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2	NEW YORK CITY
3	TAXI AND LIMOUSINE COMMISSION
4	APRIL 18, 2013
5	
6	
7	COMMISSION MEETING AND PUBLIC HEARING
8	AND
9	OPPORTUNITY TO COMMENT ON PROPOSED RULES
10	
11	TRANSCRIPT OF PROCEEDINGS
12	Held on April 18, 2013
13	33 Beaver Street
14	New York, New York
15	Time: 9:59 a.m.
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17	Reported By:
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2	APPEARANCES:	
3		
4	FOR THE COMMISSION:	
5	DAVID YASSKY, Commi	ssioner
6	LASHANN DEARCY, Com	
7	ELIAS AROUT, Commis	sioner
8	FRANK CARONE, Commi	ssioner
9	EDWARD GONZALES, Con	mmissioner
10	IRIS WEINSHALL, Com	missioner
11	MEERA JOSHI, Genera	l Counsel
12		
13	SPEAKERS:	
14		
15	CHRIS TORMEY,	Director of Applicant Licensing, TLC
16	CINDI DAVIDSON,	Director of Policy and
17		Governmental Affairs, TLC
18	RICHARD THALER,	OMN Gateway LLC
19	ETHAN GERBER,	Greater New York Taxi Association
20	OSMAN CHOWDHURY,	United Taxi Driver
21		Association
22	DAVID POLLACK,	Executive Director of the Committee for Taxi Safety
23		2
24	BHAIRAVI DESAI,	Executive Director of NYTWA
25	TAIFOUR DISHABY	

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- 2 SPEAKERS: (Continued)
- 3
- 4 LIAQAT KHAN
- 5 HARON UR RASHID
- 6 NOOR MENGLE
- 7 MOHAMMAD KARIM
- 8 BILL LINDAUER, NYCTA
- 9 VICTOR SALAZAR
- 10 LUIS MOLINA
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- 13 ABDOULAYE MBOU
- 14 MOHAMMED IQBAL
- 15 FODAY TAMBADOU
- 16 BERESFORD SIMMONS, NYTWA
- 17 KAZI KARIM
- 18 RYAN RICHARDSON, NYTWA
- 19 VINCENT OKYERE
- 20 ASIM AKHTAR
- 21 BIJU MATHEW, NYTWA
- 22
- 23
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- 25

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2	CHAIRMAN YASSKY: Good
3	morning. It is now instructively
4	10 o'clock a.m. It's now
5	9:59 a.m., let's be honest, and I
б	call this public meeting of the New
7	York City Taxi & Limousine
8	Commission to order. Present are
9	Commissioners Gonzales, Weinshall,
10	Arout, and Carone and myself, and
11	here we are.
12	A few notes before we
13	undertake our business for the day.
14	First of all, as we discussed in
15	January, we have done a great deal
16	over the last few years and
17	continue to do a great deal to
18	strengthen our enforcement capacity
19	both to protect the customers
20	against unlicensed and unscrupulous
21	operators and to honestly protect
22	our licensees against competition
23	from those who do not play by the
24	rules.
25	And I am pleased to say that

Proceedings - April 18, 2013 1 2 once again our enforcement folks have outdone themselves. The TLC's 3 enforcement officers, also known as 4 New York's Proudest, followed a 5 record setting 849 seizures in 6 7 January, with 617 hustlers taken off the street in February and an 8 9 extraordinary 724 in March. 10 Allan, I think the word 11 "extraordinary" is no longer, is 12 not really appropriate since that is now the norm, but I'll just say, 13 14 an impressive 724 in March. Once 15 again, well done, Deputy Commissioner Scanlon and Assistant 16 17 Commissioner Hunt and Chief Ron 18 Sobers, and all of your team. Speaking of enforcement, I 19 20 am pleased to report that we began 21 working with Mike's Towing. 22 Commissioners, we have mentioned this often over the last couple of 23 24 years that one of the constraints 25 on our enforcement capacity was, we

Proceedings - April 18, 2013 1 2 could not seize cars that we'd have 3 no room to store. And we filled our parking lot at Woodside, which 4 we turned into a makeshift tow 5 6 pound, that is, Deputy Commissioner 7 Scanlon creatively made it into a makeshift tow pound. We then got a 8 property owner in Queens to lend us 9 10 for free for the last year and some 11 a parking lot. We filled that up. 12 Chief Operating Officer 13 Conan Freud arranged with some of 14 our sister agencies to get scraps 15 of space here and there. I kid you not, I mean, 10 spaces here, 15 16 17 spaces there, and we filled those 18 But finally, we now have an up. 19 agreement with Mike's Towing 20 Company, obviously we had an RFP 21 and selected a partner, and they 22 will take as many cars as we seize. So now that constraint is gone. 23 24 Just this week we finally

had the first of our auction of

25

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1	Proceedings - April 18, 2013
2	cars that have been hanging around
3	unclaimed in our storage for a
4	while. 69 vehicles were sold
5	returning a tidy sum to the general
6	fund, the City of New York.
7	So at this time, I would
8	like to ask Deputy Commissioner
9	Scanlon and our Assistant
10	Commissioner Jeff Hunt and
11	Commissioners, I know you've met
12	Ray in the past, I don't know if
13	you've met Jeff Hunt. He came to
14	us a year and a little bit ago from
15	NYPD to be our assistant
16	commissioner for Enforcement, and
17	the astounding productivity of our
18	folks in that time, in that year's
19	time is due in no small measure to
20	Jeff's energy and calm yet firm
21	management style.
22	So at this time, I would
23	like to ask Deputy Commissioner
24	Scanlon and Assistant Commissioner
25	Hunt to accept this plaque.

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2	We have hanging in Woodside,
3	Commissioners, I'm sure you've
4	noticed it last time you were
5	there, a plaque commemorating the
6	record month of seizures.
7	Ray, when was that plaque
8	for?
9	MR. SCANLON: It was
10	January 1998.
11	CHAIRMAN YASSKY: In January
12	1998 the TLC Commission gave the
13	enforcement folks a plaque because
14	they did such a bang-up job on the
15	Enforcement. We have now broken
16	that record for the most seizures
17	in a month, and there will be a new
18	plaque hanging in Woodside.
19	You know, this is not built
20	for me to walk down there, so can
21	you guys come over here, and I will
22	give you this plaque? Or maybe
23	it's not built for that either
24	oh, all right.
25	Thank you very much.

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2	MR. SCANLON: Thank you,
3	sir.
4	CHAIRMAN YASSKY: Thank you,
5	Assistant Commissioner.
6	MR. HUNT: Thank you.
7	CHAIRMAN YASSKY: Please
8	ensure that that is hung up solidly
9	on the wall so it doesn't fall.
10	MR. SCANLON: We will, thank
11	you. (Applause.)
12	CHAIRMAN YASSKY: That will
13	be Instagramed out promptly.
14	Truly, I think it is having
15	an impact. You know, like any kind
16	of like a lot of other
17	Enforcement things, you don't
18	eradicate the bad behavior
19	overnight and you don't eradicate
20	it at all completely, but I do
21	believe that we are having an
22	impact.
23	Okay. Last, but not least,
24	I think we're really ready to
25	start business, honestly. I don't

1	Proceedings - April 18, 2013
2	need to take up your time with a
3	whole series of litigation updates,
4	but I can summarize by saying, all
5	our litigation as Abraham
6	Lincoln said, The progress of our
7	attorneys upon which all else
8	chiefly depends, I'm sure the
9	progress is as satisfactory to you
10	as it is to me.
11	That's a slight paraphrase,
12	but that's basically what he said.
13	Shall we begin our business
14	now? The adoption of minutes.
15	Commissioners, before you are the
16	minutes of the February 21st, 2013
17	Commission meeting. I move that we
18	adopt those meetings as printed.
19	All in favor, say, aye.
20	(Chorus of ayes.)
21	CHAIRMAN YASSKY: Opposed,
22	no.
23	(No response.)
24	CHAIRMAN YASSKY: The
25	February 21st meeting minutes are

1	Proceedings - April 18, 2013
2	adopted.
3	We have a series of base
4	applications, and we have Director
5	Tormey.
б	MR. TORMEY: Hi, good
7	morning. My name is Chris Tormey,
8	director of Applicant Licensing at
9	the Taxi & Limousine Commission.
10	This month we have five new
11	bases for approval and 27 renewals.
12	CHAIRMAN YASSKY: I move
13	that the bases listed here on the
14	documents be approved and the new
15	base be approved and renewal
16	applications also be approved.
17	All in favor, say, aye.
18	(Chorus of ayes.)
19	CHAIRMAN YASSKY: Opposed,
20	no.
21	(No response.)
22	CHAIRMAN YASSKY: Thank you,
23	Chris. Your recommendations are
24	adopted.
25	MR. TORMEY: Thank you.

1	Proceedings - April 18, 2013
2	CHAIRMAN YASSKY: We now
3	have a brief before we get to
4	the rules before us, Commissioners,
5	it's been six months since we began
6	service with our Accessible
7	Dispatch Program, a program that
8	enables wheelchair users to call
9	311 and have one of the
10	wheelchair-accessible taxis sent to
11	get them. I asked the staff to
12	report back to us on the six-month
13	period on the progress of that, and
14	you will now hear that report.
15	MS. DAVIDSON: Good morning,
16	Commissioners. My name is Cindi
17	Davidson, and I am the director of
18	Policy and Governmental Affairs for
19	the TLC.
20	I'm excited to update you on
21	the Accessible Dispatch Program, a
22	city-sponsored service that enables
23	wheelchair using passengers to
24	request an accessible taxicab to
25	pick them up anywhere in Manhattan.

1	Proceedings - April 18, 2013
2	This presentation is an update for
3	you, and there is no vote
4	associated with the presentation.
5	As you can see from the map
6	on the screen, this is a map of all
7	the pickup locations that
8	Accessible Dispatch performs
9	service. From the map, you can see
10	that Accessible Dispatch provides
11	service in parts of Manhattan where
12	even nonaccessible taxicabs are
13	scarce.
14	The program has been up and
15	running for six months, and I have
16	a lot to share with you about the
17	program's performance.
18	CHAIRMAN YASSKY: And I'm
19	sorry, Cindi, just if I can
20	interrupt to remind the
21	Commissioners, of course we debated
22	this and voted, as you recall.
23	This is a program that we initiated
24	by a vote of the Commission, not
25	six months ago, but sometime before

1	Proceedings - April 18, 2013
2	that. I don't recall exactly when,
3	but it has been in operation now
4	for six months just so if you
5	were thinking back.
6	Cindi, please.
7	MS. DAVIDSON: Thank you,
8	Commissioner.
9	Before I get started,
10	though, I would like to introduce
11	the team that makes this program
12	possible. First, I'd like to
13	introduce Bill Scalzi and Isabelle
14	Scalzi from Metro Taxi, the
15	selected vendor who operates and
16	administers the Accessible Dispatch
17	Program.
18	Thank you, Bill and
19	Isabelle.
20	MR. SCALZI: You're welcome.
21	MS. SCALZI: You're welcome.
22	MS. DAVIDSON: I would also
23	like to thank the team of the TLC,
24	Deputy Commissioner Ashwini
25	Chhabra, Deputy Commissioner Allan

Proceedings - April 18, 2013 1 2 Fromberg, Cheryl Aleo (phonetic), Adrian Gonzalez, Patrick Schway 3 (phonetic), Seth Melnick, Jake 4 Nussbaum. We wouldn't be where we 5 6 are today without this team. So I 7 want to thank them as well. CHAIRMAN YASSKY: This is my 8 last interruption. I will add to 9 10 that that we should also thank and 11 acknowledge our industry partners. As you recall, this initiative is 12 funded entirely by the medallion 13 14 owners. Each medallion owner was 15 assessed a fee, and I think Cindi 16 will give you the numbers, so there 17 are no tax dollars going into this. 18 This is paid for by the medallion 19 industry. 20 MS. DAVIDSON: So there's a 21 lot of stats to share on the 22 report, but first let's just go over the program and the milestones 23 24 that we've reached. 25 As Commissioner Yassky

1	Proceedings - April 18, 2013
2	mentioned, we first tested
3	Accessible Dispatch as a
4	demonstration project over the
5	course of two years, from 2008 to
6	2010. From the demonstration
7	project, we learned that there
8	needs to be more advertising and
9	outreach to let the public know
10	about the program.
11	In addition, driver
12	participation should be mandatory
13	and drivers should receive
14	compensation or payment for the
15	distance traveled to the pickup
16	location. Both of these elements
17	were incorporated into the program
18	and, you will see in later slides,
19	have made the program much more
20	successful than the demonstration
21	project.
22	Back in December of 2011,
23	the Commission approved rules for
24	Accessible Dispatch. The program
25	is financed through a

Proceedings - April 18, 2013 1 2 taxi-accessibility fee that is paid 3 by each medallion owner. The fee for year 1 is \$98 per medallion and 4 the fee for year 2 is \$54 per 5 medallion, and we are on track. 6 7 Letters for the year-2 fee are being sent to medallion owners now. 8 9 This past September, the 10 program officially launched with 11 the participation of successful medallion owners, fleets and 12 drivers. And in just six short 13 14 months, the program surpassed the 15 number of trips provided during the 16 entire two years of the 17 demonstration project. The 18 demonstration project completed 5,828 trips in two years. 19 20 Accessible Dispatch reached that very same number on March 12th. 21 22 So what is Accessible 23 Dispatch and how does it work? 24 Accessible Dispatch matches 25 wheelchair users to accessible

Proceedings - April 18, 2013 1 2 taxicabs, and customers may request 3 a pickup anywhere in Manhattan. Metro Taxi operates the on-demand 4 service which is available to 5 customers any time of the day, 6 7 every day, year-round. Because we know some passengers like to plan 8 ahead, advanced reservations are 9 10 also an option, but not necessary. 11 What's important to know is that this service makes 12 13 wheelchair-accessible cabs 14 available to the customer at no 15 extra charge. Passengers pay the standard meter fare, and the meter 16 17 does not start until after the passenger is secured safely in the 18 taxicab. Once secured in the 19 20 vehicle, the passenger may request 21 a destination anywhere yellow cabs 22 operate. Now I'm going to go through 23 24 the steps that passengers take and

25 that Metro Taxi takes when

1	Proceedings - April 18, 2013
2	dispatching a trip.
3	The first step, customers
4	can request a taxi to pick them up
5	anywhere in Manhattan five
6	different ways. Since Accessible
7	Dispatch is a safety-sponsored
8	program, customers can also call
9	311 and be directed to Accessible
10	Dispatch. However, the most
11	popular methods are to call
12	Accessible Dispatch directly or use
13	the Wheels on Wheels smartphone
14	app, pictured here in this slide.
15	In recent weeks, 82 customers
16	called Accessible Dispatch directly
17	and about 17 percent of customers
18	booked through the app.
19	After the customer submits
20	his or her request, Metro Taxi
21	assigns the trip to the closest
22	available taxi using GPS technology
23	and dispatch equipment that is
24	installed in all 233 accessible
25	taxicabs. The driver in the

1	Proceedings - April 18, 2013
2	closest available taxi then accepts
3	the trip request and proceeds
4	directly to the pickup location.
5	Drivers may not pick up fairs along
б	the way. Depending on the distance
7	traveled, drivers receive \$6, \$10
8	or \$15 for each dispatch trip in
9	addition to the meter fare.
10	After the driver accepts the
11	trip request, the customer receives
12	confirmation that a taxi was
13	identified and is on its way. It
14	is then the passenger's
15	responsibility to be on the curb
16	ready to ride. All the drivers are
17	required to wait for the passenger
18	for up to 10 minutes. Once the
19	customer arrives, the driver
20	assists and secures the passenger
21	safely in the taxi. After that,
22	the passenger is ready to ride and
23	the meter is engaged to start the
24	trip.
25	Now that we've reviewed how

1	Proceedings - April 18, 2013
2	the program operates, I will
3	discuss trip statistics for the
4	first six months of the program.
5	In this chart, you can see
6	how the program compares to the
7	demonstration project. The three
8	columns include statistics for
9	March of this year, then the first
10	six months of the program,
11	September to March, and the
12	two-year demonstration project,
13	which took place between 2008 and
14	2010.
15	Average weekly completed
16	trips has increased significantly.
17	In March, we completed 392 trips
18	each week on average, which is much
19	higher than the six-month stat, and
20	does not even compare to the
21	two-year demonstration statistics.
22	I'm also happy to report that
23	Accessible Dispatch completes more
24	than 50 trips per day compared to
25	just eight trips per day during the

1	Proceedings - April 18, 2013
2	demonstration project. These
3	numbers are higher because we
4	advertised the program, but more
5	importantly, the program works and
б	is changing the way
7	wheelchair-using passengers can
8	experience the city. On its
9	busiest day, which happened to be
10	March 12th, Accessible Dispatch
11	provided 96 trips.
12	In recent weeks, the program
13	has been averaging a passenger wait
14	time of 13 or 14 minutes. We are
15	still not satisfied with the time
16	it takes to get a taxi and we will
17	continue to find a solution to
18	decrease the wait time. We are
19	very aware, wait times could go up
20	as customer demand grows, and the
21	answer is simple: We need more
22	accessible taxicabs. Once we have
23	more, the wait time should be less
24	than five minutes.
25	Now let's talk about how

1	Proceedings - April 18, 2013
2	many customers have used the
3	program. In the first six months
4	there were a total of 1,432 unique
5	users. Over half of these are
6	repeat customers, and about
7	20 percent have already used the
8	service more than five times,
9	suggesting that customers are
10	finding this to be a useful and
11	quality service. However, you will
12	also note, there are more than a
13	thousand customers who have tried
14	the old program, but have not tried
15	the new service. Therefore, we
16	have not reached peak usage.
17	This chart shows customer
18	demand in blue with average
19	completed trips per day. On the
20	left, you can see that when the
21	program first started, we averaged
22	16 trips per day. Now six months
23	into the program, we are averaging
24	over 50 trips per day and as many
25	as 96 trips in just one day.

