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2   --X

3   NEW YORK CITY

4   TAXI & LIMOUSINE COMMISSION

5   PUBLIC HEARING

6   --X

7

8   March 29, 2018
                                         9:58 a.m.
9
                                         33 Beaver Street
10   New York, New York

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12
           B E F O R E:
13
           MEERA JOSHI, Chair and Chief Executive Officer
14
           CHRIS WILSON, General Counsel
15
           Board of Commissioners:
16
           BILL AGUADO
17
           LAUVIENSKA POLANCO
18
           KENNETH C. MITCHELL
19
           THOMAS SORRENTINO
20
           JACQUES JIHA
21

22
           Julia M. Speros
23   Court Reporter

24

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2   S P E A K E R S:

3   Spyros Messaeos

4   Richard Thaler

5   Carolyn Protz

6   Sergio Cabrera

7   Barry Napach

8   Bill Lindauer, NYTWA

9   Bernardo Celerino

10   Nicolae Hent

11   Eugene Jano

12   Mohammed Ganged

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 1                    PROCEEDINGS
 2          CHAIR JOSHI:  Good morning everyone.
 3     The time is 9:57, and I'm going to move
 4     that we go into executive session to
 5     discuss legal matters.
 6          All in favor?
 7          (Chorus of "Ayes".)
 8          CHAIR JOSHI:  And with that, we're
 9     going to go into executive session, and
10     anticipate coming back to the open
11     meeting probably around 10:15.  Thank
12     you.
13          (Recess taken.)
14          CHAIR JOSHI:  Good morning.  The
15     time is 10:10, and we're going to start
16     our public meeting first with the
17     Chair's Report.
18          Yesterday there was a rally, and it
19     highlighted the recent suicides that
20     have occurred within the industry, most
21     recently Queens Medallion owner Nicanor
22     Ochisor, who drove for about 25 years,
23     and ended his life.
24          It has been a very difficult time
25     for drivers cand owners in the industry,
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1   and we mourn with all of you, and we

2   mourn especially with those that have

3   been left behind; the families and

4   friends.

5   We had another tragic incident in

6   the industry as well when a livery

7   driver was shot a few weeks ago, Jeffrey

8   Camacho, on March 17th. He was shot

9   eight times by a passenger who didn't

10   want to pay the fair, and then robbed

11   him of $23.

12   It was only by a real miracle that

13   he made it to the hospital alive, and is

14   alive today. And I want to commend both

15   Commissioners Aguado and Sorrentino who

16   came to visit him at the hospital where

17   he is making a remarkable recovery.

18   NYPD has apprehended the shooter,

19   and there's also a GoFundMe page that's

20   -- the link is available on our social

21   media if people want to make a donation

22   for him and his family during the

23   recovery.

24   We also have recently published a

25   set of rules that we will vote on in

1   April, and they allow us to, number one,

2   increase the amount of money that we

3   give drivers of accessible green and

4   yellow taxicabs. For every trip that

5   they make -- not just those trips that

6   are with a passenger that needs a

7   wheelchair accessible taxi -- it allows

8   used vehicles to be hacked up as taxis

9   without the two-year limitation that was

10   applicable during our PILOT.

11   It allows people who are hacking up

12   non-accessible vehicles to have

13   additional options to choose from when

14   they're choosing a vehicle, and that

15   includes Toyota Camry and the Toyota

16   Camry Hybrid version; both of which have

17   been models that the industry has asked

18   for the ability to hack up. So once

19   those rules are voted on and passed,

20   that will be a possibility.

21   It standardizes the retirements for

22   all yellow taxi medallion vehicles to

23   seven years. Right now many of them

24   have seven years, but there are some

25   that don't. This would create parody,

1   and everyone would have seven years.

2   And that -- rules on the -- the

3   hearing on those rules will probably be

4   the third week of April.

5   Do we have a date yet?

6   MR. WILSON: April 25th.

7   CHAIR JOSHI: April 25th. So I look

8   forward to feedback on that.

9   We've also recently developed a

10   training video that will be available in

11   our training with our education

12   providers and so on, on Vision Zero and

13   speeding, and sharing the road, fatigue

14   driving, distracted driving, and left

15   turns. It's going to be publicly

16   available. It is publicly available now

17   with subtitles in six languages. Just

18   Google Safety First Vision Zero Training

19   for Professional Drivers.

20   Several other agencies that have

21   fleets of drivers are going to be using

22   this video as well for training, and we

23   just urge you all to take a look at it,

24   and share it, and be safe on the road.

25   So next we'll do adoption of the

1   minutes. All in favor of adopting the

2   minutes from the December 13th hearing?

3   (Chorus of "Ayes".)

4   CHAIR JOSHI: And next is Base

5   Applications.

6   MS. MEOLA: Good morning,

7   Commissioners. My name is Angelique

8   Meola, and I'm the Director of the Base

9   and Business Services.

10   Today we have 17 bases total for

11   your approval; nine renewals, eight

12   various changes. We do not have any new

13   applications, nor do we have any denied

14   applications.

15   MS. PROTZ: Objection. One of those

16   bases hasn't had a trip since 2015.

17   They have 37 cars. I just thought you

18   should know. Sorry.

19   CHAIR JOSHI: Do you know which base

20   that is?

21   MS. PROTZ: 2481; Ten I Con.

22   CHAIR JOSHI: Okay. So we can take

23   that under advisement, and we can

24   postpone the vote on your report until

25   the following month. Thank you.

1   MS. PROTZ: I'll check on the other

2 ones too.

3   CHAIR JOSHI: We can do that as

4 well.

5   MS. MEOLA: Thank you.

6   MS. PROTZ: Thank you.

7   CHAIR JOSHI: So we can vote on

8 renewing all the other bases that are up

9 for renewal except for Base number

10 B02481, which we'll postpone.

11   All in favor?

12   (Raised hands.)

13   CHAIR JOSHI: And all of the rest of

14 the renewal and change of locations, the

15 change of ownership, and there's another

16 change of ownership -- and so everything

17 else that was in the Base Report except

18 for the renewal of Base number B02481.

19   All in favor?

20   (Raised hands.)

21   CHAIR JOSHI: Okay. And with that,

22 the Report is approved except for the

23 recommendation that Base number B02481

24 be renewed; that one is pending.

25   So today we have a hearing on some

1   revised specifications for in-taxi

2   technology. Chris Wilson will give the

3   more detailed legal definitions, and

4   Jeff Garber, our Director of Technology,

5   will give a full presentation on the

6   revisions to the in-taxi technology, as

7   well as a PILOT proposal that we have

8   that will allow taxi apps that currently

9   work in yellow taxis to provide upfront

10   pricing.

11   There has been one point of

12   confusion that I want to clarify. The

13   PILOT proposal does not at all alter the

14   way hails are charged. So any

15   street-hail is done by the meter, and

16   that stays true under the PILOT

17   proposal. The only place there would be

18   flexibility on pricing is for those

19   trips that are booked through an app.

20   Today there are two apps that are

21   actively working in the taxi industry --

22   Curb and Arro -- but any app can apply

23   to become a taxi app, and when trips are

24   booked through them, that's where the

25   flexible fares would be applicable.

1   So, Jeff Garber, our Director of

2   Technology.

3   MR. WILSON: Can I just note for the

4   record that Commissioner Polanco has

5   joined the team.

6   MR. GARBER: Good morning,

7   Commissioners. My name is Jeff Garber,

8   and I'm the Director of Technology and

9   Innovation at the TLC.

10   I'm here today to introduce two

11   things; a rule package establishing the

12   technology service provider license for

13   taxis and street-hail liveries, and a

14   new PILOT exploring upfront pricing on

15   yellow taxis and street-hail liveries.

16   I'll begin with the rule package.

17   Today all yellow taxis and green

18   street-hail liveries are required to be

19   outfitted with equipment that provides

20   credit card processing, trip data

21   recording, and driver authentication

22   functionality. While the core systems

23   are the same in taxis and SHLs,

24   companies have to get separate approvals

25   for each type of vehicle.

