns that 17 have been raised, we can't stand here today and endorse the collection of that 18 19 additional data. We welcome continued dialog in the 20 21 matter, and thank you for the opportunity to speak with you today. 22 23 THE CHAIR: Thank you. MR. WILSON: 24 Thank you. 25 And the next speaker is Geovanie

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2	Rosario.	
3	MR. ROSARIO: Hello, Commissioners.	
4	My name is Geovanie Rosario. I am a prior	
5	driver. I've been driving about two years.	
б	I do stand by your fatigue rule. I do	
7	think it's a good thing but also it does	
8	still allow me to drive excessive amounts	
9	of hours just to, you know, make ends meet.	
10	COMM. MARINO: It does allow you to?	
11	MR. ROSARIO: It does, yes.	
12	I also know other drivers that have	
13	driven 21 hours and only had 7 hours of	
14	passenger time, so it's not really going	
15	it's not really going to help the	
16	overall industry. It should be less time.	
17	And also, I think a bigger reason is	
18	because there's a flood of extra drivers on	
19	the road so now I have to work longer to	
20	make the same amount and the more you keep	
21	adding, the longer I'll have to stay on the	
22	road because now in between trips I'll get	
23	less trips because now there's more	
24	drivers.	
25	THE CHAIR: Just so I understand,	

		1'
1	Proceedings	
2	another reason you point out is if the	
3	hours were shorter, it would maybe ease	
4	some of the competition you're feeling from	
5	additional drivers that are on the road?	
6	MR. ROSARIO: Correct.	
7	THE CHAIR: Okay.	
8	MR. ROSARIO: So that would help us	
9	get better, you know make a decent	
10	income versus me driving 16, 17 hours to	
11	make 200 bucks. Say if you shortened it	
12	and there was less drivers on the road,	
13	then I can make that same amount in say	
14	probably 8 to 10 hours on the road. See	
15	what I'm saying?	
16	Also, to touch on the privacy issue,	
17	us as independent contractors, we do see	
18	the pick-up and drop-off locations so it	
19	doesn't really stop drivers or protects	
20	passengers from drivers, especially if they	
21	have, you know, something that they want to	
22	do, or go back to the house or apartment,	
23	or stalk someone. We still do have access	
24	to that and it's not protected. I do want	
25	to point that out.	

Proceedings 1 2 THE CHAIR: You bring up an 3 interesting point that I hadn't thought of so thank you. 4 MR. ROSARIO: But that is all. 5 6 Thank you. 7 THE CHAIR: Thank you. 8 MR. WILSON: Thank you. 9 The next speaker is Mario Sanchez. MR. SANCHEZ: Hi. Name name is 10 11 Mario Sanchez. I'm a New York City yellow 12 cab driver and for the last past number of hours all we hear about data from these 13 companies that mislead people with their 14 15 data anyway to decide who's doing a 16 one-night stand, or what store, or what 17 executive's in their car. Now they're 18 worried about handing over data to you 19 quys. It's kind of hypocritical. But what I'm here to talk about is 20 21 what nobody else is talking about, how it affects the drivers. Now, you look at 22 23 other safety sensitive jobs like the MTA. The MTA let's their bus drivers drive 14-to 24 25 16-hour days 12 days straight before

Proceedings 1 2 they're enforced to take a day off, and now you're putting more restrictions on the 3 vellow cab when a bus driver drives a bus 4 that's over 10,000 pounds with maybe 5 6 anywhere from 100 to how many people are on 7 that bus, but the restrictions on the cab drivers are a lot harder. 8 Now, one of my issues is now how is 9 a cab driver supposed to keep track of 10 11 this? Now, you say we have the TPEP 12 systems in our car, which we do, and fortunately I have one of the modern ones. 13 Most of these guys have these small 14 15 triangle boxes that you have to turn a 16 number, press F1, F2, F3. We'll never 17 figure it out. We need a good system in the car that can tell us these are how many 18 19 hours we have like a countdown clock. So if this is truly to protect the 20 21 drivers and the public, now the situation is just to fine us and give more money to 22 23 TLC. Because I'm all for it because I 24 think we definitely need to have 8 hours 25 down, but the 60 hours a week, that's kind

Proceedings 1 2 of ridiculous. Because if you're an 3 independent contractor like we all are and we all are growing our own business, what 4 businessman can't work seven days a week? 5 What agency tells him no, you can't go to 6 7 your store everyday and open it for ten hours? 8 THE CHAIR: So just -- and we're 9 happy to discuss more your 10 11 particular -- especially we can go over 12 your particular schedule, but the 60 hours is not limited to certain days, so you 13 could work seven days and have -- split 14 15 those passenger hours over those seven 16 days, just so you know. MR. SANCHEZ: And when I came here I 17 understood that more, and the consultant 18 19 that put together that little nice presentation is great because let's just 20 21 imagine you're in a New York City yellow cab, one customer drops out at 9:20, the 22 23 next pick-up comes up at 9:25, 35 minutes 24 with her, 5 minutes with him, 5 minutes 25 with them and I have to sit down there and