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2	Now let's see how that
3	compares to wait time. The line in
4	red is average wait time. The
5	scale on the right shows wait time
6	minutes. On the left, you can see
7	that when the program first
8	started, passengers waited more
9	than 20 minutes, especially in the
10	first month. Now that drivers are
11	more familiar with the program and
12	understand how it works, passengers
13	are waiting less and wait time has
14	decreased, and now takes 13 to
15	14 minutes for a taxi to arrive at
16	the passenger's pickup location.
17	Now we're going to look at
18	those two charts together and see
19	how average completed trips
20	compares to average wait time.
21	Remember the scale on the left in
22	blue represents the number of
23	trips, and the scale on the right
24	in red represents wait time in
25	minutes. Wait time continues to go

1	Proceedings - April 18, 2013
2	down as passenger demand goes up.
3	Now I'd like to provide more
4	context because there were some
5	major events that took place during
6	the first six months of the
7	program. The first would be
8	Hurricane Sandy, October 28th. The
9	program continued to provide
10	service during the days before and
11	after Hurricane Sandy. While there
12	were fewer requests for trips each
13	day, the taxis that were on the
14	road responded to trips quickly.
15	Passengers were picked up within 20
16	minutes of calling a taxi, and we
17	think this is pretty good
18	considering the weather conditions
19	and the limited transportation
20	options available during that time.
21	The second milestone I would
22	like to highlight is the date Metro
23	Taxi started running ads on the
24	popular commercial radio stations,
25	1010 WINS and WCBS-AM 880. The ad

Proceedings - April 18, 2013 1 2 campaign ran from January 14th to February 25th, and I've marked 3 where it starts on this chart. 4 The third event that took place was the 5 6 school bus strike. The program was 7 used to help transport children to and from school. 8 9 The fourth event is when we 10 started the on-street advertising 11 campaign, which I will get to in a few slides, and this began on 12 13 February 11th. And the fifth 14 event, I've already mentioned today, March 12th. This is the day 15 Accessible Dispatch matched the 16 17 total number of trips completed by 18 the year-2 demonstration process, and that was 5,828 trips. 19 The previous charts showed 20 21 average wait time. Let's dig a 22 little deeper to see how long it takes for a taxi to arrive at a 23 24 pickup location. 25 In recent weeks, 80 percent

Proceedings - April 18, 2013 1 2 of customers are waiting less than 20 minutes for a taxi to arrive at 3 their pickup location. More 4 importantly, 45 percent of 5 customers are getting a taxi in 6 7 less than ten minutes after they make the request. 8 9 However, there are instances 10 of customers who wait more than 11 30 minutes for a taxi or don't get service at all, and this is a 12 13 problem. We are continuing to work 14 with Metro Taxi to decrease wait 15 time and provide excellent services to all customers. 16 17 Now that we have reviewed 18 the latest trip statistics, I wanted to share our outreach 19 efforts to-date. We learned from 20 21 the demonstration project that we 22 need dedicated resources for 23 outreach and advertising. As part 24 of the contract with Metro Taxi, 25 \$320,000 of the budget for year 1

1	Proceedings - April 18, 2013
2	and \$196,000 of the budget for year
3	2 is dedicated to outreach
4	advertising.
5	Since the launch, some 50
б	original media stories have been
7	published about Accessible
8	Dispatch, and these are shown here.
9	The program is also featured in the
10	following news publications and
11	disability magazines such as
12	Paraplegic News and New Mobility.
13	Earlier this year, we
14	advertised the Accessible Dispatch
15	Program on 60 kiosks and bus
16	shelters throughout Manhattan. The
17	poster-size ads were located on
18	sidewalks across Manhattan where
19	the program operates. I have seen
20	several myself. I saw one on the
21	Lower East Side, one on the Upper
22	East Side, and one right outside of
23	Mount Sinai Hospital.
24	We will also be working with
25	Metro Taxi to distribute palm or

1	Proceedings - April 18, 2013
2	postcards at strategic locations to
3	help get the word out about the
4	program. Here is a picture of the
5	palm card or postcard that Metro
6	Taxi is currently designing. The
7	card will be in English on one side
8	and Spanish on the other.
9	I hope you agree that
10	Accessible Dispatch is providing a
11	much-needed service to
12	wheelchair-using passengers. But
13	we are not done yet, not even
14	close.
15	Anecdotal evidence suggests
16	that many wheelchair users are
17	still unaware of this program.
18	Outreach is crucial and we plan to
19	let more people know about this
20	program through paid advertising
21	including advertising at airports,
22	major transfer hubs, and palm card
23	distribution via hotel concierges,
24	senior centers, hospitals and major
25	transit hubs. We will continue

1	Proceedings - April 18, 2013
2	working with Metro Taxi, fleets,
3	drivers and passengers to increase
4	driver participation as well.
5	Since this is a new program,
6	there are definitely kinks that we
7	need to work out and we cannot do
8	this alone. In the last six
9	months, we have held four training
10	sessions for drivers to bring them
11	up to speed on how the program
12	works. At these sessions, we also
13	listen to drivers to tell us what
14	is working and what isn't working
15	about the program in order to get
16	timely constructive feedback.
17	In January, we set up a
18	driver hotline so they could reach
19	the TLC dispatch team to provide
20	feedback or bring up issues. We
21	are also working with Metro Taxi to

hold drivers accountable and

necessary, we will also summons

drivers for refusing service for

monitor driver participation. When

1	Proceedings - April 18, 2013
2	Accessible Dispatch trips as these
3	trips are mandatory and not
4	optional.
5	CHAIRMAN YASSKY: All right.
6	I think we've pretty much covered
7	the whole content here. Is there
8	anything else you want to add?
9	MS. DAVIDSON: There are two
10	more points to add.
11	CHAIRMAN YASSKY: Go for it.
12	Very briefly.
13	MS. DAVIDSON: The other
14	factors that affect passenger wait
15	time and we are also going to
16	work on decreasing passenger wait
17	time. We think the level of
18	service with 233 accessible cabs is
19	not feasible as customer demand
20	grows.
21	In closing, in order to
22	provide excellent service, and we
23	are not there yet, we need more
24	accessible cabs on the road. We
25	are hopeful and optimistic that the

Proceedings - April 18, 2013 1 2 five boroughs' tax legislation will be of help, which will add 2,000 3 accessible cabs and provide 3,600 4 wheelchair-accessible borough taxis 5 to service areas where yellow taxis 6 7 are scarce. Thank you for your attention 8 9 on this matter. I am happy to 10 answer any questions that you may 11 have. CHAIRMAN YASSKY: Thank you. 12 13 MR. AROUT: I just want to 14 thank you for an excellent job. As 15 you know, I'm a Staten Island Commissioner. We have no cabs on 16 17 Staten Island. Maybe we can work 18 something out with the companies on Staten Island to hire vehicles to 19 20 maybe insert something like that in 21 one particular cab service that we 22 can use. 23 As of now, I'm sure no one 24 is going to come from New York or 25 Brooklyn, a cab, to take care of an

1	Proceedings - April 18, 2013
2	accessible person on Staten Island.
3	So maybe you can do something on
4	that end. Thank you.
5	CHAIRMAN YASSKY: I'm glad
6	you raised that, Commissioner. I
7	was going to address that myself.
8	And Commissioner Weinshall, during
9	the presentation, asked me a
10	similar question. She said, wait,
11	this is only in Manhattan.
12	One of the problems that we
13	saw with the demonstration project
14	on this that is remedied here, and
15	I think is one of the keys to the
16	success, the demonstration project
17	purported to offer service
18	throughout the city. And the day
19	it started, I think, it was evident
20	that that was not going to work.
21	The yellow cabs were simply not
22	going to go to Mill Basin, to
23	Staten Island to pick people up if
24	they're in Midtown Manhattan. And
25	so trying to fight that reality

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2	killed the demonstration, and in my
3	view, the single biggest problem.
4	We wanted to set up
5	something that would work and would
6	deliver service so that people in
7	wheelchairs would get the same
8	yellow taxi service that someone
9	else can, and that means, within,
10	really, Manhattan, because that's
11	where the yellow cab service is
12	available.
13	Now, saying that and I
14	think that we have not fully
15	succeeded yet, but not just turn a
16	corner, but really, night and day.
17	I mean, six months ago, a
18	wheelchair user had no access to
19	the system, effectively. Today,
20	13-1/2 minutes, not good enough,
21	but in terms of, if this is where
22	it started and this is the goal
23	(indicating), I'd say, a lot more
24	than halfway. But that's
25	Manhattan.

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And I want to underscore,
most wheelchair users in New York
City, like most people in New York
City, live outside of Manhattan and
still have absolutely no access to
wheelchair-accessible services.
I really urge you, and I
will send around a link,
Commissioners, it's six minutes
maybe, a video document that was
made and produced by The New York
Times, and it's on their website,
and I'll send you a link to it,
just illustrating the painful
impossibility of somebody in a
wheelchair in Brooklyn to get to
where they're going. And that is,
you know, that's an ongoing
disgrace.
You recall that we when
we put forward the proposal for
this service, we originally had a
proposal for both yellows and for
the FHV sector. We were able to

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2	consensus and we move forward on
3	the proposals for the yellows, and
4	your work here is really hard.
5	FHV was, first of all, we do
6	not have consensus, and second of
7	all, we were also, at that time,
8	starting to get some traction on
9	the broader borough plan, which
10	does solve this problem. The
11	borough plan, which, as you know,
12	20 percent of the borough taxis all
13	of which have to be affiliated to
14	bases have to be wheelchair
15	accessible.
16	So when that finally goes
17	forward, and that will be resolved
18	by the Court of Appeals in the next
19	six weeks, eight weeks, when that
20	goes forward, there will be 3600
21	fully deployed 3600
22	wheelchair-accessible cars serving
23	the boroughs all affiliated with
24	bases, which means that 311 can
25	direct you to one of those bases or

Proceedings - April 18, 2013 1 2 people in wheelchairs will know which bases have those cars 3 affiliated. That is how we will 4 solve the borough problem. 5 Anyway, so that's the 6 7 history there. Thank you and good luck. 8 9 MR. AROUT: Thank you. 10 MR. GONZALES: I'd like to 11 say thank you very much for the presentation and the effort overall 12 13 for the program to-date. I look 14 forward to the service standards 15 and improvement and taking a look at the wait time decreasing over 16 17 time. I'm confident that you guys 18 are able to -- are going to pull that off. 19 20 CHAIRMAN YASSKY: So, 231 21 cabs. I think what we can conclude 22 now, definitively, is, we are not going to get the wait times we want 23 24 with 231, period. We can get maybe 25 a little further with Metro Taxi

Proceedings - April 18, 2013 1 2 folks and the industry folks, you 3 know, we've been working and we still have -- they still sometimes 4 have to go through three or four. 5 6 So they ping somebody, driver 7 doesn't respond, so they ping the next, ping the next. We didn't 8 9 want to be overly heavy-handed at 10 first. We are now summonsing 11 drivers who get pinged and do not respond, because that's a service 12 13 refusal. And I think we've seen 14 that have an impact already. But even if we do that, the reality is, 15 16 the demand is going to keep 17 growing, right? 18 So the progress we've made on wait time, there's probably not 19 20 a lot of room to go. We may even 21 backslide once that demand goes up, 22 so we've got to get those 2,000 cabs on the street. That's the 23 24 only way we are going to get the 25 wait time that we need.

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2	MR. GONZALES: Yes, I agree,
3	because I remember the discussions
4	around just trying to gauge what
5	the demand is. It was pretty
6	taxing on the demonstration
7	program. But given the results of
8	this program, it does suggest that
9	demand is there and demand is
10	increasing.
11	CHAIRMAN YASSKY: All right,
12	Cindi. Thanks so much.
13	MS. DAVIDSON: Thank you.
14	CHAIRMAN YASSKY: Okay. We
15	have two pieces of rule business.
16	First is a proposed rule on
17	retirement extension.
18	Meera, are you going to
19	describe this?
20	MS. JOSHI: Before the
21	Commission are proposed amendments
22	to the TLC retirement rules, which
23	were given an automatic one-year
24	extension to any taxicab whose
25	fixed retirement date is between

Proceedings - April 18, 2013 1 2 April 1st, 2013 and the launch of the Taxi of Tomorrow. 3 The rules were published in the city record 4 on March 15th and the comment 5 deadline was April 17th. 6 Two 7 comments in support of the rules were received. 8 9 Today we will hold the CAPA 10 public hearing, after which Commission members will vote on the 11 proposed rules as it appeared in 12 13 the city record. 14 I don't currently have 15 anyone listed to speak on the retirement extension rules. 16 17 CHAIRMAN YASSKY: I'm not 18 surprised by that. Commissioners, just very briefly, we agreed in a 19 litigation settlement, but it was a 20 21 good idea, with the Metropolitan 22 Taxicab Board of Trade over a year ago to promulgate this rule. The 23 24 idea was that owners who wish to --25 who were said to retire in the

Proceedings - April 18, 2013 1 2 months before the Taxi of Tomorrow 3 goes into production can defer their retirement if they wish to 4 wait until the Taxi of Tomorrow is 5 6 there. I think it's a good idea 7 and over and above the litigation settlement. 8 9 So I recommend that we adopt 10 it. I'm not surprised that there's 11 no one speaking, because it has not 12 been controversial. 13 MS. JOSHI: Okay. If there 14 are no public speakers, we'll go 15 straight to the vote. 16 CHAIRMAN YASSKY: Are there 17 are questions? 18 (No response.) 19 CHAIRMAN YASSKY: Okay. MS. JOSHI: All those in 20 21 favor, please raise your hand. 22 (Show of hands.) 23 MS. JOSHI: So with a vote 24 of five in favor and none opposed, 25 the rule is passed.