1   The proposed rules streamline the

2   approval process by creating a single

3   license for both type of vehicles, and

4   replace the strict hardware

5   specifications with user-focused

6   functional requirements.

7   Technology systems will still

8   provide the same core functions and have

9   the same consumer protections, but

10   companies will be free to experiment

11   with options to enhance the rides for

12   passengers and drivers. Companies are

13   still free to offer content in the

14   backseat, but for passengers who desire

15   a quieter ride, the proposed rules

16   require that screens be muted unless the

17   passenger chooses to turn them on.

18   The proposed rules also make minor

19   adjustments to TLC regulations to allow

20   for software-based taximeters.

21   Software-based taximeters were evaluated

22   by the New York State Department of

23   Agriculture and Markets, which tests and

24   certifies all commercial measuring

25   devices, as part of TLC's yearlong

1   Alternative Technology System PILOT,

2   which ran from May 2016 to May 2017.

3   In July 2017, the National Institute

4   of Standards and Technology adopted

5   national specifications for

6   software-based taximeters, allowing

7   these meters to be used in the normal

8   course of business outside of the PILOT

9   programs. This rule package updates TLC

10   regulations to allow for such meters to

11   operate in New York City after

12   certification from New York State.

13   There's also a flex fare PILOT

14   resolution before you today. This PILOT

15   will allow passengers to get a binding

16   upfront fare quote when using an app to

17   e-hail a yellow taxi or street-hail

18   livery. Upfront fare quotes are already

19   commonplace and popular in the for-hire

20   vehicle sector.

21   The taxi industry has not been able

22   to offer upfront fare quotes yet because

23   fare quotes are based on estimated time

24   and distance, but taxis are required to

25   charge based on actual time and distance

1   as calculated by the taximeter.

2   One thing to note, as Chair Joshi

3   said, is this PILOT does not affect

4   street-hails. All passengers hailing a

5   taxicab or SHL on the street will still

6   be charged the metered rate of fare, and

7   on-duty drivers are still required to

8   accept off-street hails. Additionally,

9   drivers are not required to accept

10   e-hails. They can continue to provide

11   only street-hail service if they wish to

12   do so.

13   This PILOT will last for two years

14   and is open to all e-hail licensees.

15   There are currently four companies with

16   valid e-hail licenses, but other

17   companies may get a license and apply to

18   join the PILOT. However, participants

19   can set their own rates, but will be

20   required to give passengers binding

21   upfront quotes for every trip. Also,

22   participants will provide the TLC with a

23   description of all rates and fees

24   charged to passengers.

25   The PILOT will allow the TLC to

1   evaluate the effects of upfront binding

2   pricing on taxis and street-hail

3   liveries. Participants must provide the

4   TLC with the same trip data that the TLC

5   already receives for street-hails

6   including all fare information, as well

7   as pickup and drop off locations.

8   With this trip data, TLC can monitor

9   the affect that new rates have on trip

10   price and volume, and any resulting

11   changes to driver income. We will also

12   monitor for potential changes in trip

13   distribution across the City. For

14   instance, whether a participant's rate

15   structure encourages or discourages

16   drivers to service different areas in

17   the City.

18   This PILOT leverages the natural

19   capabilities of e-hail apps to allow the

20   taxi industry to compete for none

21   street-hail passengers.

22   Thank you, and I would be happy to

23   answer any questions you have at this

24   point.

25   CHAIR JOSHI: Okay. With that,

1   Chris Wilson will give the formal

2   introduction for the TPEP/LPEP revised

3   rules, and then we'll open up for the

4   hearing on those rules.

5   MR. WILSON: Yes. So on the agenda

6   this morning are rules to alter the

7   specifications for the TPEP and LPEP

8   rules for yellow and green.

9   These rules were published in the

10   City Record on February 20, 2013 with a

11   comments deadline of today, March 29th.

12   We received approximately five comments,

13   which we provided to the Commissioners,

14   and we have a number of speakers today.

15   I'll ask people to limit their comments

16   to three minutes.

17   And the first speaker is Solomon

18   Neushatz.

19   (No response.)

20   MR. WILSON: Okay. He's not here.

21   The next speaker is Spyros Messaeos.

22   MR. MESSAEOS: Thank you

23   Commissioners for the opportunity to

24   speak here today. Thank you, Chris, for

25   getting my name right on the first try

1   too.

2   My name is Spyros Messaeos. I am a

3   TLC licensed taxi driver. I am a second

4   generation fleet operator through Queens

5   Medallion, and I'm also the most recent

6   applicant to be a technology provider

7   for you here in this industry. I care

8   about this industry a lot. I was raised

9   by a taxi driver, and that's bled into

10   everything I do every day.

11   I have a driver first philosophy.

12   This industry, and the strength of it --

13   our drivers are a strength; that's why

14   New York is still standing up as a taxi

15   industry, and I think it's time to

16   double-down on that strength.

17   So I hope to bring that driver focus

18   and that driver lens to the comments I'm

19   going to bring today on how technology

20   influences that day-to-day for the

21   driver.

22   Three rules in particular are of

23   issue here, but for the most part the

24   intention-- and what Jeff walked through

25   in terms of what this rule set is

1   supposed to do -- I think the Commission

2   has succeeded for the most part. This

3   has opened up for us, as technology

4   providers, to bring new tools to drivers

5   and really improve both the driver and

6   passenger experience.

7   But three key issues here; they all

8   boil down to the driver. The first is

9   allowing another standalone device

10   inside of the cab. As a driver, I can

11   testify as to how dangerous that is.

12   Even with the current state, having a

13   meter separate from the driver monitor,

14   frankly, it pulls your attention away

15   from the road and from your passenger;

16   so from the core elements of your

17   service.

18   This also reduces the competition in

19   the sector for technology providers in

20   that our incentive should be to provide

21   an all-in-one technology solution for

22   said driver. Allowing other devices in

23   the vehicle, not only is dangerous, but

24   it takes away the responsibility that

25   we're supposed to have for this market

1   and for our drivers.

2   So I ask that the Commission allow

3   us, in the private sector, to go to

4   work, and deliver on some of these new

5   rules and these new tools that we can

6   bring to these drivers.

7   The second problematic piece is

8   limitations on the backseat content. It

9   sounds like the trend here is to mute

10   it. That is actually okay, but I hope

11   that the Commission does not put a

12   damper on this. The way that cash flow

13   flows through the industry's current

14   state, it provides about $600 in driver

15   subsidies in terms of costs, and in this

16   market, we're operating at about 50

17   percent of what the actual market for

18   out-of-home advertising really demands.

19   So with the right tools, the right

20   technology, the right contracts and the

21   right providers, this technology today

22   could be providing over $1,000 in value

23   to a driver's pocket annually; and new

24   tools stand to double and triple that

25   over the next several years. Again, we

1   ask for the private sector to be allowed

2   to use those tools and bring them to

3   drivers.

4   And the third and final piece is a

5   mandate for integration on the

6   ride-share side. Ride-share is a

7   two-sided model. You have a customer

8   that is a passenger; you have a customer

9   that is a driver. Ride-share companies

10   have not been able to figure out that

11   driver piece. We end up with driver

12   exploitation and the current prices that

13   we have with drivers. I don't need to

14   tell you guys what's happening there;

15   you hear it every day.

16   Mandating integration for ride-share

17   takes away the driver element of what

18   these ride-share platforms do, allowing

19   them to essentially obtain supply, which

20   is the core competitive element in

21   ride-share.

22   More drivers leads to better service

23   leads to more passengers; bigger

24   earnings, you give back to drivers. To

25   allow mandating supply to be taken by

1   existing providers -- which right now is

2   very limited -- that takes away a core

3   piece of this.