1	Proceedings
2	write this all together and not get honked
3	at, not get chased by the police. I can't
4	even have enough time to put my money back
5	in order before somebody else is jumping in
6	or somebody's honking at me.
7	So the key thing to me is please
8	find a way that these cars can have a
9	down a countdown clock or have the
10	updated system where it's a screen and we
11	can really just thumb through and say okay,
12	now I know where I am, because it always
13	seems that everybody forgets about the
14	yellow cab drivers. We're not the white
15	elephant in the room. We're TLC's
16	stepchild in the corner that just gives up
17	all the information and gives up all the
18	data, and every time we open our mouth we
19	get kicked in our teeth.
20	THE CHAIR: The screen you're
21	talking about is more like the iPad type of
22	screen?
23	MR. SANCHEZ: Yeah. The Verifone
24	has a decent one where you can actually go
25	into trip data, go through all your trips,

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1	Proceedings	
2	click on it and get all the information.	
3	THE CHAIR: Okay. Excellent.	
4	MR. SANCHEZ: But most of the	
5	garages have the smaller triangle box where	
б	you have to turn numbers	
7	THE CHAIR: Right.	
8	MR. SANCHEZ: they're hardly that	
9	you can see and you can't really get that	
10	information, and now you're hoping the	
11	driver can accurately write all this	
12	information down at the end of his trip, go	
13	home and say okay, I did ten hours today, I	
14	got another three hours left for tomorrow,	
15	you know, without getting that mail and	
16	then hey, come in, you got a \$200 fine. Do	
17	you know what I mean.	
18	So it just seems like another	
19	issue I have is about all the drivers that	
20	work for F the for-hire vehicles, one	
21	works for Uber, one works for Lyft. How	
22	are you guys going to track that that	
23	driver drives ten hours for Uber and then	
24	went to Lyft for another six hours? You	
25	know, yes, you'll look at the Uber	

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1	Proceedings	
2	information, he did his job there. Are you	
3	going to have some way where you can	
4	compare the drivers and say	
5	THE CHAIR: Yeah. We'll	
6	search we'll query the driver number	
7	across every base because they can work for	
8	multiple bases.	
9	MR. SANCHEZ: Okay. Because I know	
10	that's going to be a big thing because	
11	you're looking at over a hundred thousand	
12	drivers. Do you have the infrastructure	
13	built for that?	
14	THE CHAIR: 150,000 drivers.	
15	MR. SANCHEZ: 50,000?	
16	THE CHAIR: 150,000 drivers.	
17	MR. SANCHEZ: Wow. That seems like	
18	you'll be hiring a lot of people then to	
19	handle that information.	
20	THE CHAIR: Luckily machines are	
21	getting better at doing this.	
22	MR. SANCHEZ: Well, that's pretty	
23	much that's all I wanted to say and just	
24	remember, the yellow cabs, we were the guys	
25	that built the industry and it seems like	

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1	Proceedings	
2	we're forgot about. It seems like it's	
3	just everybody talks about data, everybody	
4	talks about Uber, everybody talks about	
5	these companies, but the yellow cab	
б	drivers, they're just trying to work hard	
7	to make a living. It seems like nobody	
8	really cares about us because not too many	
9	people said anything about yellow today	
10	here. Thank you for your time.	
11	THE CHAIR: Thank you.	
12	MR. WILSON: Thank you.	
13	The next speaker is Steven Savader.	
14	MR. SAVADER: Good morning. My name	
15	is Steven. I am a driver with the FHV	
16	doing Uber and other companies as well.	
17	Thank you for letting me be here to speak	
18	in front of everybody here. I'm a little	
19	nervous so please excuse me.	
20	I'd like to first say that as a	
21	driver, if Lyft, Uber or other companies in	
22	this fatigue rule would just cap the	
23	drivers, we wouldn't feel the need to drive	
24	more hours, do more work to make the same	
25	amount of money. We had a decrease of	

Proceedings 1 2 income for us drivers last year and that 3 made us drive more. On paper, it looks like we're getting more but we're getting 4 less. So if we as drivers were to be able 5 6 to drive less and make more money, we 7 wouldn't need to drive more hours and get what we need to get. 8 So this 10-hour rule is great but it 9 should be more stricter, more enforced, 10 11 maybe 8 hours because driving with 8 hours 12 of passengers is a long time as it is, even 10 hours, not accounting all the drivers 13 that are driving everywhere without a 14 15 passenger. So with that being said, I 16 would propose, perhaps, capping the 17 drivers, cap something and I'm sorry for all drivers to be saying this but there's 18 19 just too many drivers and I have to drive more to make the same amount of money. 20 So 21 thank you for your time. THE CHAIR: I do want to note, if we 22 23 have groups where there's several 24 representatives from one group, I think it 25 would be helpful if you come up together,