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2	CHAIRMAN YASSKY: Okay. We
3	now have a second package of rules.
4	Meera, will you describe
5	these as well.
6	MS. JOSHI: Before the
7	Commissioner are proposed rules to
8	amend the TLC fare and lease cap
9	rules as they affect fleet leases,
10	DOV leases and all leases.
11	Amendments affecting fleet
12	leases are as follows: Clarifying
13	that fleets are not required to
14	offer a weekly rate to drivers who
15	actually lease on a daily basis;
16	clarifying that fleet lessors and
17	drivers leasing fleet vehicles on a
18	weekly basis can agree that the
19	driver will be liable for damage to
20	the vehicle caused by the diver's
21	negligence and that the lessor will
22	refund to the driver any insurance
23	proceeds received; clarify that
24	fleet drivers can be charged a \$25
25	per hour late return fee.

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2	Amendments affecting DOV
3	leases are as follows: Amend
4	provisions on collision coverage
5	for DOVs to allow agents and
6	lessors to impose a \$250 per week
7	deductible; amend provisions on
8	permissible additional charges to
9	provide that drivers leasing only
10	medallions or drivers leasing in a
11	DOV model can be charged a late fee
12	of \$50 per each weekly payment paid
13	late; amend provisions requiring
14	that the lease payments be prorated
15	when a vehicle is unavailable to
16	clarify that they do not include
17	when the vehicle is being inspected
18	or must be repaired because the
19	leasee failed to properly maintain
20	it; clarify that the driver and the
21	lessor can enter into a
22	medallion-only lease instead of the
23	medallion-and-vehicle lease, the
24	all-in lease, when the driver has a
25	separate arrangement for purchase

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2	of the vehicle as long as the
3	lessor does not have a 2 percent or
4	more interest in the entity selling
5	or financing the vehicle.
6	And proposed amendments that
7	would affect all leases are as
8	follows: Lease cap rule making
9	effective in the fall of 2012,
10	lease caps were increased by \$10
11	per shift and to cover the cost of
12	credit card processing. Those
13	costs were shifted from the driver
14	to the lessor. The proposed
15	amendment converts this increase to
16	a \$10 per shift credit card
17	surcharge that is reevaluated twice
18	a year. Allow lease agreements to
19	hold drivers liable for owner
20	summonses issued for unlicensed
21	drivers and missed inspections.
22	These summonses are generally
23	issued to both the owner and the
24	driver. Reduce penalties for
25	retaliation from \$10,000 to \$1,000

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2	plus restitution for the first
3	offense and a fine of \$10,000 plus
4	restitution to the driver for the
5	second offense within five years.
б	Some additional changes to
7	the rules are to replace a
8	provision requiring reports every
9	two years on the fare and lease cap
10	issues with a requirement that a
11	public hearing be held every two
12	years. Update marking requirements
13	to fully reflect previously passed
14	fare and lease cap rules and a
15	technical amendment to the agent
16	rules relating to credit card
17	surcharges to conform them to
18	changes in the related lease cap
19	rules relating to the credit card
20	surcharge.
21	The fare and lease the
22	proposed rules were published in
23	the city record on March 7th and
24	the comment deadline was April 8th,
25	but the TLC continues to accept and

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2	review comments. Today, pursuant
3	to CAPA, we will take public
4	testimony on the proposed rules,
5	and the Commission action is
6	scheduled at the following
7	Commission meeting held in May,
8	tentatively May 16.
9	CHAIRMAN YASSKY: Thank you.
10	I know there are a number of
11	speakers, so let's begin that. But
12	before we do that, let me just
13	frame it how I see these rules.
14	First of all, I support this
15	package of amendments. I'm going
16	to give you a frame for why we're
17	dealing with these now.
18	You will remember that we
19	adopted a package of fare and lease
20	cap changes some time ago, in
21	September of 2012. And to be
22	honest, while we did engage a fair
23	bit with stakeholders, I think the
24	engagement with the medallion owner
25	side wasn't as productive as I

Proceedings - April 18, 2013 1 2 would like, as it could have been, and I would like for it to have 3 T think there were a number 4 been. of the medallion owners who felt 5 that the whole package -- who just 6 7 opposed that package at the time. We did not, therefore, get in --8 and opposed it in kind of a 9 10 threshold manner. So we did not 11 really get into many of the details of what we adopted with the 12 13 medallion owners. 14 Subsequent to adoptional 15 rules, we were able to have productive discussions with some of 16 17 the medallion-owner community, and 18 they made a number of arguments about some of the details of what 19 20 we passed then that I think are 21 persuasive. And had we kind of been exposed to those arguments at 22 that time, I would have put them 23 24 forward as part of the original 25 package. So here we are revisiting

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2	this now some six months later.
3	Those productive discussions
4	were occasioned by litigation, and
5	we entered into a litigation
6	settlement with the Metropolitan
7	Taxicab Board of Trade in which we
8	committed to promulgate these
9	rules. And I promulgate them
10	pursuant to that, but believing
11	that they're a good idea and
12	recommending their passage.
13	So with that frame and
14	further, I want to note, I know
15	that there are a number of speakers
16	signed up from the New York Taxi
17	Workers Alliance, and I know that
18	beyond the ones who are signed up,
19	there are several dozen who are
20	still outside the building, correct
21	me if I'm wrong. Apparently
22	building security felt that there
23	were just too much you know, not
24	"felt," but the building, our room
25	here is at its limit and building

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2	security has held a number of
3	additional people who, I gather,
4	would wish to testify downstairs
5	outside the building.
6	I guess, I would just assure
7	the members of the Taxi Workers
8	Alliance who are here that
9	Commissioners understand that the
10	people who are speaking speak not
11	just on behalf of themselves, but
12	on behalf of many, many other
13	drivers who would also participate.
14	So with that, the first
15	person who signed up is Richard
16	Thaler, and the second speaker
17	signed up is Ethan Gerber.
18	And given that there are
19	many speakers signed up, we will
20	limit each speaker to two or
21	three minutes.
22	MR. THALER: Richard Thaler,
23	OMN Gateway LLC.
24	"While it was stated that
25	the proposed rules, quote, 'change

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2	how credit card charges are paid
3	and implement a surcharge payable
4	by a driver coupled with a lower
5	lease cap,' the Commission's TPEP
6	rules are in violation of Visa and
7	MasterCard rules for merchants as
8	applied to taxi lease driver
9	independent contractors.
10	"The current TPEP rules for
11	merchants would have been valid
12	only until 1979 when the horse
13	hiring switched to independent
14	contracting leasing. Under the
15	Commission's definition of
16	"merchant" in Chapter 51, and the
17	Taxi Services Rules, Chapter 58,
18	the TPEP rules prevent lease
19	drivers from becoming merchants for
20	credit and debit card fare payment.
21	"However, Visa and
22	MasterCard rules referenced below
23	require that it's the, quote, 'bona
24	fide' business of the person or
25	entity that is the seller of

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2	products and services to a
3	cardholder customer that must be
4	the merchant. Under a drivers'
5	lease, the cardholder passenger is
6	a customer of the driver. The one
7	exception referred to as a
8	sub-merchant in these rules, in the
9	Visa/MasterCard rules, does not
10	apply to lease drivers since the
11	driver revenue exceeds the limit
12	for a sub-merchant under
13	Visa/MasterCard rules.
14	"Then, under Visa/MasterCard
15	rules, a lease driver merchant has
16	the right to select their Payment
17	Gateway and an Acquirer Processor
18	in good standing as a member
19	service provider, MSP, of
20	MasterCard and Visa for transacting
21	credit and debit card fare payment.
22	Therefore, all fare payment
23	transaction data and payment card
24	track data presented by passengers
25	to the TPEP vendors' installed card

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2	reader hardware must be securely
3	routed by the TPEP vendor at the
4	lease drivers' request to the
5	drivers' Payment Gateway for
6	authorization and settlement by the
7	drivers' MSP. This is standard
8	card payment card industry
9	practice.
10	"Therefore, each TPEP vendor
11	must be required under the TPEP
12	rules to install the lease drivers'
13	Payment Gateway API for transaction
14	routing based on the drivers' login
15	ID and TLC license number. In
16	meeting their responsibilities
17	under MasterCard/Visa rules to the
18	fullest extent possible under TPEP
19	rules, lease drivers have already
20	begun becoming first data merchants
21	under the appropriate merchant
22	category codes, MCC.
23	"Until this TPEP rule
24	violation of MasterCard/Visa rules
25	for merchants is corrected, it is

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2	estimated that under the current 5
3	percent rule, lease drivers are
4	forced to pay an estimated,
5	additional surcharge of
б	\$100 million annually. It should
7	not come as a surprise that if the
8	TPEP rule for lease driver
9	merchants is not corrected, lease
10	drivers could be seeking
11	compensation."
12	The next comments pertain to
13	a proposal replacement. I'm not
14	going to recite them because you
15	have the text, but I should say
16	that they propose a replacement to
17	the lease cap. And the purpose of
18	this replacement is so that you
19	have an explicit delineation of the
20	compensation due all parties to the
21	lease, which the lease cap payment
22	cannot achieve. And it's explained
23	in the text, so I don't have to
24	repeat that.
25	Thank you for your time.

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2	CHAIRMAN YASSKY: Thank you.
3	Mr. Gerber, followed by
4	Osman Chowdhury.
5	MR. GERBER: Good morning,
6	Commissioners. I'm Ethan Gerber
7	from the Greater New York Taxi
8	Association.
9	As the preamble to this rule
10	states, it was brought about
11	because of a stipulation resulting
12	from a lawsuit against the
13	Commission, one of many, that have
14	become necessary in recent years to
15	get a good-faith hearing. It's a
16	shame that it takes court activity
17	to get our concerns addressed.
18	These proposed rules call
19	for periodic public hearings to
20	review these lease caps, the rate
21	affair and the newly proposed
22	credit card processing charge. The
23	concept encouraged but the
24	proposed rules should be amended
25	right now to require that a public

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2	hearing be a real public hearing by
3	the actual decision-makers.
4	The idea of a public hearing
5	is that the decision-maker has as
б	much information as possible. A
7	staff report is not a substitute
8	for that. That is, a public
9	hearing must be before a quorum of
10	the Commissioners to be actually
11	present for the entire proceeding.
12	There has been too many
13	instances where a public hearing
14	takes place where no member of the
15	Commission is present, or only one
16	member is present, sometimes only
17	an agency staff person is present.
18	Sometimes the hearing is scheduled
19	late on a Friday afternoon, and
20	junior-level staff are present. I
21	have been at such hearings where
22	the staff didn't even take notes.
23	It's pure and simple a sham, as
24	effective as a lawyer summing up
25	while the jury's on a recess.

Proceedings - April 18, 2013 1 2 Although the Commissioners 3 received staff reports, it is prepared by someone who probably 4 wrote it and is advocating for or 5 against the proposal. It is often 6 heard from Commissioners that some 7 of the point was not brought to 8 9 their attention. It is impossible 10 when they're not present. Instead, 11 voluminous documents have been delivered to each of you a few days 12 13 before vote. 14 Many of you have conceded 15 both privately and publically that you do not have time to wade 16 17 through all the materials. Even if 18 the materials offer key facts, staff did not tell you, for 19 example, that the Taxi of Tomorrow 20 21 violates administrative code section 19-533, which was sponsored 22 by the Chairman and passed by the 23 24 City Council on December 6th, 2006 25 and signed by Mayor Bloomberg on

Proceedings - April 18, 2013 1 2 December 18th, 2006. The letter by Speaker Quinn and Transportation 3 Chairman Babka against it were 4 delivered a month after it was sent 5 6 and buried in an avalanche of 7 papers literally delivered hours before the vote. 8 9 As presented, public 10 hearings are only window dressings. They should be full Commission. 11 Ι 12 believe also there's a drafting 13 flaw in the proposed rule 14 58-21(c)(1). This, I will just sum 15 up this rule. This rule basically says that while drivers may be 16 17 responsible in certain conditions 18 for the damage to the vehicle and they may have to pay for it, any 19 insurance money recovered would 20 21 have to be paid back. That's fine 22 in concept, it's not how deductibles work. 23 As anyone with insurance 24 25 knows, the deductible is usually

Proceedings - April 18, 2013 1 2 last to come back or prorated to come back. So in other words, if 3 there's a, let's say, one-third 4 recovery, and the court finds that 5 6 the driver was two-thirds 7 responsible, under these rules, all proceeds would have to go back to 8 9 the driver even though the owner 10 ate most of damages. It should be 11 prorated the same way any other 12 deductible is prorated or it should 13 be returned on a last-serve basis 14 the same way every other deductible 15 is served. That, Mr. Chair, is under rule 58-21(c)(1). I 16 17 understand the intent, the intent 18 is good, but it needs to be fixed. 19 These proposals are a step 20 in the right direction. The fact 21 that there are so many people, 22 drivers, who are lined up downstairs is a testament that they 23 24 agree with us that the revenue 25 generated from credit card is going

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2	up, or they wouldn't be concerned
3	at all.
4	THE PEOPLE: Liar. Liar.
5	MR. GERBER: The credit card
6	use has gone up, it continues to go
7	up, and that is why you're against
8	it, otherwise they wouldn't be.
9	THE PEOPLE: Liar. Liar.
10	MR. GERBER: Okay. They'll
11	tell you. The point of the matter
12	is
13	CHAIRMAN YASSKY: Points for
14	creativity.
15	MR. GERBER: The point of
16	the matter is
17	FEMALE VOICE: You don't
18	speak for drivers.
19	MR. GERBER: Okay.
20	The point of the matter is
21	that credit card use continues to
22	go up. All this does is put online
23	what the TLC said it was trying to
24	do when it passed the rules the
25	first time, which was to create a

Proceedings - April 18, 2013 1 2 parity and create a situation that will stay the same and lock in a 3 certain rate. If credit cards are 4 continued to be used the way it's 5 6 going up, it will not have that 7 parity. That's what it is intended to create. 8 9 My only suggestion on the 10 rules so far is that, first, it's a 11 real public hearing held before actual Commissioners, like this 12 13 one, and not one of the Friday 14 afternoons -- you, Mr. Chairman, 15 haven't done this as much as your predecessor did --16 17 CHAIR YASSKY: I was going 18 to say. MR. GERBER: -- but we've 19 20 literally had public hearings on 21 summer Fridays in August at 4:30 designed not have anyone show up. 22 The Commissioners don't know 23 24 because they weren't there. Only 25 us, only a person from the TLC

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2	would be there, usually not even
3	taking notes. We have to have full
4	Commission hearings.
5	The other thing is, the
6	deductible has to be fixed to
7	reflect an actual deductible as
8	normal insurance practices.
9	Thank you.
10	MALE VOICE: Pathetic.
11	MR. CARONE: Mr. Chairman,
12	just a quick comment.
13	CHAIR YASSKY: Yes, please.
14	MR. CARONE: Mr. Gerber, I
15	just ask, first of all, full
16	disclosure, Fridays in August, I
17	will not be there, so
18	CHAIRMAN YASSKY: He's
19	already beginning to lay the ground
20	work for not being here on a Friday
21	in the middle of August.
22	MR. CARONE: I ask for a
23	follow-up letter regarding your
24	comment on the deductible on how
25	you envision it working on a