4   So I ask the Commission, again, to

5   allow the private sector and the market

6   to determine whether these ride-share

7   platforms are bringing true value to

8   drivers, and let us negotiate on behalf

9   of those drivers so that they'll get

10   their worth in that deal. Thank you.

11   CHAIR JOSHI: Thank you. I just had

12   a couple of follow-up questions.

13   MR. MESSAEOS: Of course.

14   CHAIR JOSHI: The all-in-one

15   solution, are you contemplating

16   something that will allow if the driver

17   is getting hails from one app, they

18   could also get hails from another app --

19   MR. MESSAEOS: Absolutely.

20   CHAIR JOSHI: -- so that the

21   all-in-one solution gives the driver the

22   opportunity to see every available app

23   that's open and every -- okay, but

24   they'd see it on one screen --

25   MR. MESSAEOS: Yes, they would.

1   CHAIR JOSHI: -- instead of

2   multiple?

3   MR. MESSAEOS: And that is

4   absolutely with intention. We believe

5   -- we've stepped out of the ride-share

6   space with intention. There are a lot

7   of players who do this very well. It's

8   a passenger side -- when you look at

9   really selling and marketing it, it's a

10   passenger side gig.

11   We are very happy with working with

12   any and all providers that are willing

13   to work with the industry. All it means

14   is more rides for drivers, and that's

15   our goal. So we're willing to work with

16   any and all providers.

17   CHAIR JOSHI: And on the mute, your

18   thought is it's on mute when the

19   passenger gets in -- there may be

20   something on the screen, but then the

21   passenger engages for the sound to come

22   on?

23   MR. MESSAEOS: The sound, yes.

24   CHAIR JOSHI: Or action, whatever.

25   MR. MESSAEOS: Yes, the sound for

1   the passenger to engage is helpful. It

2   is helpful for us to have sound,

3   frankly, but I understand the

4   Commission's concerns, and I don't want

5   to seem one-sided. Right. So I do

6   understand the concerns.

7   My primary focus here is on drivers

8   and out-of-home is growing in a big way.

9   So allowing us, at the very least to

10   have dynamic content, moving videos,

11   flowing videos, volume would help, but

12   it attracts the passenger to come in and

13   utilize new tools.

14   We're integrating with content

15   providers in many different ways. At

16   the end of the day, you have an

17   opportunity to really build into the

18   technology -- a global tour guide -- for

19   every passenger that gets into that cab.

20   And I can speak to them. They come

21   from all over the world, and even New

22   Yorkers want to find out more about this

23   City that we're in. And right now, they

24   don't have that opportunity. We very

25   much believe that they need to have far

1   more tools in that backseat.

2   CHAIR JOSHI: And your last one on

3   mandated integration. When you use the

4   term ride-share, are you using it --

5   mandated integration with other taxi

6   apps, or all apps that operate in this

7   TLC sector?

8   MR. MESSAEOS: Right now I'm looking

9   at the way the TLC has outlined it,

10   which is those four ride-share apps

11   within the taxi.

12   CHAIR JOSHI: So every app has

13   access to every cab that's on duty?

14   MR. MESSAEOS: Yes, and that's the

15   ideal goal here.

16   CHAIR JOSHI: Right.

17   MR. MESSAEOS: But to get there, we

18   need to make sure that drivers are

19   getting their due, and I believe the

20   private market will figure that out.

21   We're kind of just hitting our

22   stride here in terms of what Curb and

23   Arro are doing and where these new

24   technology providers -- and the existing

25   providers are improving their technology

1   as well.

2   Again, we just ask to give the

3   market a little more time now that this

4   is all happening before we regulate --

5   before we've actually seen the effects.

6   CHAIR JOSHI: So I think -- my

7   understanding of the rules as written,

8   they do mandate that integration, so we

9   should speak to if there's some --

10 that's not clear enough.

11   MR. MESSAEOS: So maybe it's my

12 mistake in the reading of the rules, but

13 it sounds one-sided that we could be

14 mandated to integrate with a ride-share

15 platform, but not vice versa. So the

16 way the rules are currently written --

17 and, again, this could be a mistake.

18   CHAIR JOSHI: Yeah, we should

19 clarify it cause I think it goes both

20 ways. Everybody has to open up to the

21 cars that they have -- that they're

22 working with.

23   MR. MESSAEOS: Got it. So that's --

24 I read it as kind of a middle ground.

25   CHAIR JOSHI: Okay. We can make

1   sure that it's clear. Thank you for

2   testifying; thank you for raising those

3   points.

4   MR. MESSAEOS: Thank you everyone.

5   MR. WILSON: Thank you. The next

6   speaker is Richard Thaler.

7   MR. THALER: Commissioner Joshi,

8   Counsel Wilson, and Commissioners, for

9   your consideration are the following

10   three clarifications and additions to

11   the Taxi Technology System Provider

12   Rule.

13   First, requiring a Bluetooth

14   taximeter: There are several sections

15   of the Taxi Technology Provider Rule

16   that require that the e-payment

17   application must receive the trip fare

18   information from either the technology

19   system or directly from the taximeter.

20   For example, Section 58-40, Vehicle

21   Equipment, Subsection B, E-Hail

22   Application; any licensed e-hail

23   application that provides for e-payment

24   used in a taxicab must integrate with

25   the Taxi Technology System or the

1   taximeter.

2   The second item; lease drivers

3   should have the option of paying the

4   credit card surcharge either at five

5   percent of each total payment that would

6   be included with a tip, or the bundled

7   amount for a shift.

8   This choice could be made either for

9   all the shifts or at the logon at the

10   beginning of each daily shift or weekly

11   shift. As the shift hours, number of

12   trips, and operating locations are

13   becoming more flexible, this would

14   ensure that drivers will not overpay,

15   notwithstanding the reevaluation of the

16   bundle shift averages from year to year.

17   Third item: Can an e-payment

18   license be granted without doing e-hail?

19   And I was wondering if a decision

20   making these rule changes could be made

21   at this hearing to eliminate any

22   uncertainty in the following weeks.

23   Thank you.

24   CHAIR JOSHI: Thank you. And we're

25   having the hearing today, so we wouldn't

1   vote on it until at least four weeks

2   from now. So we'll have time to go

3   through your comments.

4   MR. THALER: Well, perhaps you can

5   post the decision.

6   CHAIR JOSHI: Yes -- well, they will

7   appear when we repost the rules if there

8   are revisions to the rules.

9   MR. THALER: Thank you.

10   CHAIR JOSHI: So thank you.

11   MR. WILSON: And the next speaker is

12   Carolyn Protz.

13   MS. PROTZ: Good morning

14   Commissioners. As long as we're added

15   on the bases, you peaked my curiosity;

16   Amazing Car and Limo Service, ownership

17   change. Who bought that base?

18   CHAIR JOSHI: The hearing today is

19   on the TPEP rules. So we're happy to

20   discuss any of that after the hearing,

21   but in light of the fact that there are

22   lots of people behind you, let's stick

23   to the rules that are at issue.

24   MS. PROTZ: Okay. Yesterday, and

25   indeed the last several months, have

1   been difficult for everyone in this

2   industry; and by industry, I mean all

3   the segments, not just yellow taxis.

4   Thank you from the bottom of my

5   heart for a moment of levity in the

6   midst of suicides, bankruptcies,

7   foreclosures. We've come here today to

8   discuss surge pricing for yellow taxis

9   and taking out tested verified meters

10   and replacing them with virtual meters.

11   To me, it's a little like

12   rearranging the chairs on the deck of

13   the Titanic, and as long as we're at it,

14   let's redecorate too.

15   Price predictability is the one

16   positive attribute we have left as

17   yellow taxis. I see app users all over

18   the City on their phones muttering

19   things like, "Uber's gaming (sic) us",

20   and then sticking up their hand to get a

21   yellow taxi.

22   For some reason you don't want us to

23   provide reliable consistently priced

24   service that's not going to vary

25   according to weather or other unforeseen

1   events. This is a terrible idea for

2   consumers. I take taxis. I want to

3   know what my fare is. I don't want to

4   have to gain the system and spend time

5   and energy doing that.