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that way everybody gets a chance. We don't	
want the people at the end of the hearing	
to feel like they're shortchanged because	
they're further down on the list. You	
know, everybody who speaks is just as	
important but we'd like to make sure we get	
through it the hearing in a reasonable	
time.	
MR. WILSON: And the next speaker is	
Mohammad Rana.	
(No response.)	
MR. WILSON: All right. The speaker	
after that, Manuel Rocano.	
(No response.)	
MR. WILSON: Enrique Flores.	
(No response.)	
MR. WILSON: Segundo Barrira.	
(No response.)	
MR. WILSON: Okay. Alsredo	
Encalada.	
(No response.)	
MR. WILSON: I'll probably	
mispronounce this one, Doucoure Manyadou.	
MR. MANYADOU: Good afternoon. It's	
	<pre>that way everybody gets a chance. We don't want the people at the end of the hearing to feel like they're shortchanged because they're further down on the list. You know, everybody who speaks is just as important but we'd like to make sure we get through it the hearing in a reasonable time.</pre>

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2	Doucoure Manyadou, D-O-U-C-O-U-R-E.	
3	THE CHAIR: I apologize.	
4	MR. MANYADOU: It's okay.	
5	Good afternoon, Commissioners. Good	
6	afternoon, everybody. I've been here since	
7	8:00 and I'm very confused about all the	
8	things that were said here. So the 140,000	
9	people who are in the streets are not here	
10	being a representative. Do you feel you	
11	said anything today that's going to relate	
12	to taxi actual taxi drivers who is in	
13	the street? Because everybody come here	
14	with their interest of data, data breach,	
15	data people's money is taken out of	
16	their pocket and they're in the street,	
17	ladies and gentlemen, they're not here.	
18	I invested \$40,000 on a	
19	handicap-accessible green taxi, one that I	
20	drive myself. I will lose it this week.	
21	COMM. MARINO: How?	
22	MR. MANYADOU: Because here's my	
23	whole entire schedule. I will leave at	
24	6:00 a.m. in the morning to go drive until	
25	11:00, my choice, I go home with my family.	

184 Proceedings 1 2 Second --3 COMM. MARINO: I'm sorry. You leave at 6:00 in the morning? 4 MR. MANYADOU: 6:00 in the morning. 5 6 COMM. MARINO: And come home when? 7 MR. MANYADOU: Drive, come home 10:00, 11:00. 8 COMM. MARINO: In the middle of the 9 10 night? 11 MR. MANYADOU: Yeah. Sometimes you 12 get someone who's going to JFK. You're an 13 independent contractor, you can take care of that. And I come back and do the second 14 15 rush hour which is 4:00 or 5:00 when kids are getting out school, you work until 8:00 16 17 at night. The point of this is not the how many hours that you work. It's the TLC is 18 19 making a schedule for independent contractors, how many hours you can work. 20 21 And if you actually read the recent rulings on the independent contractors in the 22 23 Eastern District it's 30. If you make any 24 policy that is taking independent 25 contractor profit or lose profit it's

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2	exploitable. Mr. Chhabra stated that
3	clearly. He said people are not stupid
4	enough to say it, work from 3:00 and punch
5	your time card at 4:00. That's exactly
6	what I have. I don't have 8 hours to say,
7	oh, this 8 hours I'm going to punch out.
8	He's the one who (inaudible). This is
9	yours right here.
10	We had a hearing, half of this room
11	was on their cell phones. So the problem
12	is not the taxi drivers. 140,000 drivers
13	we have we're going to have registered.
14	We're going to have bad ones just like a
15	congressman being indicted every single day
16	for inappropriate behavior. We don't go
17	there and shut down the congress. We're
18	not making any policy that is going to make
19	a flinch.
20	(Applause.)
21	MR. MANYADOU: They don't even
22	flinch. They don't flinch, ladies and
23	gentlemen, because the person who did a bad
24	thing, we have rules and regulations in
25	place. That's called dealing with the

Proceedings 1 2 person individually. Done. So if I choose to work 16 hours, it's my choice, but I 3 know that I'm not stupid enough to make 4 sure that be there and kill or hurt 5 someone. You have some people in the 6 7 street you go 10 miles an hour, they're doing Snapchat, Snapchat in the front of 8 your car. We're aware of all that. 9 Every single person who testified 10 11 today, in terms of for highway patrol and 12 this and that, this is called CDL-licensed drivers. It requires a physical aspect of 13 it, drive across country, across towns, 14 15 same places that have them to put a GPS 16 tracker so they can tell how many hours 17 they work. That same city, California and 18 Chicago, you cannot rent a U-Haul truck and 19 drive it 24 hours through the city or any other place. If you stop for taking a red 20 21 light, they give you a ticket because you are not required. It's called a commercial 22 23 drivers. 24 So taxi drivers, we live within the