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2	pro-rata basis so I have more
3	information on that. We don't have
4	the time here now, but a follow-up
5	would be helpful.
6	MR. GERBER: Absolutely.
7	Thank you.
8	CHAIRMAN YASSKY: The next
9	speaker is Osman Chowdhury followed
10	by David Pollack.
11	MR. CHOWDHURY: Good
12	morning. My name is Osman
13	Chowdhury and I am a member of
14	MR. FROMBERG: You have to
15	go slow.
16	MR. CHOWDHURY: Okay.
17	United Taxi Driver Association.
18	I'm very
19	CHAIR YASSKY: I'm sorry.
20	Do you have the written or do you
21	not?
22	MR. CHOWDHURY: No.
23	CHAIR YASSKY: Okay. I
24	would just say, again, I appreciate
25	your diligence and attention to our

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2	issues. The last hearing, or the
3	one before, when you had a written
4	statement, I found it awfully
5	useful.
6	MR. CHOWDHURY: Last
7	morning, I wake up and didn't
8	CHAIR YASSKY: Okay.
9	Understood. Please continue.
10	MR. CHOWDHURY: (Inaudible)
11	After the hearing, Commissioner,
12	what I just said.
13	When I got in an accident, I
14	had to pay the insurance because
15	the rental the rental cars
16	last 15 years, we driving the car,
17	we never have seen that.
18	(Inaudible) because how like,
19	after 8 years, there was a decent
20	living. All the newspapers
21	broadcasting publicly, but now
22	this isn't (inaudible) all the
23	(inaudible) making money, and
24	millions after million dollar
25	damage don't get any money enough,

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2	the business making money. The
3	12-hour shift we are working, why?
4	They making a million a
5	\$2 million, why do we work the
б	12-hour shift?
7	And also, the car is
8	(inaudible) it's hybrid three
9	years to determine, but they do a
10	hybrid (inaudible) car. The car,
11	lots of drivers, but we can't
12	drive. (Inaudible) broken car.
13	Too dangerous. This is no good.
14	(Inaudible) my car got into
15	accident. This car is having
16	problems, the driver working
17	12-hour shift, road not good, car
18	is no good (inaudible). 2001, my
19	car is (inaudible) who is liable
20	for that kind of things? The
21	driver is not going to pay the
22	insurance. And this is the
23	situation.
24	And also, our government,
25	president talking, our mayor, our

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2	governor, our president, how many
3	people going to fight? But who we
4	can see, who is on our side who
5	don't want to pay anything
6	(inaudible). Even garages,
7	(inaudible) increase our leases,
8	1,000, what is
9	MR. FROMBERG: Slow down
10	please.
11	MR. CHOWDHURY: That
12	happened intentionally. They can
13	do the president how many
14	medallion they took the driver?
15	They don't even the retaliation,
16	that's what they wanted, but
17	(inaudible) please don't do that
18	then. What happens with the
19	(inaudible)? Otherwise, working in
20	the street. Please. Thank you.
21	CHAIRMAN YASSKY: Thank you,
22	Mr. Chowdhury.
23	David Pollock followed by
24	Steven Bulatowicz.
25	MR. POLLOCK: Good morning,

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2	Mr. Chairman, Commissioners.
3	On behalf of the Committee
4	for Taxi Safety, we believe the
5	proposed regulations regarding
6	lease caps and fare increases both
7	need to be modified to ensure that
8	they are fair for all segments of
9	our industry and to ensure that all
10	stakeholders are protected.
11	We have also submitted
12	written comments that fully address
13	our concerns. It appears that the
14	Commission continues to sanction
15	income disparity between the shift
16	segment of the industry and the
17	rest of the industry. As examples
18	of proposed regulations, one,
19	deduct \$10 from all shifts or \$120
20	per week for weeklies and DOVs, but
21	deduct only \$9 per shift, the
22	Thursday, Friday and Saturday night
23	shifts, giving the shift segment a
24	dollar per shift increase for each
25	of those three shifts.

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2	Two, allowance for late
3	charge of \$25 per hour for late
4	payments for a shift segment to the
5	industry, but only a one-time late
6	charge of \$25 for the weekly, the
7	DOV segments in our industry no
8	matter how late the payment is
9	made.
10	The disparity in late
11	charges to the different segments
12	of the industry has exacerbated as
13	the proposed regulations give the
14	shift segment of the industry the
15	right to charge approximately 18 to
16	22 percent late charge per hour
17	depending upon which shift in
18	comparison, and less than 2 percent
19	one-time charge for a late payment
20	of a DOV vehicle and medallion.
21	Four, the credit card
22	charges for the weeklies and DOV
23	segments of our industry are \$120
24	per week in comparison to the shift
25	segment of our industry, which is

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2	\$10 per shift, or \$140 per week,
3	giving the shift segment of our
4	industry yet another increase of
5	\$20 per week more than the rest of
6	the industry.
7	The Commission's proposed
8	regulations that credit card usage
9	for shifts under seven hours should
10	not be counted is arbitrary and
11	will result in an inaccurate
12	review. All driver shifts should
13	be counted, regardless if they're
14	less than nine hours or not.
15	The proposed regulation also
16	for the drivers' agreement to pay
17	for damages to the vehicle will
18	remain in effect for only so long
19	as a driver is leasing a medallion
20	from the owner or agent. That
21	regulation needs to be changed to
22	survive termination of the lease if
23	the damage occurred while the
24	driver was leasing the vehicle.
25	Additionally, TLC

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2	regulations limit agents to
3	charging for the vehicle for a
4	maximum of three years. Given a
5	choice between purchasing a new car
6	or a used car with perhaps 100,000
7	miles or more, and that car may
8	have been involved in an accident,
9	what driver would not select a new
10	car if the driver has to pay the
11	same amount of money for both cars?
12	We also believed that TLC is
13	imposing its vision of how the
14	industry should operate by capping
15	weekly charge on the deductible for
16	collision contracts. Because
17	repair contracts are optional, the
18	TLC should not regulate repair
19	costs especially if the driver does
20	not believe that the value of the
21	services provided are worth the
22	cost. Let the marketplace decide.
23	And finally, the Commission
24	has proposed increasing fines for
25	retaliation against drivers.

Proceedings - April 18, 2013 1 2 However, definition of what conduct the violation is in this regulation 3 is unclear and should be better 4 defined, whether drivers or agents. 5 6 In summary, we believe these 7 rules need to be modified so that all segments of the industry and 8 all stakeholders are protected and 9 10 protected equally. Thank you. 11 MR. GONZALES: I have one quick question. You mentioned 12 13 about the late fee difference. In 14 your experience, what percent of the DOV drivers do you see is this 15 an issue? 16 17 MR. POLLACK: It's an issue with times and there's --18 MR. GONZALES: What 19 20 percentage, though? 21 MR. POLLACK: I don't have a statistic as far as a percentage, 22 but I know that if you have a bill 23 24 to pay, you need some type of incentive to pay it on time. 25

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2	MR. GONZALES: I'm just
3	trying to find out whether this is
4	significant or not.
5	MR. POLLACK: I think the
6	point is, it's unfair. We're
7	saying that it's two sets of
8	rules here, and it should be the
9	same.
10	MR. GONZALES: Okay.
11	CHAIRMAN YASSKY: I
12	understand your point,
13	Commissioner, I would add to that
14	that it's also really a different
15	phenomenon in that if the fleet
16	driver brings back the car late,
17	that's a problem. If they bring
18	back the car late, then the next
19	driver isn't going to be able to go
20	out.
21	In the DOV situation, what
22	we're talking about is late payment
23	of their charge. So it's not the
24	same type of harm.
25	I'm sorry, okay. Steven

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2	Bulatowicz followed by Bhairavi
3	Desai. Perhaps we'll proceed
4	directly to Ms. Desai,
5	Mr. Bulatowicz is not here.
6	(Applause.)
7	MS. DESAI: Good morning. I
8	am the executive director of the
9	New York Taxi Workers Alliance, and
10	Commissioners, I would like to
11	inform you that in the overflow
12	room there are over 50 drivers that
13	are watching this hearing on the
14	big screen. You can actually hear
15	many of them clapping when you're
16	in the hallway. (Applause.)
17	There are over 50 drivers
18	that are standing outside, we were
19	not able to get everybody up in
20	here. I do just want to say, for
21	the record, we saw many people in
22	suits that were able to get up
23	here, but it seemed to be the
24	drivers that got stomped and were
25	asked to wait.

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2	MALE VOICE: They are in
3	Brooklyn, they cannot come. They
4	are in Queens, they're (inaudible)
5	by the critical driver problem.
6	MS. DESAI: So we it's
7	really, it is unbelievable to
8	imagine, it took us eight years to
9	get a raise. It has taken the
10	fleets less than eight months to
11	come back here and plead poverty to
12	you all.
13	Please do not believe these
14	lies. These rules are absolutely
15	horrendous. If they are passed,
16	they will be economically
17	disastrous for thousands and
18	thousands of drivers. (Applause.)
19	MALE VOICE: That is the
20	truth.
21	MS. DESAI: This is a really
22	hefty rules package. There's 12
23	different points. I've already
24	presented to you in writing a
25	detailed response to each one, so I

Proceedings - April 18, 2013 1 2 will really try to make this brief, especially so drivers can come up 3 here and testify themselves. 4 First of all, the rule that 5 says that the repair should be 6 7 passed on to the drivers, I mean, this is absolutely absurd. You're 8 paying for -- when you lease from a 9 10 garage, in the 40 years of leasing, 11 garage leases always took care of 12 repairs and maintenance. Drivers 13 who leased from a garage pay at a 14 higher lease than any other drivers 15 in the industry. And the value of that lease has always included not 16 17 just maintenance and service, but 18 also the repair cost. And just to give you an 19 20 idea, if a nightshift driver on a 21 hybrid is paying \$141 on the lease, 22 plus \$4.77 sales tax, that's \$145.77 they're paying in total, 23 24 plus they're paying for fuel.

25 Now, the amount of money the

Proceedings - April 18, 2013 1 2 garages are already paying, they have to cover for liability. 3 Ι mean, there are state insurance 4 requirements here that go beyond 5 6 the TLC. What they're trying to do 7 is say, in cases where they can hold the driver responsible, that 8 9 they can make the driver pay for 10 those damages directly. 11 In other words, in any accident, drivers will have to pay 12 13 up front for their repairs. It 14 could be that the side-view mirror 15 is broken, which is maybe a couple hundred dollars. We have examples 16 17 of drivers that are facing bills of 18 up to \$11,000. We have a member who got a bill for \$16,000. 19 These 20 cars are in short, but the garages don't want the insurance to pay for 21 22 it when instead they can force the drivers to pay that money 23 24 out-of-pocket. This is insane. 25 They've already crushed our rights

1Proceedings - April 18, 20132as workers, now they're seeking to3crush our rights, basic rights as4consumers.

I mean, this is -- the 5 6 insurance is already there. We 7 don't get to choose the insurance policy. Many of the garages are 8 9 self-insured, many of them have 10 their own repair shops. Imagine, 11 if your boss said to you, yeah, I have insurance, but on certain 12 13 accidents, you're going to pay up 14 front, and you're going to pay me 15 so my mechanic can work on these repairs. I mean, this just reeks 16 17 of fraud and real economic abuse.

18 It will cost them, maybe, \$2 a shift to have full coverage on 19 these vehicles. Instead of paying 20 21 \$2 out of the 145 that they're 22 collecting from the driver, they would rather put the driver at 23 24 economic risk and harm and pay up 25 to \$16,000 out-of-pocket. That's

1	Proceedings - April 18, 2013
2	completely unconscionable, and we
3	beg of you to not pass this
4	regulation. (Applause.)
5	For 40 years we have not had
б	to pay for repairs. That should
7	not change. Weekly drivers
8	would imagine, you work 12-hour
9	shifts. Imagine when you're a
10	weekly driver, you're working on
11	average six shifts a week. As a
12	result, you'll be charged a weekly
13	rate, which adds up to the six
14	busiest shifts of the week. So one
15	shift, you're supposed to be
16	quote/unquote "credited," and
17	financially, that's how the numbers
18	work out, right? Well, if this
19	rule's passed, what it will mean is
20	that the weekly driver will either
21	have to pay for that seventh shift
22	out-of-pocket, which is an extra
23	\$20 per shift for the six days they
24	worked, which, I assure you,
25	members of the Commission is not

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2	small change for a working taxi
3	driver even with the new fare
4	rates, or they're going to have to
5	work a seventh shift.
6	Would you tell someone you
7	employ to work seven days of a
8	12-hour shift? Because that's
9	basically (inaudible). (Applause.)
10	Those are the choices. You either
11	pay out-of-pocket, you lose that
12	extra income, or you work yourself
13	to the bone working an extra shift.
14	I thank you, Commissioner
15	Yassky, for giving me the extra
16	time.
17	The other rules, you know,
18	on the credit cards, I mean, again,
19	you just passed regulation where
20	the market will finally get opened
21	up. We already know Square has
22	said for processing, they would
23	charge 2.75. There are going to be
24	other venders coming in that are
25	going to be charging less in

Proceedings - April 18, 2013 1 2 processing fees. On one hand, the 3 processing rates for the owners are coming down, but on the other hand, 4 with these rules, drivers are 5 6 expected to pay more. It's 7 completely unfair. Why would we have to pay 8 9 more when the owners are getting to 10 pay less? And just because credit 11 card usage -- so the number or 12 percentage of passengers that might 13 be paying the fare using a credit 14 card, you know, just because that 15 percentage might be going up does not mean that drivers are getting 16 17 some fare increase. It doesn't mean that their overall income is 18 going up, it doesn't mean that 19 20 their revenue is going up. 21 Yet, what the fleets 22 basically want is the right of every six months, based on this 23 24 review of an overall average for 25 that amount, of that lease amount,

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2	to go up automatically. You're
3	rules state that it would be an
4	automatic adjustment. It doesn't
5	even say that there'd be another
6	public hearing to review the impact
7	of raising the lease in relation to
8	the credit card fairs.
9	What should be done is, if
10	the fleets are not satisfied with
11	the current scenario, then, fine,
12	give up their right to be our
13	merchant account holder. Let
14	drivers choose their own merchant
15	account holder.
16	CHAIRMAN YASSKY: I
17	recognize that these are serious
18	rules and there are a lot of them
19	and they're intricate, and so
20	there's lots to talk about here. I
21	didn't want to limit you to the
22	three-minute time
23	MS. DESAI: Thank you.
24	CHAIRMAN YASSKY: given
25	that you represent the parties in

1	Proceedings - April 18, 2013
2	interest here and there's a lot to
3	discuss, but at the same time, I'd
4	ask you to take just a couple more
5	minutes and cover the most
6	important points.
7	MS. DESAI: Absolutely, yes.
8	\$10,000 penalty right now
9	for retaliation. I mean, the TLC
10	has a Lease Cap Enforcement Unit.
11	I'm sure there are prosecutors can
12	tell you how difficult it is for
13	drivers to come forward and file a
14	complaint of an overcharge. We
15	know firsthand. We've had so many
16	drivers come to us.
17	I will be submitting this to
18	the Commission. It's too bad that
19	Mr. Gerber left, because one of the
20	garages in his trade association
21	look at this, and I'll pass it
22	around to you, this is a receipt
23	that says that the driver is being
24	charged for the "Health and
25	Disability Fund." The TLC has not

Proceedings - April 18, 2013 1 2 even authorized that yet. This 3 individual was charged, you know, for that fund. In addition, they 4 were charged \$49 for something call 5 the "shift excess fee." This has 6 7 been going on for years now. And the late charge that 8 9 Chairman Yassky was talking about, 10 if the driver returns late to the 11 charge, you're right, Commissioner Yassky, it's the next shift driver 12 13 that gets penalized. But guess 14 what? The late penalty doesn't go 15 to that next shift driver, it goes 16 to the garage. (Applause.) 17 And what this particular garage has been doing is charging 18 19 every driver something called in "shift excess fee." The GPS record 20 21 will show you, these were drivers 22 who returned to the garage on time at the end of their 12-hour shift. 23 24 There are already so many rampant 25 overcharges, members of the