6   Surge pricing helps no one, and of

7   course it can also lead to us charging

8   under the meter, which is not a good

9   road. That's a very slippery slope. I

10   don't think we want to go down that;

11   we're in enough trouble as it is.

12   If you truly want to right this

13   ship, you need to look towards properly

14   classifying the tens of thousands of app

15   cars. And I'm sure you, Commissioners,

16   understand the issues here.

17   There are people in the City Council

18   now that have been talking about the

19   misclassification of the app cars.

20   Council Member Rodriguez at the hearing

21   on March 8th said, "You know, Uber is

22   not black; Uber is a livery, but they

23   don't have to follow the same

24   regulations". He also said, "They

25   cannot pretend that they can continue as

1   being registered as a black car".

2   Council Member Constantinides said, "I

3   would have a hard time characterizing

4   Uber as a black car". I think that's a

5   wolf in sheep's clothing.

6   The livery classification provides

7   the growth mechanism which Council

8   Member Joshi says, "You do not have",

9   because there would have had to be an

10   environmental review as a livery base.

11   There would have had to been a study on

12   how opening a new base might affect

13   existing players, such as yellow cabs,

14   or the bus system, or the subways.

15   I want you to really think about

16   what I told you before another tragedy

17   occurs. Don't be bystanders. Thank

18   you. (Applause.)

19   CHAIR JOSHI: I want to comment on

20   what you called window dressing, not

21   a --

22   MS. PROTZ: Window dressing?

23   CHAIR JOSHI: -- or an -- what was

24   the term that you used?

25   MS. PROTZ: Oh, rearranging the

1   chairs on the deck of the Titanic.

2   CHAIR JOSHI: We have said -- and I

3   have said from the beginning, when we

4   put this proposal forward, this is an

5   accessory. This is not a silver bullet.

6   This is simply an option that we're

7   providing.

8   What the fundamental crux of the

9   issue that you have raised -- and that

10   many people have raised -- and that I

11   have agreed with is, what do you do with

12   industry that is growing and growing and

13   growing?

14   There are two proposals in council

15   now. One of them is Steve Levin's bill,

16   that is the 2015 cap that he has

17   reintroduced. The other one is

18   Councilman Diaz's bill, which is going

19   to -- it's a proposal -- it hasn't taken

20   the form of a bill yet -- that suggests

21   a separate classification. The City

22   Council is the body that has the

23   jurisdiction to make those rulings.

24   Last night, at the Town Hall that

25   the Mayor attended -- that the Mayor

1   held with Council Member Drum -- he said

2   that the fact that the cap legislation

3   did not go forward in 2015 was a lost

4   opportunity, and he would look forward

5   to revisiting that with council.

6   So given the fact that there is a

7   new council committee that's focused on

8   just the for-hire vehicle section, and

9   has the power and the jurisdiction to

10   make both of those changes, create a new

11   class of vehicle against something that

12   the TLC cannot do, and cap the number of

13   vehicles -- again, something that the

14   TLC cannot do -- you know, I think you

15   will -- and I will -- we'll all look

16   forward to working with them in seeing

17   how they progress with that and being

18   there to help them get there.

19   MS. PROTZ: What do you mean by the

20   2015 cap bill? That they would cap the

21   number of vehicles as they stand today

22   or go back to 2015?

23   CHAIR JOSHI: No, that's something

24   you have to -- in 2015, Council Member

25   Levin introduced a bill. He has

1   reintroduced a bill that he introduced

2   initially in 2015; that's what I meant

3   by 2015.

4   MS. PROTZ: Okay. I'll have to read

5   it; I just found out about that one

6   yesterday. But we could have avoided

7   all this if you had classified them as

8   liveries.

9   CHAIR JOSHI: I can't classify them

10   as liveries.

11   UNKNOWN SPEAKER: Why not?

12   CHAIR JOSHI: When they meet the

13   legal requirements of black car under

14   State Law, they are also classified as

15   liveries when they open a livery base.

16   MS. PROTZ: That livery base only

17   has 10 cars, and it does 50,000 trips in

18   a week. I don't think you guys know

19   that.

20   CHAIR JOSHI: Carolyn, we're happy

21   to go over --

22   MS. PROTZ: Uber based cars -- 10

23   cars.

24   CHAIR JOSHI: -- this with you

25   individually, but this today is a

1   hearing on the TPEP Rules, and you have

2   to give deference to the people behind

3   you that are here to testify about them.

4   More than happy to spend time with

5   you talking to you about volumes of

6   dispatch from separate bases. Okay?

7   MS. PROTZ: Okay. Thank you.

8   CHAIR JOSHI: You're welcome.

9   MR. WILSON: The next speaker is

10   Sergio Cabrera.

11   MR. CABRERA: Good morning

12   Commissioners. Carolyn said a lot of

13   what I wanted to touch upon.

14   MS. PROTZ: Sorry.

15   MR. CABRERA: It's okay. I don't

16   think we're addressing the right problem

17   -- the problem that's happening in the

18   yellow cabs -- I don't know if it's just

19   completely bypassed our understanding.

20   I'm a driver. I'm out there every day.

21   I speak to the passengers. I see what

22   the drivers are going through.

23   I mean, it doesn't seem like such a

24   complicated thing. TLC has rules. You

25   have rules for our industry; you have

1   rules for the liveries; you have rules

2   for the black cars. Black cars are

3   supposed to be franchisees of the

4   company. None of these drivers that

5   work for Uber are franchisees, so why

6   are they considered black cars?

7   CHAIR JOSHI: Can you stick to the

8   rules that are up for the hearing?

9   MR. CABRERA: I just want to throw

10   that out there.

11   CHAIR JOSHI: We're more than happy

12   to discuss that; we're always open to

13   meeting with you.

14   MR. CABRERA: Commissioner --

15   CHAIR JOSHI: We will talk about

16   that when there's a time appropriate for

17   it.

18   MR. CABRERA: Commissioner, we've

19   talked many times. We just talked in

20   December, and we had a lot of things

21   that were bothering us. And in April

22   you had another hearing where you had

23   500 people testify here. It took you

24   two days to get everybody to testify,

25   and the only thing you got out of that

1   was to give tipping to the Uber drivers

2   when --

3   CHAIR JOSHI: We're going to stick

4   to the topic. I have said publicly

5   before that --

6   MR. CABRERA: This is part of that

7   problem.

8   CHAIR JOSHI: -- we are talking

9   about driver income overall, and we're

10   looking into the issue of how we can

11   regulate driver income on the FHV side

12   because that was one of the primary

13   points the FHV drivers brought out in

14   that hearing.

15   MR. CABRERA: How are we going to

16   get ridership back into the yellow cabs;

17   is it through upfront pricing? Are you

18   going to have surge pricing; do you have

19   a study? Do you have data; how well

20   it's going for the app companies?

21   I mean, why would you want to

22   rearrange something that works;

23   something that gives people clarity with

24   something that's in the air -- that's in

25   the cloud -- like this technology is

1   going to be?

2   CHAIR JOSHI: If you hail on the

3   street, it's by the meter. We've all

4   agreed that that's clear. I think the

5   meter is clear. I think that's clear --

6   if you hail on the street. If you order

7   through an app, and they tell you it

8   will be $17, is that not clear?

9   MR. CABRERA: It's not because Uber

10   does not -- they give you a quote, but

11   if you get stuck in traffic, it's not

12    $17. Is that going to work for us also?

13   See, I know that you don't take a

14   cab. I know that you -- I don't think

15   you've ever ridden in a yellow cab. You

16   know, I could be wrong -- I could be

17   wrong.

18   CHAIR JOSHI: That's a huge

19   assumption, and unfortunately, you're

20   very wrong.