city. We're driving three hours, you meet

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your cousin; we drive five hours, we go	
eat.	
COMM. MARINO: But the time doesn't	
take all that into consideration, right?	
If you're not driving and you're not I	
mean, that's not added in so how does it	
affect you?	
MR. MANYADOU: Ma'am, it's not a	
matter of consideration of how many times.	
You can allow the	
THE CHAIR: Is it the principle?	
It's not so much the time, it's the	
principle that we're proposing a rule that	
would have any limit on you as an	
independent contractor?	
MR. MANYADOU: That's one of them.	
Two, my most concern is not the people	
that's here that you're talking to. It's	
the one that you're going to send the	
ticket to, that according to TLC can	
(inaudible).	
THE CHAIR: Right. One thing I want	
to do say, and we do have to keep moving,	
is the point of this is education, outreach	
	<pre>your cousin; we drive five hours, we go eat. COMM. MARINO: But the time doesn't take all that into consideration, right? If you're not driving and you're not I mean, that's not added in so how does it affect you? MR. MANYADOU: Ma'am, it's not a matter of consideration of how many times. You can allow the THE CHAIR: Is it the principle? It's not so much the time, it's the principle that we're proposing a rule that would have any limit on you as an independent contractor? MR. MANYADOU: That's one of them. Two, my most concern is not the people that's here that you're talking to. It's the one that you're going to send the ticket to, that according to TLC can (inaudible). THE CHAIR: Right. One thing I want to do say, and we do have to keep moving,</pre>

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2	and compliance. Most people can comply.	
3	And what we said in the Statement of Basis	
4	and Purpose is it's not going to be	
5	accompanied by a hearing and summonses.	
6	It's accompanied by outreach which you	
7	identified, and getting to the drivers on	
8	the street, finding the drivers	
9	that identifying those that are really	
10	driving excessively, and it sounds like	
11	you, you know, you're aware of the dangers	
12	and you manage them.	
13	So yes, it would be nice if we had	
14	more drivers who came to every hearing, I	
15	absolutely would love that, but we want to	
16	make sure that whatever initiative we do on	
17	fatigued driver, that a large part of it	
18	before it goes into effect is about	
19	reaching those drivers, and we'd be happy	
20	to use you as a resource to help us get	
21	there.	
22	MR. MANYADOU: I'd be more than	
23	happy to, Commissioner. I can't get one	
24	person in Harlem, three different	
25	(inaudible) that I went to. There's a	

Proceedings 1 2 public hearing at TLC, I can't get one 3 person to go to, and do you know why, because you guys are completely two 4 separate entities. I have never seen no 5 6 place that did not pay attention to their 7 product. Your product is not your partners. Your product is the people 8 that's in the street, the 140,000 people 9 that's there. So you have to get your 10 11 message behind these people and get there. 12 That's the reason why TLC concentrates so much on drivers and the tsunami hits us. 13 All these apps you see, we can have that 14 15 and table this a long time ago. They're 16 here because we were not prepared. 17 THE CHAIR: So what I'd like to do 18 is, I don't know if Kala Wright or Erica are in the back. I know you're shrugging 19 your shoulders but --20 21 MR. MANYADOU: Here's what I'm saying, Commissioner --22 23 THE CHAIR: -- we do have to wrap 24 up, and I would like Kala to get your card 25 because we're going to take you up on the

Proceedings 1 2 offer that there be more driver involvement. 3 MR. MANYADOU: I'd be more than 4 5 happy to but please do not pass this in 6 this understanding. What it is now is 7 completely all over places. It's not direct to understand that's the driver 8 fatigue. A few people said -- talked about 9 other issues than driver fatigue, so please 10 11 consider that. 12 COMM. POLANCO: It's not going to be passed today. This is a comment session. 13 MR. MANYADOU: Well, if not passing 14 15 today but it will be considered, will be --COMM. POLANCO: Correct. So then in 16 17 the meantime, basically it's gathering all 18 those people to send more comments, to come 19 and meet with the TLC. This is the time. 20 Now we're making people aware as to what's 21 going on. MR. MANYADOU: Okay. People that's 22 23 going to be giving you time, I guarantee 24 you they're not going to be actual drivers. 25 COMM. POLANCO: Oh, I know. There

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2	are people that are driving and working.	
3	MR. MANYADOU: I'm going to tell you	
4	that. It's not gong to be actual drivers	
5	that pick you up every day.	
6	THE CHAIR: Okay. Thank you.	
7	MR. MANYADOU: Thank you so much for	
8	your time.	
9	THE CHAIR: Thank you.	
10	MR. WILSON: Thank you.	
11	The next speaker is Cira Angeles.	
12	Yes, and Jose.	
13	MS. ANGLES: Happy New Year to each	
14	and every one of you. Thank you,	
15	Commissioner Joshi. Thank you to all the	
16	Commissioners for standing here and staying	
17	here with us.	
18	I just want to point out that the	
19	purpose and the goal of this rulemaking	
20	proposal talks about change in behavior and	
21	safety, public safety. But in doing so,	
22	from what I hear and gather, we already	
23	submitted our comments, we got into the	
24	rules and we talked about privacy which	
25	everybody has addressed that concern. It	