1	Proceedings - April 18, 2013
2	Commission, and to reduce the
3	penalty for retaliation from
4	\$10,000 to \$1,000 makes it even
5	more likely that garages will keep
6	that upper hand and make it more
7	difficult for drivers to come
8	forward and file complaints. And
9	in all my 17 years in this
10	industry, I have never heard of a
11	time where a penalty against a
12	driver was lowered, by the way.
13	You have another rule, where
14	the owners can pass along certain
15	owners' summonses on to the driver.
16	I mean, if you really want to be
17	charitable, fine, get rid of those
18	rules, but why allow the owners to
19	pass the cost on to the drivers
20	when those rules and those
21	penalties were promulgated? I'm
22	sure that TLC took into
23	consideration the owners' revenue
24	because these were penalties on the
25	owners. So for you to allow the

Proceedings - April 18, 2013 1 2 owners to pass those costs on to the drivers, it's completely 3 absurd. It's not fair, and it's 4 not -- you know, it's not in 5 principle of when those rules were 6 7 first passed and those penalties were first established. 8 Lastly, I will speak on the 9 10 fact that, you know, the fleets would like the requirement of the 11 evaluation of the amount of revenue 12 13 necessary to generate a fair and 14 reasonable rate of return to a 15 medallion owner. I mean, I don't even know where to begin. We don't 16 17 even understand the legality of 18 this, certainly not the morality of it. 19 20 I mean, drivers should be 21 guaranteed a livable income. That 22 should be within your policy. (Applause.) That should be the 23 24 priority. It is their blood and 25 their sweat and their labor that

Proceedings - April 18, 2013 1 2 generates that revenue. I'm not saying, therefore, that the fleets 3 and agents are not necessary. I 4 mean, that would be a -- we don't 5 take that position. That would be 6 7 preposterous. They're in the industry. We all co-exist within 8 9 this industry, but what you are 10 doing, members of the Commission, 11 if you pass these rules and regulations, you're sending a 12 13 glaring message to every single 14 driver to every single member of 15 this industry that the fare raise was only meant for us to have a 16 17 liveable income for basically a 18 couple of months. And the big fleets with 19

20 their money and their lawyers can 21 go to court or can go lobbying and 22 they can come in and take that rate 23 right from under our feet. I don't 24 know of any fleet owner that has 25 filed for bankruptcy, but I know

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2	many drivers that live on the edge
3	of poverty. (Applause.) Please,
4	think of them.
5	If these rules pass, it will
6	be economically disastrous for
7	thousands and thousands of taxi
8	drivers, and we ask you to take
9	pause and reject these rules.
10	Thank you. (Applause.)
11	THE PEOPLE: Thank you.
12	MS. DeARCY: Can I see that
13	receipt?
14	MS. DESAI: Absolutely.
15	CHAIRMAN YASSKY: Is
16	Mr. Gerber still here?
17	MS. DESAI: No, he left the
18	room.
19	CHAIRMAN YASSKY: All right.
20	I have some follow-up questions for
21	him. I ask the staff to look for
22	him. I would ask that he could be
23	available.
24	MR. CARONE: Mr. Chairman,
25	just a quick question, please.

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2	CHAIRMAN YASSKY: Yes.
3	MR. CARONE: Ms. Desai, good
4	morning.
5	MS. DESAI: Good morning.
6	MR. CARONE: I have a
7	question, and I may have it wrong
8	but a few times this morning, you
9	referenced the drivers that you
10	represent as employees and the
11	fleets as employers.
12	Are you talking about the
13	traditional employee/employer
14	relationship, whether there's a
15	W-2, or are you really referring to
16	independent contractors?
17	MS. DESAI: Oh, no,
18	Commissioner Carone. Thank you for
19	the clarification, because I'm very
20	clear that the drivers are indeed
21	independent contractors because
22	they get no employee benefits like
23	paychecks and Social Security
24	contribution and the right to
25	health care and retirement and paid

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2	time off. So we're very clear that
3	the fleets know that drivers are
4	not employees because we have none
5	of the benefits of an employee.
6	The point that I actually
7	was making, sir, was that for you
8	all to imagine, because I imagine
9	that some of you who have
10	businesses, you do have employees.
11	And so in that relationship where
12	you as a boss control the
13	livelihoods of the workers, in that
14	scenario, it is comparable because
15	the actions of the fleets combined
16	with the regulations of the TLC,
17	that does control the livelihoods
18	of the drivers. And so that's the
19	comparison that I was making.
20	MALE VOICE: Or you can call
21	us yellow slaves.
22	MALE VOICE: Slaves.
23	CHAIRMAN YASSKY: All right.
24	I'm going to ask, please, people in
25	the audience to let the witness

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2	speak and question and answer go
3	forward, and please do not shout
4	out like that.
5	MS. DESAI: Commissioner
6	Yassky, if I may just say, I know
7	that in the written comments I have
8	noted that, for an example, we have
9	a member who was given a bill for
10	\$11,000, and another member has
11	recently gotten a bill for \$16,000
12	for repairs. And also, I should
13	say that this was immediately when
14	the accidents first took place.
15	So even your rules say that
16	if another party compensates the
17	fleet, they have to give that money
18	back to the driver. But I hope you
19	understand that means basically the
20	working driver is now acting as
21	like a lender, putting the money up
22	front to the fleet.
23	And Commissioners, we do
24	have copies of those receipts as

25 well as other receipts that clearly

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2	evidence overcharges, and I will be
3	following up and submitting those
4	copies to you.
5	MR. CARONE: Just one
6	follow-up question. Thank you for
7	your answer on the employee
8	question.
9	Do you have with you, you
10	mentioned before this is from a
11	particular garage. I don't see
12	that on here. Do you have that as
13	well?
14	MS. DESAI: I mean, I will
15	submit that to the Chairperson's
16	office because I did not want to
17	reveal the name of the individual
18	for the purposes of this public
19	hearing. That's why. Because,
20	see, retaliation is a tremendous
21	concern for drivers even at a
22	\$10,000 penalty, so you can imagine
23	if you reduce it to \$1,000.
24	CHAIRMAN YASSKY: I will
25	assure you, Commissioner Carone, I

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2	haven't looked at that particular
3	one, but you know, in the year in
4	sum that we have had now a Lease
5	Cap Enforcement Unit, a small unit,
6	one person, but nonetheless a unit,
7	we've assessed and collected, I
8	guess, some \$110,000 in fines for
9	overcharges and secured about
10	\$50,000 in restitution to drivers
11	who have been overcharged.
12	And I guess what my I
13	have two points I'm trying to make.
14	One is, is there overcharge
15	activity out there? Absolutely.
16	And we are addressing it, but I am
17	sure there's more to do. In fact,
18	I know there is.
19	We have had a couple driver
20	complaints from, I believe, the
21	same medallion owner that I'm
22	guessing this is for, because it is
23	the same two types of charges.
24	That's an active investigation.
25	And we have maybe 100 at the moment

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2	active investigations.
3	So that is absolutely part
4	of our day-to-day business here.
5	MS. WEINSHALL: May I ask a
б	question?
7	CHAIRMAN YASSKY: Yes,
8	please.
9	MS. WEINSHALL: So I have
10	the receipt in front of me. Can I
11	ask you a question?
12	MS. DESAI: Sure.
13	MS. WEINSHALL: I see that
14	there is a surcharge for a hybrid.
15	Is that customary in garages to
16	charge a surcharge?
17	MS. DESAI: Yes, I mean
18	MS. WEINSHALL: They can,
19	legally?
20	MS. DESAI: It's within your
21	rules. They just I mean, in
22	your regulations. So for example,
23	if it's a day shift, nonhybrid is
24	115 and then hybrid is 118. So the
25	garage may have listed like \$3 as

1	Proceedings - April 18, 2013
2	the hybrid surcharge separately.
3	MS. WEINSHALL: This is \$42.
4	MS. DESAI: Right, so
5	CHAIRMAN YASSKY: For the
6	weekly.
7	MS. WEINSHALL: Weekly,
8	okay.
9	I'm also struck by the
10	enormous number of credit card
11	transactions on this one shift. I
12	guess, credit cards have become the
13	preferred way to pay for cabs now?
14	MS. DESAI: Exactly. And
15	that's part of why, Commissioner
16	Weinshall, it's really concerning
17	to us. So usage is going up,
18	right, but at the same time, you've
19	opened up rules where now the
20	owners will have
21	MS. WEINSHALL: Charge more.
22	MS. DESAI: They're going to
23	have more vendors to choose from
24	and their processing costs are
25	actually going to come down. Yet,

Proceedings - April 18, 2013 1 2 they want you to pass a rule where 3 based on usage going up, not on 4 cost of processing going up, but on usage going up, that we would have 5 6 to pay more on the lease. That is 7 fundamentally unfair. We don't choose what form 8 9 the passenger will use to make that 10 payment, right? And by us 11 accepting a credit card payment, which, in fact, means, the driver's 12 13 cash flow gets affected because you 14 have to wait longer to get your 15 money back, on top of that, we're 16 now going to get penalized by the 17 garages who want to basically 18 charge us more on the lease. And really, I would really 19 20 say to you, if they think the 21 current version of the rules is not 22 a solution and we're too much of a 23 burden to process for, set us free. 24 Let us choose our own processor. 25 (Applause.) Let the drivers choose

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2	their own merchant account holder.
3	Drivers I mean, I could
4	give you an example, Commissioners.
5	You know, the Taxi Workers
6	Alliance, we are a 501(c)3
7	nonprofit organization. We've
8	recently became a merchant account
9	holder, and we have drivers who can
10	be authorized under our master
11	agreement to be sub-merchants.
12	And we pay so when
13	members pay their dues to us by a
14	credit card, it would now be
15	1.8 percent. It would our small
16	volume compared to the volume in
17	taxis, where you can imagine how
18	much of a lower rate they could
19	bargain for. And so, if the fleets
20	don't want to do that, fine, give
21	it up. Let us choose our own
22	merchant account holder. Let us
23	pay those rates. Drivers can
24	easily become authorized to be
25	merchant account holders

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2	themselves, or they can certainly
3	identify others who are willing to
4	be the master of merchant account
5	holders for them.
6	CHAIRMAN YASSKY: Can I just
7	add to this, because this is
8	something I've tried to grapple in
9	my own head.
10	How, mechanically, could we
11	make that work given that a fleet
12	vehicle is used by, you know, three
13	or more drivers over the course
14	of I mean, a minimum of three
15	over the course of a year, probably
16	in any given vehicle, five or
17	eight, if not many, many more.
18	That would be the minimum, really.
19	So literally, how could we
20	mechanically implement what you're
21	talking about?
22	MS. DESAI: Well, you know,
23	Commissioner Yassky, in other parts
24	of the country, they are doing
25	that. I mean, one

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2	CHAIRMAN YASSKY: It's
3	probably more of an owner/driver
4	I don't mean to interrupt, but it's
5	probably more of an owner/driver
6	model. I'm just guessing.
7	MS. DESAI: That's
8	interesting. The city's I'm
9	thinking about are where the
10	drivers are still leased drivers,
11	you know.
12	I mean, a couple of ways.
13	One would be, one, there is the
14	actual technology, right? You
15	don't have to have the reader in
16	the back. People could have
17	even you know, like with the
18	smart payments, there could be an
19	application on your phone with a
20	smart payment application, and that
21	would be linked to a drivers'
22	direct account and that money could
23	be processed through there.
24	THE PEOPLE: Yes.
25	MS. DESAI: And remember

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2	that when drivers log in to the
3	system, they do have to log in
4	using their hack number. So
5	already in a way, that system is
6	individualized. And we're talking
7	about, these are wireless
8	transactions, right? We're just
9	talking about some computer coding.
10	Mr. Thaler really is the expert in
11	the room who could share with you,
12	I'm sure, the technological means.
13	But this is being done in
14	other parts of the country, and we
15	would be happy to share more
16	details with you both in terms of
17	the technology as well as the
18	different wireless methods.
19	CHAIRMAN YASSKY: I do want
20	to think that the reality is that
21	the TPEP system that gets the
22	credit cards into the cars also
23	generates all this data for us.
24	And the credit card revenue, in
25	some sense, subsidizes some of the

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2	other functions that TPEP provides.
3	And I don't I say it not
4	to say that what you're suggesting
5	is impossible, but it does need to
6	be thought through, at least by me.
7	So I don't want to delay you here.
8	MS. DESAI: But there is
9	advertising revenue. I mean, there
10	are other ways that the fleets
11	recover that money, so it's not
12	just in the credit cards.
13	CHAIRMAN YASSKY: Right.
14	MS. DESAI: There's other
15	extremes they have.
16	CHAIRMAN YASSKY: Thank you.
17	MS. DeARCY: I don't want to
18	belabor the point, but I do have a
19	question.
20	When you were talking about
21	retaliation, forgive my ignorance,
22	but what form does retaliation
23	take? I just have no concept of
24	what that would look like.
25	MS. DESAI: Sure. A couple

Proceedings - April 18, 2013 1 2 of different ways. One would be where you're removed from the car, 3 4 right, and so you can no longer -you know, I mean, if you are a DOV 5 driver and you've entered into a 6 7 contract with the agent, you made a lot of payments toward that 8 vehicle, right? And if you're 9 10 retaliated against, so they could 11 remove that medallion off that car, 12 which makes your car completely 13 useless and you're out of your 14 investment and you're out of a job. 15 And in that case, it will be more than one driver usually that will 16 17 be out of work as a result of that. 18 It could be -- we have a 19 member in the audience right now, 20 Emmanuel Kahn (phonetic). I've 21 informed Commissioner Yassky and 22 his staff about this, I believe, on 23 Monday where he was at an agent's 24 office and he was assaulted. Т 25 mean, they went to remove the

Proceedings - April 18, 2013 1 2 medallion early before the contract 3 had expired and he just paid for inspection for that vehicle, over 4 \$2,000. So, well, give me back my 5 6 car or give me the cost of paying for the maintenance for the 7 inspection preparation. 8 9 And anyway, an argument 10 broke out -- and this I heard from 11 his partner who was in the room -and basically two of the owners 12 13 went toward him. He said, don't 14 touch me, and they said, we're not 15 touching you. They went behind him 16 and pulled out the chair. He fell 17 to the ground. We were in the 18 hospital with him. He was in the hospital till about midnight that 19 20 night. And I'm not trying to 21 sensationalize it, but I do want to 22 say to you in all sincerity, and I know there are other drivers in 23 24 this room who've witnessed it, 25 there are -- often times these

Proceedings - April 18, 2013 1 2 things get so heated that we've 3 even seen physical altercations take place at these offices between 4 drivers and the management or 5 6 dispatchers. 7 I know, Osman was leasing from the garage at one point where 8 9 a dispatcher had assaulted the 10 driver. The driver didn't even 11 want to press charges because he 12 was too scared that they were going 13 to take the car away from him, you 14 know, wouldn't give him a car. Ιt was the nearest garage to his home, 15 and he would have been out of work. 16 17 People are really desperate 18 to keep their jobs. Any threat that they're going to lose the car, 19 20 which means they're going to lose 21 their job, that's the main form of 22 retaliation. 23 MS. DeARCY: Thank you. 24 MS. DESAI: Sure. And you 25 know, the main concern with the

1	Proceedings - April 18, 2013
2	regulations isn't I mean, you
3	can make a statement
4	CHAIRMAN YASSKY: Okay. I'm
5	going to say, I think
6	MS. DESAI: I'm just going
7	to be really quick. I just want to
8	respond to that.
9	CHAIRMAN YASSKY: All right.
10	We did question and answer and the
11	question's been answered. I
12	appreciate it.
13	MS. DESAI: I mean, you can
14	say that you can have more
15	enforcement and that's absolutely
16	necessary, but our fundamental
17	concern is that the way these
18	regulations are written, they will
19	allow for loopholes that were once
20	considered overcharges will now get
21	legalized. And that will lead to
22	economic harm to thousands of
23	drivers.
24	Thank you very much for the
25	time.