21   MR. CABRERA: Okay. I'm glad that

22   I'm wrong -- I'm glad that I'm wrong,

23   but we need to focus on what the problem

24   is with us. We can't start having

25   parody (sic) with Uber. Let Uber have

1   parody (sic) with our rules; not us with

2   their technology and their supposed --

3   their supposed technology -- because I

4   don't think it's going to be helpful for

5   the consumer when we have this

6   technology.

7   We're not looking at it, and we're

8   in a dead zone, and it doesn't work, why

9   would you want to put us into another

10   quandary -- you know, position with our

11   customers? Why would you want to insert

12   maybe price surging?

13   CHAIR JOSHI: It's optional for any

14   driver to take this opportunity; no

15   driver has to. So if you believe it

16   will not be something customers will

17   like, there is no reason you need to

18   avail yourself of it.

19   MR. CABRERA: Why introduce it

20   Commissioner?

21   CHAIR JOSHI: Because it's another

22   option. It's giving people another

23   option for how to get a taxi. I think

24   it's undeniable that people are looking

25   at their phones more and more to get

1   transportation. Why can't taxis be on a

2   level playing field with how people get

3   transportation today?

4   MR. CABRERA: Cause it's never going

5   to happen Commissioner. We're dealing

6   with an 800 pound gorilla that has

7   billions and billions of dollars of

8   venture capital, and they can just

9   change whatever they want on a

10 day-to-day basis.

11   This Commission has our hands tied

12 behind our backs. Okay. We need

13 flexible -- I agree in part that we need

14 flexible price structures, but we also

15 need discounted fares. We need to see

16 in the outer boroughs -- why we've lost

17 all our passengers in the outer

18 boroughs; why we're not making the trips

19 that we made to the airport during shift

20 change. We have to see how we're going

21 to fix this shift change problem.

22   There are so many other little

23 things that I think they take -- they're

24 more important than changing our

25 technology right now during this flux

1   period that we're going through.

2   CHAIR JOSHI: We can pursue those

3   with you. The shift change is

4   completely up to the yellow taxi

5   industry. We have not tied your hands

6   at all. In fact, we've opened that up

7   in ways well beyond it has been in past

8   years.

9   And I've personally written to every

10   garage and shown them how many trips

11   that they lose during shift change, and

12   urge them to change their leasing

13   practices in order to pick up those

14   rides, and I did not hear back from a

15   single garage.

16   MR. CABRERA: I would love to see

17   that just to see what the suggestions

18   were.

19   CHAIR JOSHI: It was two or three

20   years ago; I'll send you all those

21   letters.

22   MR. CABRERA: Yeah, because I would

23   love to see what the suggestions are.

24   We have suggestions also. If doesn't

25   seem like the individual medallion owner

1   is ever in on any of these conversations

2   that you have on any of these PILOT

3   programs. We're just thrown to the bin

4   of, you know, obscurity. You know,

5   we're just -- don't worry about the

6   independent cabdriver, and we're the

7   ones that are suffering the most. We're

8   having -- the things have gotten so bad

9   Commissioner --

10   CHAIR JOSHI: We're more than happy

11   to talk to you about it. As you know,

12   every time you contact us, we meet with

13   you.

14   MR. CABRERA: Thank you

15   Commissioner.

16   CHAIR JOSHI: Thank you.

17   MR. WILSON: The next speaker is

18   Barry Napach.

19   MR. NAPACH: Hello Commissioners. I

20   drove a cab; started in 1969. I retired

21   in 2012. My tag number started with a

22   one, so I know a little bit about the

23   business, and this is the first time

24   I've ever spoken, so if I'm a little

25   nervous, please forgive me.

1   With all these apps, I don't

2   understand. When you drive a taxi,

3   you've got to look for the passenger

4   with their hand up and you got to look

5   at the lights; you got to look

6   everywhere. How are you going to be

7   able to drive a taxi and also look at an

8   app?

9   It's dangerous. It's dangerous for

10   the Uber drivers. They have to

11   concentrate on looking at that app and

12   looking at the passenger. Where am I;

13   where are they? It's too hard. It's

14   just one person. In a plane you have

15   two people; you've got the co-pilot and

16   the pilot. It's too hard in a taxi, but

17   that's beyond my understanding cause I'm

18   old school. I don't understand even how

19   the mobile phone works.

20   But now, I want to talk to you about

21   my situation. I bought a medallion in

22   1996 when the City encouraged the

23   medallions, and they subsequently

24   encouraged the medallions further on for

25   people to buy them. You're going to

1   have -- you're buying your future. You

2   encouraged it. You even had a floor

3   when you saw the medallions to support

4   the price.

5   Well, the banks believed you. They

6   believed that it was a secure

7   investment. Now, these guys, they lost

8   their investment -- including myself --

9   not for anything -- not for any bad

10   decisions they made, but we know why.

11   Uber.

12   You know what Uber really is; it's a

13   malignancy. And you know what a

14   malignancy does; it kills all the

15   organisms. And what has Uber done; it's

16   killed the yellow cab business. It has

17   killed the black car business and the

18   livery, and they're going to kill

19   themselves because they're a malignancy.

20   They never make any money.

21   They don't make money because people

22   keep throwing them money. It's not a

23   viable business model. They're not the

24   next Google; they're not the next

25   Facebook. They're just a -- they're not

1   even a transportation company; they're a

2   platform. They destroy everything,

3   including the people, and they're so

4   blatant about it.

5   They say, "We're not even going to

6   have drivers anymore. We're going to

7   have our cars drive themselves". So

8   they're destroying the people that are

9   actually working for them trying to give

10   their company value. You shouldn't

11   allow this.

12   Now, my own situation; I'm being

13   sued by the bank because now my

14   medallion is worth less. Okay. Now, I

15   told the bank, "Why are you suing me

16   for?" I didn't make any bad decisions.

17   I didn't build these big casinos like

18   Donald, and borrow money, and then the

19   casinos went broke.

20   I believed in the TLC and I believed

21   in the City; and what has the City done?

22   They, by their actions and inactions,

23   have destroyed the yellow cab business

24   and the other car business, and we all

25   know -- we all know -- and it's on the

1   video -- that the former Mayor,

2   Mr. Bloomberg -- the little guy -- he

3   stated to Mr. Friedman, "I will destroy

4   the yellow cab business".

5   He stated that, and people that he

6   employed in the TLC -- a part of that --

7   what do you call it -- collusion or

8   conspiracy -- I mean, they make a

9   conspiracy about Donald with the

10   Russians. Well, we can make a

11   conspiracy about what the TLC, under the

12   support of Bloomberg, has destroyed the

13   yellow cab business; cause that's what

14   he wanted to do.

15   He stated -- it's on the video -- he

16   stated to Mr. Friedman, and you're all a

17   party to it by your actions and by your

18   inactions. This is not right, and

19   Mr. Bloomberg -- I don't like that man.

20   He's like all those other little men;

21   like Hitler, like Stalin, like Napoleon.

22   They get off on destroying other people.

23   And don't allow this to happen. I

24   mean, cause a lot of people had to die

25   to stop Hitler. This is no good. Okay.

1   I'm finished. (Applause.)

2   CHAIR JOSHI: Thank you.

3   MR. WILSON: The next speaker is

4 Bill Lindauer.

5   MR. LINDAUER: Good morning. Those

6 speakers are hard acts to follow, but

7 before I become vituperative, I'll be

8 nice and wish everybody here who

9 observes, have a Happy Passover and a

10 Happy Easter.

11   Okay. As for the flexible fare

12 PILOT, why is it two years? I think by

13 one year, you should be able to

14 determine for one thing, the effect of

15 driver income. If it's an adverse

16 effect, why spread it out for two years?

17 One year, you should know. Right?

18   Okay. And another thing, the health

19 of the industry is in crisis. Right. I

20 mean, the entry of Uber into the New

21 York market carte blanche was the

22 greatest -- mankind's greatest mistake

23 since the entry of the wooden horse in

24 ancient Troy.