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2	is our concern as well, especially because	
3	we deal with the small bases that have	
4	to and I think Jose Altamirano, our	
5	President, will speak more on the burden,	
6	the economic burden that Commissioner Nora	
7	Marino was actually trying to find out,	
8	what are the implications, and the	
9	implications also talk about the driver.	
10	I think the driver before us,	
11	Doucoure, actually he addressed it in a	
12	simple fashion. But also I think that	
13	fatigue, stress, being tired, it's all	
14	related to the business itself and the	
15	measures that we are taking today that	
16	talks about what he was saying in referring	
17	the 148,000 drivers out there that	
18	understand that new rules are coming in,	
19	but new rules that will add stress. If we	
20	are trying to tackle fatigue and we are	
21	trying to bring public safety as one, you	
22	know, I believe as a mission of the New	
23	York City TLC, we cannot use this as a	
24	mechanism of surcharging and enforcement,	
25	and summonses and tickets, and worries and	

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2	concerns. If I get out everyday, if I am a
3	driver, and I think he explained it very
4	simple, I've spoken to many drivers
5	regarding this rule since the summer and
6	the driver said, how am I going to collect
7	all this information, and a lot of people
8	say this has to be a leveled playing field.
9	Unfortunately, we have different segments
10	in the industry. We have the yellows, we
11	have the greens, which are basically ruled
12	by the same principles, but we have the
13	black cars. We're talking about that you
14	know the point A to point B because there
15	is a credit card. At least you know more
16	or less where the trip ended, although you
17	may not have the final information but you
18	already sort of know, but then you talk
19	about our segment. We are right in the
20	middle of limos and black cars in the FHV
21	world. There is the cash element and
22	component. A passenger in our community
23	calls the base and you ask where they're
24	going, they don't tell you where they're
25	going and they

Proceedings 1 2 THE CHAIR: If they wanted the 3 binding fair quote --4 MS. ANGELES: They may in some 5 occasions --6 THE CHAIR: In some cases. 7 MS. ANGELES: -- but that doesn't hold true for every ride, and at the same 8 time, when you arrive in the vehicle, the 9 passenger says -- the driver says, where 10 11 are we going? Once he says where are we 12 going, it could be two different locations. I could pick up my daughter in the process 13 and then go to Yankee Stadium. 14 15 Now, like he -- previously it was 16 stated, now I have to write it down and 17 pass the information to who? To the base. 18 The base has a responsibility to tell me 19 when the driver completes the 60 hours per week. Well, I'm sorry, I cannot dispatch 20 21 you anymore. What am I doing? I am in direction and control of that driver. What 22 23 does that contradict? The livery fund and the black car fund, because if the black 24 25 car fund, the rules may be different but

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2	for us, the basis in your rules said that
3	we cannot tell a driver what to do and not
4	to do and we are in direct contradiction
5	THE CHAIR: So this has been an
6	issue in the yellow because we had the same
7	rule where, and it could be driver fatigue,
8	but there's so many rules in terms of
9	yellow conduct and, you know, we can
10	definitely explore this further but there
11	is a difference between a rule that's
12	imposed because a regulator imposes it
13	versus a base imposing it in terms of the
14	employee independent contractor
15	distinction, but we'd be happy to take it
16	up with you further because it is not a
17	discussion that's like cut and dry.
18	MS. ANGELES: I also do believe that
19	it's left to the base to be in discussions
20	and arguments with the driver. You don't
21	tell me what do do. Then what you're doing
22	is you're driving that driver to basically
23	get on the road without us knowing it and
24	he's going to do it anyway, so you're
25	putting the public in danger in the same

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2	fashion because he has to complete the	
3	week, he needs to make, you know, the	
4	thousand dollars that he's accustomed to or	
5	the \$200 that he knows how to make in that	
6	week's time. He's going to do it with my	
7	knowledge or without my knowledge.	
8	So, in the interest of time	
9	COMM. MARINO: But not without your	
10	calls. I mean, if you're dispatching, that	
11	is with your knowledge.	
12	MS. ANGELES: Then again he is my	
13	responsibility as well because he is	
14	affiliated with us and then you are	
15	creating illegal and promoting illegal	
16	street hails because in the end, he's going	
17	to do what he needs to do to survive. So	
18	we need to stop and take a step back and	
19	look into what the segment of the industry,	
20	our segment, the cash segment, the	
21	implications, the economic implications,	
22	and also the relationships that we have	
23	built in our communities with the drivers	
24	as well. So I think it's time to look at	
25	this from the safety perspective and	