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2	THE PEOPLE: That's right.
3	(Applause.)
4	CHAIRMAN YASSKY: There are
5	several speakers, there's another
6	15 or 20 that are signed up. I'm
7	going to ask folks, if it's
8	implicative your point has already
9	been made, please do not make it
10	again.
11	Haron Ur Rashid has signed
12	up and also Waheed Malik. Kazi
13	Karim. I'll read names until
14	somebody shows up. Noor Mengle, or
15	Men-glay, maybe. Pasang Sherpa.
16	Taifour Dishaby.
17	MR. DISHABY: Yes.
18	CHAIRMAN YASSKY: Yes, sir.
19	So that you can be ready, Liaqat
20	Khan, is next.
21	MR. DISHABY: Good morning,
22	Commissioner.
23	CHAIRMAN YASSKY: Good
24	morning.
25	MR. DISHABY: I am Taifour

Proceedings - April 18, 2013 1 2 Dishaby. I have been working for (inaudible) Yellow since 2007. I'm 3 just hear to testify as she said. 4 I got charged for vehicle repair. 5 6 I did an accident on January 3rd, 7 and I called the garage, that was around, like, 9:00 p.m., I called 8 9 the garage, they ask me if there 10 was nobody injured, and I said no. 11 And then asked me if I can do the police report, I said, yes, which I 12 did. And then after that, they ask 13 14 me if I can drive the car back to 15 the garage. I said, okay, I can do 16 it. 17 I took the car by myself to 18 the garage, but when I got down 19 there, what the dispatcher told me, 20 he said, this is my responsibility.

I said, okay, I know -- I know my

country. But the thing, there is

no guarantee when you take a car,

you're not going to get any

right and my responsibility in this

21

22

23

24

25

Proceedings - April 18, 2013 1 2 accident. 3 I'm here because I want to 4 work, so I'm not going to take a car because I want to work and make 5 some money. I've got family, I 6 7 have to go and I have to make some money for my family. 8 9 So he said, okay, so, now 10 you got to go home and the next day 11 you're going to come and bring the police report. I said, no problem. 12 13 And then I wait like, two, three 14 days, I went back to the precinct 15 and they give me the police report, 16 which I took back to the garage, 17 and then, when they check the paper, they said, everything okay, 18 19 so if you want to walk back, 20 because you've got to give the car 21 back. I said, okay, no problem, I 22 live around here, I can walk. And 23 (inaudible) this garage. 24 Since 2007, I'm here, and I

25 don't take any break even leave the

Proceedings - April 18, 2013 1 2 country. The only, like, vacation I took was like a week. I went to 3 Montreal and they charged me. 4 Ι called them, I said, I'm not here. 5 6 I go to spend one week with my 7 family, and they charge me. It's Sunday night, they said, they 8 9 didn't get no one to take the car. 10 How come you are not even in the 11 country? And you already told them and they going to charge you for 12 13 the lease. I don't know how. 14 And also, they give me the 15 car, so I start driving like a week later, and I show on my, like, for 16 17 a receipt, vehicle repair 18 \$2,709.27, and they charge me for that vehicle repair. And I ask 19 20 them, how come you got to charge 21 Does the car have, like, me? 22 insurance or not? I got my private 23 car, I pay for insurance, so when 24 someone hit me or I hit someone, 25 that's why I'm paying that

Proceedings - April 18, 2013 1 2 insurance. So I don't know how 3 you're going to charge me here, I'm paying the lease. 4 So I call the Taxi Alliance 5 6 Union. I told them that the garage 7 charged me for vehicle repair. They said, okay, it's something 8 9 (inaudible.) So what happened, we 10 going to try to -- we ask you if 11 you want to open a complaint, and I 12 said, yes. And they ask me why, 13 because a lot of drivers are scared 14 to do it. As they said here, 15 because when you, like, open a 16 complaint against the garage, 17 they're going to, like, tell you --18 they're not going to give you no more the cab. 19 20 So that's why a lot of 21 drivers, like (inaudible), we are 22 scared, so we don't want to take them to the court. So I call David 23 24 Ross like two time, and then, he 25 said, okay, if you're not going to

Proceedings - April 18, 2013 1 2 open a complaint against them, 3 we're going to do it. And then he asked me also why you want to do 4 it. I told him, I have been 5 6 working seven years in this garage. 7 And before, if (inaudible) hear you or hear someone, there's 8 9 no -- they're not going to ask you 10 for anything, even the vehicle 11 repair. So now they charge me almost \$3,000. But I'm not going 12 13 to pay. And every night, they take 14 \$10 from my lease. 15 So we had a meeting on 16 May 8th, and the attorney postponed 17 the case. And now they give me 18 another date, which it is on the 22nd, I think that's on Monday. So 19 20 we going to go there, I don't know 21 what's going to happen. 22 Now, it says here, they want to like reduce a penalty from 23 24 10,000 --25 CHAIRMAN YASSKY: I'm sorry,

1	Proceedings - April 18, 2013
2	sir. I'm going to ask you to sum
3	up. Just, we a lot of people.
4	MR. DISHABY: Just one more
5	second. Please.
6	CHAIRMAN YASSKY: Go ahead.
7	MR. DISHABY: I would like
8	to ask you, please to increase this
9	penalty from \$10,000 to \$50,000 for
10	the car. (Applause.) Please. We
11	work hard to make our life. We
12	have families. We have to take
13	care of them. We have kids. Since
14	I left work last night by two. I
15	went home, I take (inaudible) the
16	kids and I took them to school, I
17	didn't sleep yet, I'm here to
18	testify today. We need your help.
19	Please. (Applause.) Thank you.
20	CHAIRMAN YASSKY: Thank you,
21	sir. The next person is Liaqat
22	Khan. Mamadou Bah?
23	MR. KHAN: I want to speak
24	about
25	CHAIRMAN YASSKY: Can you

1	Proceedings - April 18, 2013
2	give your name, sir.
3	MR. KHAN: My name is Liaqat
4	Khan. Sorry, I don't speak very
5	well English, but I try to explain
6	you.
7	Every driver in big trouble,
8	they are afraid about the garages.
9	They are millionaire people and we
10	are very poor people. And they try
11	to get more and more money from our
12	pocket.
13	Like, I work at Andy Garage,
14	West 44th Street. My son is 22
15	years old. He's supposed to go to
16	school, but he drives a cab. He
17	drives night, I drive daytime. He
18	charge the lease before, he charge
19	\$1700. After when they change the
20	rule, he charge \$1865 for both
21	driver. (Inaudible.)
22	And when I heard that some
23	drivers the rule is changed, the
24	lease is actually, he cannot charge
25	more than \$738 for the daytime, and

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2	they also, night driver for the
3	rule and regulation.
4	And I tell him, after two,
5	three months, and this is he
б	charge me a lot of money.
7	CHAIRMAN YASSKY: Have you
8	brought a complaint to us?
9	MR. KHAN: Yes, I did.
10	CHAIRMAN YASSKY: Is that
11	still pending or has that been
12	acted upon? I don't want to get
13	into the details of your case here
14	with you, but the numbers you quote
15	sound like that would be a
16	violation. So I'm wondering if
17	that was a complaint that we've
18	acted on.
19	MR. KHAN: I filed the
20	complaint against him and in
21	process, and David Ross call me two
22	time. He said, Mr. Khan, don't
23	come, you come the next meeting
24	after that. They try to lower the
25	fine \$10,000 to \$1,000.

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2	CHAIRMAN YASSKY: Okay,
3	thank you.
4	MR. KHAN: He says you have
5	to make I said, no, I employed
6	before. Supposed they have to pay
7	the \$10,000 fine, because it's a
8	big crime. And he charge \$1800,
9	\$1865. I have all proof. And
10	(inaudible) pay the lease, he takes
11	out all end-shift papers, end
12	shift I work seven days. I work
13	seven days, my friend.
14	CHAIRMAN YASSKY: I assure
15	you I will consult with our Lease
16	Cap Unit and make sure that the
17	complaint has been handled and if
18	there's, you know, if the facts do
19	warrant a violation, we will act on
20	that.
21	MR. KHAN: Thank you very
22	much. When I say, you charge too
23	much, the lease is actually \$738
24	for me, and for my son, he charge
25	350, around \$400 extra every week.

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2	Plus, I use his E-ZPass. E-ZPass
3	show only Triborough, Midtown
4	Tunnel, you have to pay 480,
5	whatever, total.
6	So when I get the printed
7	end shift, I see okay for it. Then
8	I go to the Holland Tunnel, New
9	Jersey my son go over there, he
10	didn't show anything of it. And it
11	goes in their computer. They know
12	how much is this. And every week,
13	Mr. Chairman, they charge us \$40,
14	\$30, \$50 extra E-ZPass because we
15	have no record, we have no nothing.
16	And end shift
17	CHAIRMAN YASSKY: Okay, Mr.
18	Khan, I'm going to ask you to
19	MR. KHAN: Give the end
20	shift, because we cannot
21	calculate
22	CHAIRMAN YASSKY: Your time
23	is up.
24	MR. KHAN: They want to
25	CHAIRMAN YASSKY: Sir, sir.

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2	Please. Your time is up. I will
3	ensure that your case is
4	investigated fully. And if there's
5	a violation, I assure you, we will
6	act upon that.
7	Thank you, sir.
8	MR. KHAN: Thank you very
9	much.
10	CHAIRMAN YASSKY: Mamadou
11	Bah? Okay.
12	Give your name, sir.
13	MR. RASHID: Good morning.
14	My name is Haron Ur Rashid. Thank
15	you for your time here, Chairman
16	Yassky and Commissioners, today.
17	My name is Haron Ur Rashid.
18	I have been driving yellow
19	cab since 2005. Most of that time,
20	I driving Auto Cab, Auto Leasing
21	Company. I lease medallion number
22	8k28, on December 24, 2010. I was
23	involved in an accident on 95
24	North. While but another car
25	was good, my car was, my cab was a

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2	little bit damaged. I called
3	police, I filled out and I sent in
4	a report and brought it to the
5	garage.
6	In my experience, it was
7	about a 600 to 700 for the repairs,
8	estimated. About two weeks later,
9	I notice an extra \$150 charge on my
10	receipt, and I ask them, why they
11	charge this? They say to me, it
12	was for accident, and I pay \$150
13	each week until April 18, 2011 for
14	total of \$2,050.
15	I file complaint with the
16	TLC in 2011, but I receive no
17	response. In about one and half
18	years, in August 2012, I filed a
19	complaint with David Ross of the
20	Lease Cap Enforcement Unit. Auto
21	Cab agreed to pay back money, full
22	amount of \$2050. But March 2013, I
23	didn't get check. But, two years
24	after my final payment, the receipt
25	from the (inaudible) I get back my

1	Proceedings - April 18, 2013
2	money. I pay the insurance when I
3	paid the lease. I paid that
4	insurance. So, I think new rule is
5	completely injustice and immoral
б	for us to work as taxi drivers.
7	This is finished.
8	CHAIRMAN YASSKY: Thank you,
9	sir.
10	MR. MENGLE: Noor Mengle.
11	CHAIRMAN YASSKY: Okay.
12	MR. MENGLE: I've been
13	called before.
14	CHAIRMAN YASSKY: Yes, you
15	were. Okay.
16	MR. MENGLE: Well, three
17	(inaudible) is not sufficient for
18	the drivers, so the three days that
19	we taken, these corruptions are
20	there. We cannot finish it day and
21	night. It happens.
22	I've been driving a cab for
23	the past 15, 16 years now. My son,
24	he recently started driving a cab.
25	He wanted to go to school, he did a

1	Proceedings - April 18, 2013
2	GED because he couldn't go to
3	regular school; I couldn't afford
4	it.
5	Then we find a garage, we
6	look for the garages. We find a
7	garage, and they give us work, me
8	and my son. He worked nighttime
9	and I work the daytime, and he quit
10	his two-year college because he
11	wanted to help me. I'm a kidney
12	patient, and that's why the
13	problem, sitting and driving a cab
14	12 hours.
15	So this company, this is LIC
16	Taxi, which is in I have all the
17	receipts, and I even filed a
18	complaint with Mr. David Ross. My
19	name is Noor Mengle, and me and my
20	son are famous for father and son.
21	All the garages know that.
22	The guy before here, he made
23	a speech, I have his receipt up
24	here, and me and my son were
25	looking for a job and we had

Proceedings - April 18, 2013 1 2 nothing at home to feed my family because we couldn't get the job. 3 Finally, we (inaudible) but this 4 guy was charging us \$1797 for me 5 6 and for my son. He's supposed to 7 charge us, me, 690 for the regular car, and my son, 797 for the 8 9 regular car, the night shift, but 10 he was charging us 833, me, night 11 shift, 964, my son, night shift. 12 Bringing these fines from 13 \$10,000 to \$1,000, only you guys 14 are going to encourage these 15 garages to commit these kind of crimes all the time. (Applause.) 16 17 (Inaudible.) 18 When I came to this country, I remember I was paying in New 19 20 Jersey \$25 a ticket, a parking 21 ticket. The tickets are now going 22 up to \$65. The fines go up, don't go down. (Applause.) 23 24 MALE SPEAKER: That's right. 25 MR. MENGLE: When you have a

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2	punishment, high, crimes go down.
3	Punishment, low, crimes go up.
4	This is normal. (Applause.)
5	Now, I request,
б	Mr. Chairman, to you, especially,
7	as you have kids, maybe your
8	brothers we struggle to come to
9	this country, it's not an easy job.
10	It's really not an easy job to work
11	in a taxi. I have a master's
12	degree. Why I prefer to work as a
13	taxi? Because it's an honest job.
14	Nobody's on my shoulders. I work
15	hard and bring money and feed my
16	family.
17	I have an 8-year-old
18	daughter. I'm responsible for my
19	daughter. Now these people, I have
20	all these receipts. I have this
21	guy who before made a speech. I
22	don't know his name. He's from the
23	garage, fat guy, big guy. He
24	called me and my son, he going to
25	give us a job. When we get there,

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2	he said, you bring the third
3	driver. This is the receipt I
4	have. I paid him money. But he
5	didn't give us a job. He said, you
6	don't bring a third driver, we
7	don't give a job.
8	The reason of the third
9	driver when you have two
10	drivers, responsible drivers in one
11	house, why you need a third driver
12	when we are responsible? Me and my
13	son are working six days and
14	seven days, that's our problem.
15	But you get your pay. No, third
16	driver, because this way, the daily
17	basis, they can charge you. This
18	is they go around the law.
19	Please don't let them go around the
20	law. Don't pass that law. Please.
21	(Applause.)
22	(Inaudible.) I'm coming
23	here, I'm limping here because I
24	have a pain in my knee. The reason
25	is, I'm driving hard to make a

1	Proceedings - April 18, 2013
2	buck, go home and feed my family.
3	Please, I thank you very
4	much, Chairman and Commissioners.
5	Thank you.
б	CHAIRMAN YASSKY: Thank you,
7	sir.
8	MR. CARONE: Commissioner,
9	just a quick question on one of the
10	examples that the speaker just
11	gave. 1700, the excess charge. If
12	a complaint like that is made, is
13	that considered one complaint, or
14	is each day, each week, separate
15	complaints which would then add the
16	fines, 1,000 or 10,000, whatever
17	the number is? How is that
18	treated?
19	CHAIRMAN YASSKY: Each shift
20	is an overcharge if it's rented by
21	the shift. Or if it's rented by
22	the week, each week is an
23	overcharge. Just to be clear, the
24	10,000 and 1,000 numbers that are
25	being discussed are the penalty for

Proceedings - April 18, 2013 1 2 retaliation against a driver. So 3 the rule we passed in September established a \$10,000 penalty for 4 retaliation. This rule, proposal, 5 6 proposes to change it to, reduce 7 that 10,000 to 1,000 fine for retaliation. That's separate from 8 9 the overcharge times themselves. 10 MS. DeARCY: For the first 11 offense. CHAIRMAN YASSKY: For the 12 13 first offense for the retaliation 14 against a driver for making a 15 complaint to the TLC. So just to be clear, that's what that is. 16 17 But the penalty for an 18 overcharge starts at, I'm going to say, \$200, and becomes \$500. 19 I don't have that in my head, but 20 21 each instance is that. 22 MS. DeARCY: And that's 23 remained unchanged? 24 CHAIRMAN YASSKY: And that, 25 we have not proposed to change.