25   You got to stop putting these 80,000

1   Uber cabs and what have you on the

2   street. They cause the congestion.

3   These empty cabs roaming around. They

4   cause the congestion; they cause

5   financial suffering. A bunch of

6   yellows, greens, blacks, and even Uber

7   drivers; cause it's just too many. The

8   supply outweighs demand greatly. So we

9   need a cab.

10   And going back to ancient mythology

11   -- Greek mythology -- I know it's beyond

12   the jurisdiction of the TLC to put a

13   cap, right, but I asked Commissioner

14   Joshi to act more like Medea -- without

15   the murder of course -- and urge the

16   City Council to save the industry, and

17   they can only do that by putting on a

18   cap.

19   Unfortunately, in 2015, they didn't

20   realize what they were doing, you know.

21   But today, I think they're more

22   enlightened thanks to -- for one part

23   the New York Taxi Worker's Alliance -- I

24   hope I contributed a little bit of

25   knowledge to that. But -- okay. I urge

1   you to press the City Council.

2   And one thing, I urge you to press

3   the State Legislators, like Heastie and

4   the governor. Congestion pricing will

5   kill the industry. You have a short

6   ride, and then they charge you 2.75 to

7   $5 above that? That's like an

8   outrageous tax. It's -- I think maybe

9   the Supreme Court might call that cruel

10 and unusual punishment. Okay. Thank

11 you. (Applause.)

12   MR. WILSON: Thank you. The next

13 speaker is Bhaiavi Desai.

14   UNKNOWN SPEAKER: She's not present.

15   MR. WILSON: She's not. Okay.

16   The next speaker is Bernardo

17 Celerino.

18   MR. CELERINO: Good morning

19 Commissioner; good morning Council

20 members. I am a medallion owner since

21 1989, and I have seen a lot of pain in

22 my industry and suffering under the

23 control of the Taxi and Limousine

24 Commission. That started exactly 1989

25 until today, but today is much worse, of

1   course.

2   So now we have to see the industry

3   has to compete with another industry,

4   for example, that is out-based

5   industries -- out-based companies, and

6   these people like Uber, for example,

7   yesterday -- I read that Uber is

8   subsidizing 50 percent of the trips.

9   We cannot subsidize. The Taxi and

10   Limousine Commission is not subsidizing

11   us. City Council members are not

12   subsidizing us. The State of New York

13   is not subsidizing us. Maybe it's time

14   to see that that will happen, cause

15   we've been helping the City of New York

16   a lot and everybody has to agree with

17   that.

18   We did not break the rules at any

19   time, but we are suffering for this.

20   And if you don't believe me, four people

21   commit suicide already; hundreds a month

22   are in foreclosures. In fact, I

23   received a text message three or

24   four days ago that 131 foreclosures are

25   coming. How many more hundreds will be

1   coming later; what do you guys want?

2   It's time to do something.

3   Another thing that I want to say is

4   this, everybody is talking about surge

5   pricing, and, obviously, we're going to

6   have to have an app like this Curb --

7   this Arro to date -- but nobody talks

8   about the price that they have to pay

9   for them. Are they going to work for

10   free? Do you have to pay 35 percent?

11   Besides making a lower price based

12   on the subsidized price from Uber, I

13   still have to pay some fees to those

14   guys? That is something that you guys

15   have to say something about, and nobody

16   say anything about that yet. Basically,

17   that's all I have to say. Thank you.

18   MR. WILSON: Thank you. The next

19   speaker is Nicolae Hent.

20   MR. HENT: Thank you Chairman; thank

21   you Commissioners. I have to speak in

22   the beginning and mention about the four

23   cabdrivers which we lost. He was one of

24   my best friend -- not only friend, but

25   family friend. I know him since 1988.

1   He started driving in 1986; so 22 years

2   -- not 25. He was an owner since 1990.

3   I heard you in the newspaper, you

4   feel sorry for that. I believe you, but

5   you did not give a call to his family to

6   say condolences, but you give the

7   (inaudible) to the New York Post. Isn't

8   that shame? I'm sorry. I have to go to

9   the other subject, about the -- I'm

10   using your words -- vehicle meter. You

11   want to the kill us more?

12   It will be more people like those

13   four. Those four's blood is not only

14   the Mayor, or -- Governor Cuomo's hands,

15   Attorney General Schneiderman, or City

16   Council, or Mayor -- on you too -- but

17   by doing nothing, it's wrong.

18   I saw yesterday evening at the

19   meeting in Jackson Heights, Mayor did

20   not let her speak. I (inaudible) for

21   that. He's supposed to let her answer

22   that question. He didn't let her. It's

23   not your fault. When will you start

24   doing something?

25   I pay like my friend $125,000 in

1   1990 for the medallion; 6,000 plus sales

2   tax to the New York City, and the car,

3   it's $150,000. I was for five years in

4   America and invest in New York City; not

5   in other state or other country.

6   Everything I had, I put it on that.

7   Now, at the age of 61, I lose

8   everything. I'm going to be homeless.

9   Not because of me; because of the

10   government which robbed me.

11   This morning, you were on Channel 1.

12   The reporter asked you a question about

13   the congestion price. Will it be just

14   another screw in the cabdriver's budget?

15   You dodged the question. You remember;

16   it was this morning?

17   Now, my question is, with the

18   virtual meter, will it help us? I don't

19   think so. I want to see how that meter

20   is going to work when we go through the

21   Lincoln Tunnel -- when we're in tunnel

22   and we have no network.

23   Now, the meter that we have is

24   connected to the transmission. It's

25   practically manual. Many times I have a

1   glitch in my system. To continue to

2   work with that glitch, I have to reset

3   it because the toll from the tunnel is

4   not going to show up on the fare.

5   So I reset it, and the meter

6   continues, and I tell the customer, "I'm

7   sorry. I have to reset the meter cause

8   I lose the network". So I will have the

9   same possibility with the technology

10   which will be not connected to the

11   transmission.

12   This is what I want to talk to the

13   guy, which his name is Jeff Garber, to

14   ask him about this. Does anybody know

15   about this?

16   CHAIR JOSHI: Yeah, I was going to

17   suggest -- he's right in the back. This

18   is an issue that has come up. It was

19   part of our testing with virtual meters,

20   and it's what we had to go through in

21   order for the State to approve the

22   virtual meters.

23   So Jeff Garber is right in the back,

24   and he'll surely give you an

25   explanation.

1   MR. HENT: One more thing I have:

2   Four weeks ago, (inaudible) -- Curb --

3   whatever they are -- did not have a

4   network for four hours. It's not my

5   fault. They have only one, you know,

6   company which they use -- Sprint.

7   They're supposed to have a backup. Why

8   you allow that? They --

9   CHAIR JOSHI: There are rules about

10   outages, and, again, I think Jeff Garber

11   can address those. But that is a

12   tremendous loss of business if you don't

13   have that.

14   MR. HENT: Let me mention something

15   else. I'm sorry; I passed the time.

16   They give you a chance to store

17   four, five transactions; no more. But

18   if the fare for the meter is over $75,

19   they do not store four. Do you know

20   that? I don't think so.

21   CHAIR JOSHI: That's the point of

22   this hearing is for you to give us

23   feedback on the rules. So I appreciate

24   that.

25   MR. HENT: I'm trying to do the best

1   I can.

2   CHAIR JOSHI: And you're doing --

3   this is an important -- we appreciate

4   it.

5   MR. HENT: I have eight years of

6   school, three years of training school.

7   I don't have high school; I don't have

8   university. It's not easy for me to

9   deal with this technology, and there are

10   a lot of people, which -- you know,

11   worse than me.

12   So my question is for all of you,

13   please, do not stand by -- when Attorney

14   General sent you the letter to not limit

15   the app cars, you're supposed to go to

16   the news media and say, "What are you

17   going to do when we owners --" -- which

18   we sell the medallion -- you know, 2013

19   -- and took from them over one million

20   dollars. That's --

21   By doing nothing, it's not an

22   excuse. So the spokesman of the TLC --

23   Mr. Froman (phonetic) -- (inaudible) --

24   thank you very much. (Applause.)