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2	behavior change and so that we can meet the	
3	goal that this rule was intended to meet.	
4	I think that Jose would like to	
5	enlighten on the economic downturn on the	
б	bases as well.	
7	THE CHAIR: Thank you.	
8	MR. ALTAMIRANO: Good afternoon,	
9	Commissioners. Happy New Year. We came in	
10	this morning, we noticed our name was	
11	number 8. I was so happy, but I guess we	
12	missed the first sheet altogether.	
13	Our association, as you know, our	
14	association represents some of the smallest	
15	and largest of the livery bases in New York	
16	City. Currently our bases are in a life	
17	and death struggle to exist due to the	
18	changes that have happened in the industry	
19	in the last years. I don't want to point	
20	them out. They're here.	
21	Now we have to consider that these	
22	proposed rules will add another monetary	
23	cost on our already suffering business	
24	models. Forcing our community car service	
25	to have a requirement of reporting drop-off	

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2	location and time data will be expensive
3	and have a tremendous operational
4	disruption to our business. We're
5	estimating an increase of about maybe 400
6	to 600 percent of overhead due to the
7	extensive hardware we would have to get,
8	not to mention that our drivers are
9	typically within a three gig data plan
10	currently. This would, due to the amount
11	of information going back and forth, we
12	would probably have to double that.
13	Overall, this is without counting
14	that most of our car services have bought a
15	system maybe a year or two ago and spent
16	100 anywhere from 75-to 100,000 and we
17	may have to incur that again. Some of the
18	smaller ones may not be able to.
19	Currently, many of our bases have
20	been fined by TLC if they are even a day
21	late submitting their trip logs, so we
22	believe that information may lead to even
23	more summonses. And we are concerned that
24	since our drivers are not our employees,
25	this will making the bases responsible

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2	for driver's scheduling is very troubling,
3	as they are independent contractors. While
4	the fatigue laws apply to other parts of
5	the FHV industry, more closely due to
б	drivers having to travel to certain
7	locations in the central district to work,
8	it is quite different in our community car
9	service system. Majority of our drivers
10	live and work in the community. They
11	choose to work in bases that are near their
12	homes for ease of travel and to service
13	their community.
14	In personal testimony, a few years
15	back, I'm a member of Community Board CB11
16	in East Harlem, and before I was a member,
17	they came to my office and they said your
18	drivers are taking up a lot of the parking
19	spaces in my area. I took all their
20	driver's license and I went to the
21	community board and I said this is where
22	they live. You know he's parked on 221 16,
23	that's where he lives. And I showed them
24	all their driver licenses of how the
25	majority of my drivers live in this close

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2	community in East Harlem and that's why
3	they choose to work with me because I am
4	the closest base to them.
5	Unlike other FHVs, our drivers
6	regularly take breaks and go home to spend
7	time with their family and rest before
8	going back out to work. They're able to do
9	this due to their close proximity to their
10	homes. We are also concerned that this is
11	becoming more about data collection for
12	future uses such as surcharges and other
13	mentions that Councilman Lander said today
14	than for actual driver fatigue.
15	Our other objection to the proposed
16	rules also revolve around privacy that has
17	been mentioned substantially today. I
18	won't go into all of it but anything can be
19	hacked. I think we've we've
20	been it's been clear to us from Snowden
21	and the NSA leagues to our presidential
22	election which is being looked into right
23	now. I don't see how we can say here and
24	stand and say that there's no way that this
25	data cannot get out.

Proceedings 1 2 We believe that these proposed rules need to be reconsidered and that the public 3 should have more time and information to 4 provide feedback. We also felt that having 5 6 this rules on today right after the 7 holidays didn't give enough people time because most of our bases are still away 8 for the holidays. They're coming back this 9 week, and we're concerned that if the vote 10 11 is next month, they don't have enough time 12 to give their feedback. 13 We respectively request that our industry and the public of New York City 14 15 who will be impacted by the law be allowed more time to voice our opinion, and we 16 17 thank you for considering our input. We look forward to meeting with you. 18 19 THE CHAIR: Thank you. 20 MR. WILSON: Thank you. 21 The next speaker is Pedro Aquiar. MR. AGUIAR: (Interpreter) Good 22 23 afternoon, Madam Joshi, Commissioners of 24 New York in charge of the agency of the 25 Taxi & Limousine Commission of the City of

Proceedings 1 2 New York. My name is Pedro Joaquin Aguiar, President of the Coalition of Taxi Drivers 3 of the New York City, and in the name of 4 all members of this working class, I want 5 to express a new revelation to punish taxi 6 7 drivers on them hours maximum worked. Based on the statistics of the behavior of 8 the drivers in which you say that more than 9 the 80 percent of our drivers have an 10 11 excellent behavior and now the increment of 12 accident by fatique is insignificant with the numbers of passengers that collect 13 annually more than 400 million. 14 15 This regulation under consideration, 16 the driver is not going to make collected 17 no more than 60 hours in the period of 18 seven days. This will bring as consequence 19 a diminution in the income of taxi drivers and by end will more disease to our 20 21 licenses. And the goal of the State is on display to deregulate our industry. 22 In our opinion, the TLC is going to 23 24 make very difficult obtain data from travel. Bases of taxis does not have an 25