1	Proceedings - April 18, 2013
2	I'm seeing Peter Mazer telling
3	me
4	MR. MAZER: \$500.
5	CHAIRMAN YASSKY: It's \$500,
6	period?
7	MR. MAZER: It's 500 for the
8	first 1,000 thereafter.
9	CHAIRMAN YASSKY: 500 for
10	the first 1,000 thereafter. And
11	each shift or week would be a
12	separate overcharge.
13	MS. DeARCY: Forgive me, but
14	when you say, "500 for the first
15	1,000 thereafter," is this, again,
16	per driver, or if you assume that
17	the fleet has multiple drivers, if
18	he does it once with guy A and then
19	does it again with guy B, does that
20	guy B constitute a second offense
21	because it's the same owner whose
22	conduct is wrongful or does he have
23	the opportunity to commit a second
24	offense across, I don't know, 100
25	drivers?

1	Proceedings - April 18, 2013
2	CHAIRMAN YASSKY: So each
3	charge to each driver in excess of
4	lease cap amount is a violation.
5	So if a fleet operates 100 cars and
6	they overcharge 100 drivers every
7	day or every shift in a given week,
8	that would be 1400 overcharges, 100
9	drivers times 14 shifts in a week.
10	And, to be clear, I think it
11	would be worth having the staff to
12	brief you, Commissioners, on the
13	enforcement efforts here. When I
14	talked about the fines that have
15	been assessed and collected, those
16	have, I believe, Meera, correct me
17	if I'm wrong, all been settlements
18	that were for fines well under, I
19	will be clear about this, well
20	under the maximum amount that could
21	be charged.
22	We've been pursuing a policy
23	of seeking settlements so as to
24	ensure so as to fix the problem,
25	settlements in which a fleet could

1	Proceedings - April 18, 2013
2	be charged many thousands of
3	dollars, will pay a lowered a
4	settlement of a lower amount than
5	could be charged for each
6	individual one added together, plus
7	a promise to obey the law from
8	going forward, of course, which
9	they're obligated to do anyway, but
10	with the understanding that if we
11	find a subsequent violation, that
12	we will come down with the full
13	weight of our penalties.
14	That's the enforcement
15	policy that I think you should be
16	briefed on and understand fully and
17	you may have feedback on that.
18	MS. DeARCY: Can I ask a
19	question?
20	CHAIRMAN YASSKY: Yes.
21	MS. DeARCY: Assuming that
22	that's the policy that we've used,
23	has it been effective and have we
24	gone back for those fleets who we
25	have settled with for an amount

Proceedings - April 18, 2013 1 2 that is less than they would have been exposed to, have we gone back 3 and done any kind of examination or 4 some determination that, in fact, 5 6 they have, you know, taken the 7 straight and narrow, and therefore, the policy is effective and it's 8 9 one that should be continued, 10 versus, we go back and find out 11 that they've just taken advantage of the system, and perhaps we 12 13 should rethink the policy? I 14 just --15 CHAIRMAN YASSKY: I think that's an important question to 16 17 cover at the briefing. 18 MS. DeARCY: Okay. 19 CHAIRMAN YASSKY: I will 20 arrange for that briefing at the 21 next meeting. 22 Okav. Thank you, sir. MR. OBAN: Good morning. 23 24 Yeah, my name is Mohammed, Mohammed 25 Ali Oban (phonetic). I just want

1	Proceedings - April 18, 2013
2	to point out that all the drivers
3	
4	CHAIRMAN YASSKY: Let me
5	just say, I want to advise the
6	speakers, because I know some of
7	the Commissioners have commitments
8	and are going to have to be leaving
9	now or very shortly, so I'm going
10	to ask each speaker to be very,
11	very brief.
12	MR. OBAN: Within three
13	minutes. I just want to explain
14	one point, and one and only one
15	point.
16	CHAIRMAN YASSKY: Okay. Go
17	ahead, sir.
18	MR. OBAN: We the drivers,
19	we working 12-hour shifts. The
20	first six juicy or like more
21	productive hours, the six hours we
22	work for the fleet and the gas, and
23	that is our money. And that's just
24	like, we don't know how much we're
25	going to make per night, so putting

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2	the extra burden in passing these
3	laws, like the repairs and extra
4	credit card.
5	And most of the time, it's
б	not clear yet in the Commission, if
7	the credit card machine don't work,
8	what should the driver do? Like,
9	take the burden? You're also
10	taking the burden of non-paying
11	credit cards. So all this thing
12	happened in your mind. This thing
13	happened. The fleet is not paying
14	for that, this credit card. Like
15	passengers already left. We cannot
16	keep them like unlawfully

17 imprisoned. So that's all.

18 Also to the point, we have to point out, if you pass these 19 laws, it's going to put the extra 20 burden. And if you require a nice 21 22 courteous and English speaking driver, it's right in front of you. 23 What you're expecting from us, so 24 if you want to --25

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2	CHAIRMAN YASSKY: I see.
3	MR. OBAN: So if you want us
4	to give us to continue the good
5	service to the citizens of New
6	York
7	CHAIRMAN YASSKY: I
8	understand. I'll look for your
9	medallion number. I'll see that
10	you're an excellent driver.
11	MR. OBAN: So please do not
12	put the extra burden on the driver,
13	and do not pass this serious law.
14	And passing like from 10,000 to
15	1,000 is nothing for these fleet
16	owners. Most of these fleet owners
17	are mobs. (Applause.)
18	THE PEOPLE: Mobs.
19	MALE SPEAKER: Good morning.
20	CHAIRMAN YASSKY: Good
21	morning.
22	MALE SPEAKER: I ask
23	everybody to stand up in solidarity
24	with what happened in Boston.
25	Nine Commissioners it's

Proceedings - April 18, 2013 1 2 first time that we get the chance 3 to speak the truth. Commissioner, nine commissioner, how do you want 4 the broker/owner of the car to 5 6 respect us? At the same time, they 7 see you treating us like the dogs 8 9 MR. AROUT: You're out of order. You're out of order. 10 11 MALE SPEAKER: (Inaudible.) 12 MR. FROMBERG: Sir, I'm 13 going to have to ask you to leave. 14 MALE SPEAKER: Commissioner, 15 one second. THE PEOPLE: This is a 16 17 democracy. 18 CHAIRMAN YASSKY: Sir, I'll 19 let you finish. Inspector --MALE SPEAKER: Honorable 20 21 David Yassky --22 CHAIRMAN YASSKY: Yes? 23 MALE SPEAKER: The hope 24 was -- when you come to this 25 institution, has a lot of problem.

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2	You cannot fix anything. I am a
3	(inaudible) writer, law-educated as
4	you. If you treat the cab driver
5	with no respect, how you want the
б	medallion to treat us?
7	You know that the driver,
8	how many family are destroyed,
9	killed in their home. I have a
10	wife and four kids. When I get out
11	of here, I will buy a weapon and I
12	will kill them.
13	CHAIRMAN YASSKY: Oh, sir,
14	okay. I'm asking you to settle
15	down
16	MALE SPEAKER: I'm a
17	licensed driver. I have no
18	CHAIRMAN YASSKY: You're
19	going to be removed from the room.
20	And Inspector, I'm going to ask you
21	to get the identifying information
22	from this sir, I'm going to ask
23	you to get identifying information.
24	We're going to have to get a
25	referral. Thank you.

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2	Okay, next. I'll just read
3	the next names that are up here.
4	Mohammad Karim. Ryan Richardson.
5	Bill Lindauer. I know that at
6	least one of those are here.
7	MR. M. KARIM: Good morning,
8	Commissioners.
9	CHAIRMAN YASSKY: Good
10	morning.
11	MR. M. KARIM: Thank you for
12	this opportunity. I commend the
13	admission of the (inaudible)
14	claims, the increased tourism
15	industry. And lets not forget,
16	cabbies are part of that industry.
17	We contribute. Even though at the
18	airport.
19	Secondly, regarding treating
20	medallion owner as one entity. So
21	one complaint from one driver,
22	second complaint should be given a
23	second, and each time should
24	increase too. After certain amount
25	of fines, should be suspended after

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2	a certain amount time, whichever
3	you decide. (Inaudible.) To the
4	vendors, when we do, we pay fine
5	and then we are given suspension
6	also.
7	And this honest statement
8	I'd like to make, drivers really
9	don't make money. They work
10	84 hours, it doesn't come to even
11	state minimum. You can verify,
12	your offices can do that. And in
13	the end, I'd like to say that
14	drivers are like cantaloupe and
15	owners are like knives. You fall,
16	and as the cantaloupe falls on the
17	knife, he gets the cut, or if the
18	knife falls on cantaloupe, again,
19	cantaloupe will get the cut.
20	But I believe in the honest
21	office chaired by you, you will
22	(inaudible) for the cabbies.
23	CHAIRMAN YASSKY: Thank you,
24	sir.
25	MR. M. KARIM: Thank you.

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2	CHAIRMAN YASSKY: I'm sorry,
3	sir. There's a question.
4	MS. DeARCY: It's not really
5	necessarily a question, but more of
6	a comment. I just want to thank
7	you for the portion of your
8	statement that offered a practical
9	suggestion. That's helpful for us.
10	I would suggest that for
11	those of you, the rest of you that
12	are standing up, if you have
13	something practical that you would
14	like to offer to us, please spend
15	your time doing that because we can
16	do something with that. Not that I
17	want to diminish your opportunity
18	to speak, but I can't help if I
19	don't have practical solutions. I
20	just think that the time is better
21	spent if you proceed that way.
22	That's all. Thank you.
23	MR. M. KARIM: Ma'am, you
24	know, these drivers they're
25	compulsively driving. You know,

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2	many of them don't know how to come
3	here. You know very well.
4	CHAIRMAN YASSKY: That's a
5	fair point, sir. Thank you.
6	MR. M. KARIM: So this
7	point, I have put it through e-mail
8	or something.
9	MS. DeARCY: I appreciate
10	it. Thank you.
11	MR. OBAN: Sorry to
12	interrupt. But Mr. Chairman, to
13	like suggest something, something
14	we should do about like the credit
15	card situation when they are not
16	working, what should we do? Let
17	the passengers go with the \$50 or
18	\$70 or \$40 fare?
19	CHAIRMAN YASSKY: Well,
20	that's not quite the understanding
21	of a suggestion, but you're saying
22	there's a problem that needs to be
23	addressed and I understand that.
24	Thank you.
25	MR. OBAN: Yes, thank you.

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2	CHAIRMAN YASSKY: Okay, so
3	we have Mr. Lindauer. Victor
4	Salazar. Luis Molina.
5	MR. LINDAUER: Good morning.
6	CHAIRMAN YASSKY: Good
7	morning.
8	MR. LINDAUER: Obviously, in
9	this industry, there are more
10	horrors than in a horror film
11	anthology, and if these give away
12	rules
13	CHAIRMAN YASSKY: I think I
14	like the cantaloupe one better.
15	MR. LINDAUER: I'm trying to
16	work with movies
17	CHAIRMAN YASSKY: Yeah,
18	sorry. Go ahead, sir.
19	MR. LINDAUER: And I shutter
20	to think of the countless horrors
21	that would be unleashed by adoption
22	of these giveaway rules. When it
23	comes to greed, the word "enough"
24	is not in garages' and brokers'
25	vocabulary. They are simply

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2	scrupulously unscrupulous. 50,000
3	drivers be damned to grand virtual
4	carte blanche to this appalling
5	cabal of malicious millionaires is
6	to aid and abet criminality.
7	Already they overcharge with
8	virtual impunity. Don't be
9	bamboozled or flummoxed by their
10	lies or dazzled by their big
11	exploitation-earned big bucks. To
12	acquiesce in their diabolical
13	onerous shenanigans would be an
14	abomination.
15	As I said to Allan Fromberg
16	when he had his spleen removed,
17	it's better to be spleenless than
18	spineless.
19	And may I point out, the
20	garages are not the only ones who
21	can file a lawsuit.
22	MR. FROMBERG: Thank you for
23	that, Bill.
24	MR. LINDAUER: You're
25	welcome.

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2	In fact, if they turned over
3	new lease and were truly honest,
4	think of the scores of army of
5	lawyers, lobbies and PR flacks.
б	They could take millions, not cause
7	drivers to live in abject poverty
8	and cause a possible driver
9	shortage because of these onerous
10	rules.
11	These are extricable,
12	unconscionable proposals. Stop
13	this outrage. Don't make this a
14	day of infamy.
15	CHAIRMAN YASSKY: That
16	witness was Bill Lindauer.
17	MR. LINDAUER: Correct.
18	CHAIRMAN YASSKY: Victor
19	Salazar. Luis Molina. And
20	Ghaore I'm sorry, "Likoud," it
21	looks like, but probably isn't.
22	Ghaore Likoud.
23	Yes, sir. Please.
24	MR. SALAZAR: Good morning,
25	good morning, Commissioners. I

1	Proceedings - April 18, 2013
2	want to be very brief and to the
3	point.
4	MR. FROMBERG: Mic, please.
5	MR. SALAZAR: But briefly,
6	my name is Victor Salazar. I've
7	been driving a cab since early
8	1991. And through all these years,
9	I've seen garages and brokers
10	enrich themselves. I remember when
11	a broker had just a small office on
12	Steinway Street in Astoria with six
13	or seven desks. Now they have a
14	big building in Astoria as well.
15	And for instance, I see Mystic
16	Garage open three or four gasoline
17	stations across New York City area.
18	They get richer and richer, taxi
19	drivers getting poorer and poorer.
20	To make the story, like one
21	of the Commissioners already left,
22	but he was asking about, that we
23	call ourselves independent
24	contractors, but actually, we're
25	very dependent. We depend very

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2	much on all the garages and brokers
3	and on the regulations that you
4	actually write. And you
5	actually you know, (inaudible).
6	I strongly believe that
7	these rules and regulations will
8	empower garages and brokers with
9	the tools to find loopholes, to
10	construct loopholes and to continue
11	exploiting drivers as they've been
12	doing since early 1980's.
13	(Applause.)
14	I urge you, Commissioners,
15	and Taxi & Limousine Commission to
16	vote "no" on these particular
17	rules, to make rules, not
18	loopholes. That's basically it.
19	Thank you.
20	CHAIRMAN YASSKY: Thank you.
21	By the way, I'm reminded
22	that I should have noted quite some
23	time ago that we've been joined by
24	Commissioner DeArcy here as well.
25	And I apologize, Commissioner, for

1	Proceedings - April 18, 2013
2	not noting your arrival.
3	Luis Molina. Ghaore Likoud.
4	Varinder Singh. Chatoulz Allaona.
5	MR. MOLINA: Good afternoon.
6	It is oh, okay, all right, good
7	afternoon. I ask God to give me
8	the words that I need to say so I
9	can be able to speak succinctly and
10	to the point.
11	I'm Luis Molina, 484870,
12	since 1995, when I first entered
13	into a very corruptible business.
14	Corrupt indeed, because I have
15	seen, in my lifetime, income theft
16	that has happened to me personally.
17	And recently, the past couple of
18	years, I was a victim of two
19	garages that stink like horse.
20	I lost close to \$5,000 with
21	Sufi Management in overcharges, and
22	this Pakistani garage repair shop
23	never refunded my \$5,000. I asked
24	the union to intervene on my behalf
25	with regard to income theft. And I