25   CHAIR JOSHI: Thank you.

1   MR. WILSON: Thank you. The last

2   speaker is Eugene Jano.

3   MR. JANO: Good morning

4   Commissioners; good morning City

5   Council. I go straight to the point of

6   this new technology.

7   I mentioned this maybe six months

8   ago. We had another hearing, and there

9   was -- this was the best opening for us

10   to address a major issue. Yellow cabs

11   are not safe; yellow cabdrivers are not

12   safe. I'm not even sure if this latest

13   violent case had to do with this.

14   Why can't we do it, at this point,

15   when we introduce the new technology, to

16   make it almost foolproof from safety

17   point of view?

18   We already have an arrangement with

19   the privacy issue, right? If a customer

20   gets into a cab in different type of

21   cabs, or a cab without a partition,

22   there's a camera. So actually that

23   customer had been told that your privacy

24   is violated.

25   You will be on the camera in case

1   you do something, we're going to open

2   the box and the police will pursue you;

3   like the person whose attacker -- who

4   got stabbed in the ear with a pair of

5   scissors -- not a taxi camera. They

6   went to the camera; they caught the

7   perpetrator. It helped.

8   Just as a funny note, unfortunately,

9   he bit his finger -- he had a finger

10   bleed because -- he ran away without his

11   finger. They used the fingerprint --

12   and this is a real fact.

13   Now, this is where I make the

14   connection; we don't have to bite the

15   guy's finger off to have the

16   fingerprint. Why can't we have the

17   screen made in such a way -- because all

18   these screens at this point are very

19   sensitive -- they read fingerprints.

20   So when the passenger gets in the

21   cab, correct, the driver would engage

22   the meter, and the passenger confirms

23   it, and he will have a sign saying that

24   unless you beat up, kill, or maim the

25   driver, this information will be erased

1 in 48 hours; just like the photograph

2 that has been taken. And this will -- I

3 guarantee you -- absolutely cut their

4 enthusiasm to commit a crime.

5 Because they know, especially when

6 they commit a crime at nighttime, that

7 picture is almost irrelevant because the

8 quality is so bad. That's why banks

9 have like 75 pictures of bank robbers --

10 and the FBI -- and they cannot catch

11 them based on the picture.

12 But if you would introduce

13 legislation to use the fingerprint to

14 activate the fare, crime will go

15 virtually to zero because one of our

16 greatest advantages against Uber is the

17 fact that we have a partition.

18 The heating system -- the cooling in

19 the summer system -- it's much efficient

20 compared to Uber cause we have the

21 partition and the air doesn't circulate.

22 It's the idea of closed off -- I have 50

23 seconds. Good.

24 Last thing, it's wonderful that you

25 brought in the Camrys as the next cab,

1   but please do more because the major

2   complaint I get from the customers is

3   the quality -- I'm sorry -- the quality

4   of the ride.

5   The cabs we have right now,

6   unfortunately -- the NV200 -- tiny

7   wheels -- 15 inch wheels -- lift

8   springs. That means a horrible,

9   horrible bumpy ride. Small wheels have

10   lower springs. So we need cars with

11   higher springs that can take -- all Uber

12   cars have that because most of them they

13   have the Highlanders, which are very

14   comfortable.

15   Thank you. Happy Holidays.

16   (Applause.)

17   CHAIR JOSHI: Thank you. We

18   actually are going -- I think we have

19   one more speaker. We want to present an

20   award, so we'll do one more speaker, and

21   then I'd like to present an award.

22   I don't have the name of the last

23   speaker; I just know there is one more

24   speaker.

25   (No response.)

1   CHAIR JOSHI: If we don't have

2 another speaker -- oh, we do.

3   MR. WILSON: Could you tell us your

4 name, please?

5   MR. GANGED: Sure. My name is

6 Mohammed Ganged; I go by Moe. You know,

7 I came here today just to make a quick

8 comment and ask two questions.

9   My comment is this; ride-share

10 drivers have very little ability to

11 understand what's going on at their job.

12 When you ask Uber, Juno, Lyft, "What's

13 going on with this pricing?", or "What's

14 this; what's that?", they don't answer

15 the question.

16   When you ask them to change anything

17 that's going on in their contract or

18 their agreement with you, they don't do

19 it, and they do that across the board,

20 and so there's absolutely no

21 negotiation. It's completely one way.

22   I wanted to say that, and, you know,

23 I hope it goes without saying, my point

24 is, do something about it, please, TLC.

25 There's --

1   CHAIR JOSHI: This hearing is on the

2   TPEP Rules, but --

3   MR. GANGED: Sure.

4   CHAIR JOSHI: -- I will let you know

5   that we are looking to do transparency

6   rules that would give the Uber drivers

7   -- all FHV drivers -- a breakdown of how

8   they were paid so that they understand

9   how they are paid.

10   That's something we're working on,

11   so I'd actually ask if you could meet

12   with a member of our staff in the back,

13   so we can get your ideas on the specific

14   pieces that are important that they have

15   on their receipts.

16   MR. GANGED: I appreciate the

17   response to that question, not because

18   it helped me feel any better about my

19   inquiry, but because it gave me a

20   response that I don't want to hear to my

21   next question, which is that you are

22   working on it.

23   I'd just like some more details

24   because quite frankly there's nowhere

25   else to go for answers but the TLC. And

1   so for these next questions, if I could

2   get some details.

3   My first question is this: We have

4   acknowledged that there is widespread

5   economic despair. We've had many

6   hearings where people come and talk

7   about it, and you said today, and in the

8   past, that you're going to take steps to

9   figure out how to regulate driver pay.

10   I have two questions on that. One,

11   what steps have you taken or are

12   planned; and two, what information or

13   data you have collected since having

14   heard the concerns to take steps?

15   For instance, have you analyzed or

16   learned at all what the various

17   ride-share companies charge to the

18   various classes of drivers that each has

19   for its drivers? And if you have that

20   data, and if you've collected it, do you

21   plan on making it available?

22   CHAIR JOSHI: So in short, we're

23   happy to give you an update on that.

24   This is a hearing on the TPEP Rules.

25   MR. GANGED: So no answer.

1   CHAIR JOSHI: So, yes, we have

2 collected data; we are working on it.

3   MR. GANGED: What kind of data have

4 you collected from Uber, and Lyft, and

5 Juno?

6   CHAIR JOSHI: We have hired an

7 economist who is looking at the

8 information.

9   MR. GANGED: What kind of data?

10 Give me one specific answer.

11   CHAIR JOSHI: We can talk about it

12 afterwards. It is not appropriate for

13 this hearing right now, which is on

14 TPEP.

15   But I'm more than happy to discuss

16 it with you after this hearing is over.

17   MR. GANGED: Sure.

18   CHAIR JOSHI: Okay. With that, that

19 is the end of the hearing. We can vote

20 on the flex fare PILOT, if people are

21 interested in voting on that today.

22   MR. WILSON: Yeah, so as Local Law

23 requires, Resolution for Commission

24 Action was posted on the TLC's website

25 on March 23, 2018, and sent to the

1   Commissioners on that date.

2   CHAIR JOSHI: So we can vote on it

3   today, or in light of comments that

4   you've heard, we can wait until April

5   and vote on it then.

6   COMMISSIONER SORRENTINO: We can

7   vote on it now.

8   CHAIR JOSHI: Okay. So all in favor

9   of the PILOT?

10   (Raised hands.)

11   CHAIR JOSHI: With that, it passes

12   unanimously.

13   And we're going to make a

14   presentation, but Commissioner --

15   because I know we have some special

16   guests here, so I'd like to recognize a

17   driver who returned some property

18   belonging to Senator Kirsten

19   Gillibrand's staffer.

20   We're commending today Gabriella

21   Pregorno (phonetic) for an amazing deed

22   she did in December.