Proceedings 1 2 accurate record of time worked in a livery 3 cab driver. Most passengers do not give their exact address when you call bases. 4 5 Many times when we are busy, passengers 6 emerges to give a direction of long 7 distance so that they can send you a taxi. We are not an employee of the bases and the 8 street hails. And by end, the most of time 9 change of address after that with this 10 11 regulation increment the number of fines 12 for us by the reasons exposed previously. In cases of the taxi drivers livery are 13 members of the coalition has not the 14 15 service of credit card. This regulation is 16 only that seek authorities, an increase the 17 numbers of fines and search an increase in 18 the payment of taxes. It speaks in this 19 regulation of protection of the public, but you Lords Commissioners have thought in the 20 21 protection of which provide or perform the service. 22

In our opinion, taxi drivers with this resolution so unique that us provides it the following: A, more work; B, more

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2	stress; C, more pain; D, less money; E,	
3	more pain of head; F, more conflicts	
4	between bases and drivers; and G, more	
5	conflicts between passengers and drivers.	
6	Therefore, them ask to you that withdraw	
7	its support to this implementation of such	
8	regulation.	
9	Very attentament [sic], Pedro	
10	Joaquin Aguiar, President of the Coalition	
11	of the City of New York.	
12	THE CHAIR: Thank you very much.	
13	MR. WILSON: Thank you.	
14	The next speaker is Sami Naim.	
15	MR. NAIM: Good afternoon. Thank	
16	you, Chair Joshi and Commissioners. My	
17	name is Sami Naim, Public Policy Manager	
18	for Lyft. We at Lyft support and welcome	
19	the opportunity to comment on the TLC's	
20	proposed rule regarding driver fatigue	
21	prevention.	
22	First of all, I'd like to	
23	acknowledge and let it be known that we	
24	appreciate the Commission and the agency,	
25	their leadership on this issue of driving	

Proceedings 1 2 fatigue. We fully support efforts to combat driver fatigue. We agree that 3 imposing a reasonable limitation on the 4 number of hours a driver may transport 5 6 passengers is an effective way to combat 7 driver fatigue. We also agree that requiring data on trip duration will 8 provide the TLC with relevant information 9 to enforce this limit on hours. 10 11 Where we have concerns is when it 12 comes to data for drop-off locations, or 13 whether a trip is shared with passengers, and it's unclear to us how this would help 14 15 with compliance of the hour limitation. 16 Moreover, we're concerned that this data 17 that's contemplated in this rule would trigger significant risk to personal 18 19 privacy which has been spoken at length. I just want to quickly summarize our 20 written comments which were submitted on 21 Monday, January 2nd, the comment date 22 23 deadline. So just to quickly summarize. One, rules to combat driver fatigue should 24 focus on the number of hours the driver 25

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2	spends transporting passengers. To
3	ascertain a driver's alertness, we believe
4	that the number of hours a driver is
5	transporting passengers is a better metric
6	than information on where a trip terminates
7	or the number of passengers in a vehicle.
8	In other words, we believe a targeted
9	approach to data would be a more effective
10	way to combat driver fatigue. To that end,
11	we'd be happy to work with the Commission
12	on developing such an approach.
13	Number two. Data requirements carry
14	significant risks concerning personal
15	privacy and industry competitiveness. I
16	want to acknowledge the, and I appreciate
17	all the comments made today about the
18	limitation with FOIL and the intent of the
19	agency. I do not question the intent of
20	the agency with respect to privacy,
21	however, I do note the significant risks
22	which were spoken of when it comes to a
23	wholesale transfer of data regarding
24	millions and millions of trips. To that
25	end, we have a great working relationship

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with TLC and it's staff, and we'd be happy
to puzzle through those issues together to
find a way to ensure that we are combating
driver fatigue in a more efficient,
effective and transparent manner possible.
And lastly, I just want to note
that, you know, the TLC has wide-ranging
enforcement investigatory powers as is. If
they need additional information in
addition to the number of hours a driver
has been transporting passengers, the TLC
can ask and obtain that information by law,
backed with a summons and fine. We have a
compliance team that regularly works with
the TLC to provide information in a timely
manner and that may be the more effective
way to provide and ensure I know
auditing was mentioned before, and again,
we would be happy to work with the agency
on finding a most efficient way to audit
this information to ensure again, something
that everyone in this room agrees, we need
to combat driver fatigue and have the
specific legal mechanisms in place to do

208 1 Proceedings 2 so. 3 And so with that, I'd be happy to answer any questions you may have. 4 THE CHAIR: Well, like I said 5 6 before, we look forward to meeting with you 7 to go over in more detail some of your ideas. 8 9 MR. NAIM: Thank you very much. MR. WILSON: Thank you. 10 11 Sandro Mizhquiri. 12 (No response.) 13 MR. WILSON: Is he not here? Okay. 14 Nolberto Rojas. 15 (No response.) 16 MR. WILSON: Okay. Sean McKay. 17 (No response.) MR. WILSON: No. 18 19 Ibrahim Ibrahim. MR. IBRAHIM: Good afternoon. 20 My name is Ibrahim Ibrahim. I am here in 21 strong support of the 10-hour rule. 22 23 Safety, as you all know, is paramount to all New Yorkers. In the for-hire business, 24 25 safety and economics are not mutually

Proceedings 1 2 exclusive. They are strongly coupled. As one of the drivers have earlier mentioned, 3 that when we first started working in the 4 e-service -- e-hail business, drivers 5 6 worked far less hours and made a decent 7 amount of money to go home. Now, with the wage reduction that was introduced by one 8 company which forced the entire business to 9 lower its prices and more drivers added, 10 11 that has significantly contributed to 12 longer hours by drivers. I in fact invite you to ask the e-hail companies to provide 13 data showing the average number of hours 14 worked by drivers prior to January, 2016 15 16 and after January, 2016. 17 And furthermore, nothing about the 18 proposed data collection poses a threat to 19 privacy. If Jane Doe is picked up in Lower Manhattan and dropped off in Long Island 20 21 City, there is nowhere near enough details to identify who Jane is, and it's 22 23 interesting that a lot of people have talked about the over-collection of data 24

and what they need it for. One company,

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2	for instance, every time I launch the app,	
3	it tells me it pulls up it tells me,	
4	do you want to go to this restaurant which	
5	I frequently visit. So that's interesting	
6	because if their data is hacked, then they	
7	know that Ibrahim was at this restaurant in	
8	Bushwick. So why do they need that	
9	information? Thank you.	
10	THE CHAIR: Thank you very much.	
11	MR. WILSON: Thank you very much.	
12	I think we only have one more	
13	speaker. Last but not least, Asim Aktar.	
14	MR. AKTAR: Good afternoon,	
15	Commissioners. My name is Asim Aktar, and	
16	I'm with New York Taxi Workers Alliance.	
17	It will go back to the same comment we made	
18	in the last hearing when the fatigue rules	
19	were proposed. We would love to see how	
20	many drivers would actually going to	
21	complete 600 passenger transporting	
22	minutes. It's really bad out there. I	
23	mean, and just that the drivers who	
24	testified, I mean, companies are keep	
25	cutting their rates. That's the only	

Proceedings 1 2 reason drivers are forced to work longer 3 hours. If they're not going to make the ends meet in that 12 hours, that will, of 4 course, will push them to drive longer 5 hours. 6 7 I mean, again, it's very sad that we're telling the workers that you, you 8 know, you shouldn't be working 10 hours or 9 12 hours whereas the workers, you know, 10 11 they don't know that, you know, how many 12 hours they should work. I know TLC don't want to touch it, 13 we have to come up with a minimum fare for 14 15 FHV sector where, I mean, I think under New York City TLC Charter, TLC is responsible 16 17 for driver well-being. You know, so there should be a minimum fare and a set standard 18 19 across the industry, you know, which will ensure that drivers will at the end of 20 21 their shift, they will take, you know, a livable income. 22 23 Data breach is just, you know, a lot 24 of people have made comments. TLC is 25 collecting the data from the taxi industry

Proceedings 1 2 since 2009. So far, I don't think so, any data was breached. The only data that was 3 breached --4 THE CHAIR: Not that I know of. 5 I'm knocking on wood. 6 7 MR. AKTAR: The only data that was breached was drivers like you mentioned, 8 but I mean, you know, I think everybody is 9 vulnerable in this day and age. 10 11 We -- Yahoo recently announced that their one billion users' data was breached. 12 Target, you know, data was breached. So if 13 our TLC is vulnerable for a data breach or 14 15 it's the corporations, you know, a 16 corporation can have people's personal 17 information for their profits, you know, 18 and the government can not have because of the public safety, it's just an insult to 19 20 my common sense. 21 We are for this rule, but TLC 22 should, please have to -- I mean, I'm 23 pretty -- I mean, if you didn't do anything 24 about the income, I'm pretty sure a year 25 later we will be again sitting here talking

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2	about how to control like drivers for not	
3	working more hours. Thank you.	
4	THE CHAIR: Thank you very much.	
5	I think that concludes our hearing	
6	and we've made it just under 2:00. It's	
7	1:58. Happy New Year to everybody, and	
8	thank you for those that stayed throughout	
9	the entire hearing.	
10	(Time noted: 1:57 p.m.)	
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214 1 2 CERTIFICATE 3 4 STATE OF NEW YORK)) ss.: COUNTY OF RICHMOND) 5 6 7 I, JENNIFER CASSELLA, a Notary Public 8 within and for the State of New York, do hereby certify: 9 I reported the proceedings in the 10 within-entitled matter, and that the within 11 12 transcript is a true record of such proceedings 13 to the best of my ability. I further certify that I am not related 14 15 to any of the parties to this action by blood 16 or marriage; and that I am in no way interested in the outcome of this matter. 17 IN WITNESS WHEREOF, I have hereunto set 18 my hand this 16th day of January, 2017. 19 20 _____Jennifer Cassella____ 21 22 JENNIFER CASSELLA 23 24 25

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