23   Jerry Shapiro, who's in the audience

24   and works for Senator Kirsten

25   Gillibrand, was traveling to a meeting

1   with the Mayor of Jerusalem on the Upper

2   East Side. She took a taxi there and

3   got to know her driver, a hard working

4   mom. When she left the taxi, she

5   realized she'd left her bag with many

6   important things in it behind.

7   The driver, Gabriella, and the next

8   passenger searched the neighborhood to

9   find her. Gabriella had been driving

10   around looking for her. The male

11   passenger also helped and searched on

12   foot. Gabriella did not want to accept

13   any additional tip for her good deed.

14   Thank you very much Gabriella for

15   literally going the extra mile for your

16   passenger, and today to present you with

17   an award is Stephanie Toro (phonetic),

18   from the TLC's External Affairs Unit.

19   She's coming right up, and could

20   Gabriella stand up? And I believe your

21   daughters are with you as well, right?

22   (Applause.)

23   MS. PREGORNO: (Nodding.)

24   CHAIR JOSHI: So on behalf of the

25   TLC, we want to present you with this

1   award to recognize your amazing customer

2   service and being an amazing New Yorker.

3   (Applause.)

4   MS. SHAPIRO: I'd just like to say,

5   my name is Jerry Shapiro, and as just a

6   resident of New York -- I am disabled.

7   I have visual impairments and my legs --

8   so when I saw that my bag -- I was

9   learning how to use my cane, and the bag

10   was in the car.

11   I tried to run, which I cannot do.

12   She did not leave me off on my request

13   where I was going because I'm trying to

14   get in 4,000 steps a day, which is like

15   climbing Mount Everest for me, so I was

16   several blocks away.

17   I thought I was going to faint in

18   the street. I was so upset. I felt --

19   my medicine was also in my bag. I

20   thought I was going to pass out. It was

21   about 20 to 8 in the morning, and I

22   thought, what will happen -- my husband

23   of 53 years will not know where to find

24   me -- and I didn't know what would

25   happen.

1   I managed to try to walk in the

2   direction of the meeting -- the building

3   with the meeting -- and I'm walking, but

4   I was dazed; I thought I was just going

5   to pass out. And Gabriella and her cab

6   -- it's two-and-a-half blocks away on a

7   side street.

8   She must have been driving up and

9   down every street, and she saw me, and

10   she got out of the car. She pulled the

11   cab over; she said, "Somebody else is

12   looking for you also on foot", and, "I'm

13   going to stay with you and we're going

14   to do this".

15   I mean, it was really -- it was such

16   an act of enormous kindness and

17   generosity of spirit, and I just feel on

18   a personal level, I had to come here and

19   thank her, and I'm so happy for the

20   Commissioners to have recognized her.

21   Thank you. (Applause.)

22   CHAIR JOSHI: And thank you for

23   sharing that with us.

24   MS. PREGORNO: I wanted to thank

25   Mrs. Shapiro for acknowledging me, and

1   to say that we work together as New

2   Yorkers -- it was myself, as I was

3   driving down a one-way street, and

4   another New Yorker, who -- I couldn't

5   back up -- and another New Yorker

6   stopped me, and then I looked at him,

7   and he look liked a clean cut black man,

8   and he -- unfortunately he's not here.

9   And I said, do I hand the bag over

10   to him; is he a true New Yorker? And I

11   did, you know, and then what happened is

12   I went around the block to make sure

13   that Ms. Jerry had gotten her bag, and

14   then we didn't see him. So we got

15   worried for a minute.

16   But I told Ms. Jerry -- I said,

17   "Rest assured, New Yorkers are always

18   going to work together". So surely

19   enough, we saw him at the next corner

20   and then I united them.

21   So this was a beautiful time of two

22   New Yorkers working together, and I

23   would like to say on behalf of my

24   company, United Taxi Management, and all

25   the great drivers out there, thank you

1   for this award.

2   CHAIR JOSHI: Thank you very much,

3   and thank you for bringing your

4   daughters. (Applause.)

5   And now, Commissioner Polanco, would

6   like to say a few words on recent

7   events.

8   COMMISSIONER POLANCO: Thank you,

9   Madam Chair.

10   I just would like to address some

11   audios and videos that were forwarded to

12   me where certain individuals are

13   advocating for livery drivers to turn

14   their TLC license plate back to the

15   agency, and also to engage in illegal

16   pickup.

17   Also, they encourage and applaud

18   those who display aggressive, violent

19   behaviors towards TLC enforcement

20   agents. One must add, our hardworking

21   individuals who look like us and live in

22   our neighborhoods.

23   I understand that many in the

24   industry -- and I mean the livery

25   industry specifically -- we have heard

1   everything that everyone said today, and

2   I cannot address at this point, but I

3   will -- but I understand that many in

4   the livery industry, site issues such as

5   multiple tickets being issued for the

6   alleged same conduct and the amount in

7   the violation, as factors contributing

8   to the lack of economic growth to the

9   drivers.

10   In the industry -- as was evident

11   today, and by the drivers hearing, as a

12   whole -- the yellows and the livery have

13   gone through detrimental changes. I

14   mean, it's obvious. The business model

15   and the way to conduct business has

16   changed. There are new players with the

17   technology, and as someone mentioned,

18   billions of dollars.

19   And I agree wholeheartedly that

20   changes are needed and changes are being

21   made to improve the lives of those in

22   the industry, realizing that there are

23   many factors that regulate the industry.

24   You have the TLC; you have City Council;

25   you have Albany, and also the governor

1   and so forth. And although we do want

2   drastic changes to be made immediately,

3   here -- sitting here is something we

4   cannot do.

5   But I want to specifically address

6   the videos and audios that were sent to

7   me because this information is dangerous

8   and truly being redundant here is

9   malicious. There's no room for

10   promoting violation of the law. There's

11   no room for putting your life at risk or

12   that of the public. There's no room for

13   promoting violation towards individuals.

14   And to those currently advocating

15   for licensed livery drivers to turn

16   their plate back and engage in illegal

17   pickup, they're also part of the problem

18   because they're taking away fares from

19   those who are following the law.

20   So don't fall into that trap.

21   Remember to be careful, as the saying

22   goes, of a wolf in sheep's clothing.

23   And I must add that this is one of

24   the few agencies that I'm aware of where

25   you get to witness by sitting there in

1   that chair how regulations are enacted.

2   Where we as Commissioners, get to see

3   and hear how a particular regulation

4   will impact you, the industry. And many

5   time changes are made right on the spot,

6   right in the moment; which I don't think

7   happens in any other City Agency.

8   So I just want to say continue your

9   activism and your demand for change, but

10   always, always, always leave room for

11   dialogue.

12   And I have to do it in Spanish

13   because the audios and videos were in

14   Spanish, and basically it's something

15   that I have to address cause I do know

16   of Spanish speaking drivers out there.

17   (Repeated in Spanish.)

18   COMMISSIONER POLANCO: Thank you.

19   CHAIR JOSHI: Thank you. And I

20   believe that's the last item, so our

21   meeting has ended. The time now is

22   10:22. Thank you everyone for attending

23   -- I'm sorry -- 11:22. Thank you for

24   attending.

25   (Time noted: 11:22 a.m.)

1

2   CERTIFICATION

3

4   I, JULIA M. SPEROS, a Notary Public

5   for and within the State of New York, do

6   hereby certify:

7   That the witness whose testimony as

8   herein set forth, was duly sworn by me;

9   and that the within transcript is a true

10   record of the testimony given by said

11   witness.

12   I further certify that I am not

13   related to any of the parties to this

14   action by blood or

15   marriage, and that I am in no way

16   interested in the outcome of this

17   matter.

18   IN WITNESS WHEREOF, I have hereunto

19   set my hand this 29th day of March,

20   2018.

21

22

23   _____
                             Julia M. Speros

24

25

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