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2	had the same thing happen to me
3	with SLS. Simon Garber took from
4	me \$9,500-something from
5	overcharges, and he has yet to give
6	me back my money.
7	And Sufi Management, I
8	understand, was put out of business
9	because they were found to be in
10	TLC violation rules, doing some
11	really gangster, illegal, bankster
12	stuff.
13	As we speak, okay, when I
14	was with Sufi Management a few
15	years ago, I was in a homeless
16	shelter and I had no health care.
17	I needed Medicaid to sustain my
18	health because I became mentally
19	ill on the job. When I first
20	joined the organizing committee
21	eight years ago, the union
22	organizers found that I was
23	mentally ill and I had to step down
24	to get some serious help.
25	CHAIRMAN YASSKY: Sir, your

Proceedings - April 18, 2013 1 2 time is almost up here. Let me 3 just ask, have you brought these complaints to our complaint unit? 4 This was MR. MOLINA: Yes. 5 before the new rules were passed to 6 7 make it -- that you would have teeth to have the power to 8 9 investigate the garages. Because 10 up till now, they think that the 11 TLC inspectors are jokes. They 12 don't think that you're serious. 13 And the Taxi Insider newspaper, 14 they say, you are, like, opi. 15 CHAIRMAN YASSKY: We'll make 16 sure your compliant is investigated 17 and if the facts bear out a 18 violation, then we will pursue it to the fullest. So, thank you. 19 20 MR. MOLINA: I want to get 21 out of poverty as fast as possible 22 because I have \$2,460 of back rent 23 that I owe to my landlord in my new 24 place, my lovely place. I live in 25 Bed Stuy. It's a lovely studio

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2	apartment that I have. I want to
3	keep my place to live. HRA has
4	denied me two stamps and rental
5	assistance. That's realty.
6	CHAIRMAN YASSKY: Thank you,
7	sir.
8	I'm going to surely
9	mispronounce it, but Ghaore Likoud.
10	Varinder Sign. Chatoulz Allaona.
11	MR. LIKOUD: My name is
12	Likoud. I've been driving cab
13	since 1993, and have been working
14	with Season. We are located on 6th
15	Avenue and Canal and now they are
16	in Brooklyn.
17	In 2009, I had an accident,
18	and they fired me from that garage
19	after 15 years. And I receive a
20	notice from the small claims court
21	in Brooklyn for the same accident.
22	The garage was suing me for the
23	accident for \$1200, and that fine
24	was confirmed by the courts. I
25	have to pay the garage \$1200 while

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2	I pay the lease of that car.
3	And I show them the lease I
4	paid after that accident. On that
5	lease, everything was included, so
6	why this charging me \$1200? They
7	say, the garage make the rules. I
8	say, no TLC make the rules
9	(inaudible). They say, no, no.
10	The garage make the rules. So
11	(inaudible) support the garage.
12	So they forcing me to pay
13	\$1200 to the garage for accident.
14	I didn't pay it. I didn't pay.
15	But, they will sue me for that.
16	So if this rule is passed,
17	I'm going to die because they
18	already charging the driver for
19	accident. If this rule passes,
20	it's no good for us. So, please,
21	vote "no." Vote "no." Thank you.
22	(Applause.)
23	CHAIRMAN YASSKY: Ghaore
24	Likoud. Varinder Sign.
25	I'm sorry, I didn't get your

1	Proceedings - April 18, 2013
2	name, sir.
3	MR. LIKOUD: Likoud.
4	L-I-K
5	CHAIRMAN YASSKY: Oh,
6	Likoud, okay. Got it. So that was
7	you.
8	And then, Varinder Singh.
9	Chatoulz Allaona. Cheikh Mbaye.
10	Abdoulaye Mbou.
11	MR. MBAYE: You said,
12	"Mbaye"?
13	CHAIRMAN YASSKY: Yes, sir.
14	I apologize for my mis-
15	pronunciations.
16	MR. MBAYE: I'm going to be
17	very brief. Hi, good morning and
18	good afternoon to everybody.
19	CHAIRMAN YASSKY: Can you
20	give me your name, sir.
21	MR. MBAYE: Cheikh Mbaye, is
22	my name. C-H-E-I-K-H; last name
23	M-B-A-Y-E.
24	CHAIRMAN YASSKY: Got it.
25	MR. MBAYE: I've been a cab

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2	driver since 1993. I do not work
3	for the garages, I work for a
4	leasing company, which is what you
5	call DOV driving model, which I
6	have no problems with the garage
7	myself, but I have friends who work
8	for garages. And friends, everyone
9	was not able to come here so I
10	defend them.
11	CHAIRMAN YASSKY: Okay.
12	MR. MBAYE: However, I know
13	that one of my friends work for a
14	Midtown Center. They overcharge
15	\$144 per night per shift. And
16	the TLC center, like two months
17	ago, officials to ask them to place
18	a bill of rights, a drivers' bill
19	of rights to expose it through the
20	garage so everybody can see it, so
21	drivers know their rights.
22	(Inaudible), they put it in the
23	garbage. They don't care. Okay?
24	Overcharge is how they
25	CHAIRMAN YASSKY: You say,

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2	this was the Midtown Center?
3	MR. MBAYE: Midtown Center,
4	located on West 38th Street,
5	between 9 and 10 or 10 and 11
6	Avenues. Okay?
7	TLC office went there and
8	place their bill of rights for
9	drivers, they throw it in the
10	garbage. Two of my friends work
11	there. I don't think that is
12	right.
13	The other thing is that
14	asking for the drivers to pay for
15	car repair for a vehicle that they
16	don't own. Why that should be, why
17	they should be guaranteed to pay
18	(inaudible) by TLC at no risk at
19	all? Okay? And all risks are put
20	to the driver, who has literally
21	nothing, but one shift, one income
22	from a shift, that's all the driver
23	has. They have the investments,
24	they have millions of dollars, they
25	make more money, but why shouldn't

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2	they bear any risk of that
3	investment? Like, why should the
4	driver bear the responsibility of
5	their business? Guaranteeing them
б	an income without (inaudible), I
7	don't think that's fair; I don't
8	think that's just. (Applause.)
9	We are in business to make
10	money, we have to be responsible
11	and take some risks. And drivers
12	who have nothing are paying for
13	them, for their car, that's one. I
14	pay for my car payment because I
15	own my vehicle, but I think if I'm
16	at fault of an accident, I have
17	liability insurance that's supposed
18	to cover my expenses.
19	But these drivers who don't
20	own, even own the vehicle, you
21	know, they just renting them and
22	they are renting the cars to three
23	drivers, different drivers a day,
24	the cars are terrible, they're not
25	good conditions at all, they don't

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2	fix them until they break down,
3	drivers always lose half their
4	shift when they have a breakdown,
5	they don't get refunded or credited
б	for the time they lose in an
7	accident, and they're not talking
8	about all of this.
9	They ask you to reduce the
10	fine they are supposed to pay in
11	case of a complaint, which is not
12	even happening. Drivers aren't
13	even coming forward. We have a lot
14	more drivers who are shy, who do
15	not show up, who do not come up for
16	a complaint for scare of
17	retaliation. That happens because
18	drivers have nothing. If they
19	don't go to work, they don't make
20	money, they don't have an income.
21	So they do not come for work to you
22	to file a complaint against their
23	bosses. That alone should be
24	you know, I think, checked out.
25	Yet, the very little ones

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2	who come, they ask you to reduce
3	their penalties to a lower grade,
4	like a thousand dollars.
5	(Inaudible.) You know, a rate,
6	like based now on the fact of the
7	driver is lower, you don't do it
8	for a driver. All I hear from TLC,
9	when they pass laws for providing
10	from drivers, it's making more
11	money, paying more money, paying
12	more money. Never down. So they
13	want you to give them a break.
14	\$1,000 is like \$100, I would
15	say, even less than \$100, to me.
16	That's what it means to them. You
17	see? So, that's my point.
18	And if I don't forget, I
19	think asking a driver to repair a
20	car is wrong. They overcharge for
21	sure. They don't care about
22	(inaudible), they don't care for
23	the city or for the best interests
24	of the city, (inaudible) their own
25	pockets. And they don't want the

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2	city to put more medallions. That
3	will protect the drivers, because
4	you can have more medallions,
5	(inaudible) will go to the drivers,
б	and you would not be (inaudible).
7	Thank you.
8	CHAIRMAN YASSKY: I
9	understand. All right, thank you,
10	sir.
11	Abdoulaye Mbou. Tambadou
12	Foday. Ahmed Mushtaq. Mohammed
13	Khan. Alieu, A-L-I-E-U, I believe,
14	Bah.
15	MR. MBOU: Abdoulaye Mbou.
16	CHAIRMAN YASSKY: Very good,
17	sir. Abdoulaye okay. Please go
18	ahead.
19	MR. MBOU: Thank you,
20	Commissioner. I'm very glad to be
21	in front of you. I've been driving
22	yellow cabs for 11 years. I have a
23	two masters degree, one from here,
24	one from back home. This is the
25	toughest job I ever had in my life.

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2	The day I took off, I got more pay
3	then when I'm working. (Applause.)
4	It's like, I'm dying every day.
5	This job, every day, I'm dying.
6	And I have now a health problem
7	issue, and I have a sugar problem,
8	I have high blood pressure because
9	of this job.
10	THE PEOPLE: That's right,
11	yes.
12	MR. MBOU: And in a normal
13	society I wouldn't be in this
14	industry because it's more corrupt
15	than anything. People work every
16	day, they spend all their money for
17	these garages. One car make
18	\$100,000 profit every year, one
19	medallion, and we do all the
20	statistics at the end of the year,
21	we don't have even \$1,000 in your
22	bank account. And that's not fair.
23	That has to change.
24	You should be, you,
25	Commissioners, should be on the

Proceedings - April 18, 2013 1 2 side of the people, not the side of 3 the few people who own the money. Because if you defend poor people, 4 God will give you more power, you 5 know, to help poor people. Don't 6 7 think when you help poor people, God would leave you alone. 8 No. Side with the poor people because 9 10 you did it before, you are the help 11 for us. 12 Last time you vote for us, 13 and God will help you for that. 14 (Applause.) (Inaudible) be with 15 poor people because (inaudible). If you help us, God will raise you 16 17 up a level where you want to go. 18 Trust me. (Applause.) 19 CHAIRMAN YASSKY: All right, 20 sir. 21 MR. MBOU: The insurance 22 issue. That's, like the lady, that's absurd. We're paying for 23 24 insurance every day. It shouldn't 25 think about paying from our pocket,

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2	their insurance. Second, I want
3	you to increase the retaliation to
4	\$100,000. \$100,000. (Applause.)
5	Because you want them to stop doing
6	bad things against drivers.
7	\$100,000, that's what we are asking
8	for. Then, there would be no more
9	problems.
10	You know, in the government,
11	you have (inaudible). Whenever
12	(inaudible), they say about it.
13	Our driver won't get their things.
14	And lastly, I'm talking
15	about the TLC Inspector. You know,
16	currently, the system, like it is,
17	somebody would see your medallion
18	and just call TLC, this driver did
19	that to me, and he never showed up.
20	You know what I say? He filing a
21	complaint against a driver. Maybe
22	it's your friend in a neighborhood
23	who doesn't like you, they just
24	call TLC, this guy did that to me.
25	If he doesn't show up, the TLC just

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2	want to fine you or they want to
3	maintain the fine against you.
4	I think what you have to
5	think about in this hearing of the
6	people who file the complaint. If
7	the people cannot show up, they
8	have to dismiss the case.
9	(Applause.)
10	THE PEOPLE: Yes, that's
11	right.
12	MR. MBOU: Because that's
13	not fair, you know.
14	Thank you, Commissioner, and
15	God bless you.
16	CHAIRMAN YASSKY: Thank you.
17	Okay, Mohammed Iqbal.
18	Mohammed Barakka. Bouchaib Gaoul.
19	MR. IQBAL: My name is
20	Mohammed Iqbal.
21	CHAIRMAN YASSKY: Speak up.
22	MR. IQBAL: First off, we
23	are making money for our families,
24	that's okay. But we have no
25	savings that we can pay accidents.

1	Proceedings - April 18, 2013
2	And some students also come on
3	Saturday and Sunday. But you can
4	pay them, keep the \$500, 5,000
5	(inaudible)? This is not possible.
б	And secondly is, nobody talk
7	about the meters. There is a
8	meter. When you start the meter,
9	there is a fourth number is for the
10	(inaudible), and the fifth one is
11	for the stop the meter. By chance,
12	if you start the meter stop the
13	meter and push the button for the
14	fourth number and then drive two
15	blocks and it come to \$1, and they
16	give a fine from it, yes.
17	If we do it intentionally,
18	that's okay, we should be fined.
19	But by chance, if there's something
20	wrong, should not pay the fined.
21	Thank you.
22	CHAIRMAN YASSKY: Your name,
23	sir, was Mohammed Iqbal, I-Q-B-A-L,
24	yes?
25	MR. IQBAL: Yes.

1	Proceedings - April 18, 2013
2	CHAIRMAN YASSKY: Thank you,
3	sir.
4	Okay, Ahmed Hussen.
5	Mohammed Khan. Vincent Okyere.
6	Abdoulaye Ba. Theerng Sow or,
7	Thserng Sow, perhaps. Beresford
8	Simmons. Asim Akhtar.
9	Okay, your name sir?
10	MR. TAMBADOU: My name is
11	Foday Tambadou. David called my
12	name.
13	CHAIRMAN YASSKY: I did or
14	did not?
15	MR. TAMBADOU: Yeah, you
16	did. But when I sit down, this guy
17	was up.
18	CHAIRMAN YASSKY: All right.
19	Can you just spell it out so I can
20	find it here?
21	MR. TAMBADOU: Okay.
22	F-O-D-A-Y, T-A-M-B-A-D-U-O. Foday
23	Tambadou.
24	CHAIRMAN YASSKY: I remember
25	that name. Go ahead, I'll find it

1	Proceedings - April 18, 2013
2	here.
3	MR. TAMBADOU: David Yassky,
4	I have a problem with the work fare
5	for New York State. I was sick and
б	I had to take and this is my
7	wife took me to court for the child
8	support, and the first time, the
9	judge say, this guy doesn't have a
10	chance because he's sick. I spent
11	two years in hospital.
12	(Inaudible), and the judge said, he
13	cannot have child support because
14	he's sick. When you're okay, then
15	we give you child support. But
16	right now, no. Mr. Tambadou, go
17	home and take care of yourself for
18	three years.
19	After three years, it's
20	okay. After three years, then they
21	took me back to go to court again,
22	and the judge asked me I said
23	judge, this is simply happening to
24	me because I was driving seven days
25	a taxi. He said, how it happened?

1	Proceedings - April 18, 2013
2	I said, I eat in the night and I
3	went to sleep. Next morning, I
4	couldn't get up. (Inaudible.) I
5	went to hospital, they say maybe
б	problem with my heart or my kidney,
7	whatever. I had surgery. I had
8	four-hour surgery because of
9	driving a taxi. (Inaudible.)
10	The judge called me to the
11	court, and I went there and
12	explained to the judge, and I said,
13	this is my life. (Inaudible.) And
14	then I am sick, judge. I am
15	diabetic, (inaudible), and I cannot
16	work no more. Two days, three days
17	I work. I explain to the judge.
18	And the judge said to the lady, why
19	you still with your husband then
20	CHAIRMAN YASSKY: Sir, I
21	appreciate it, but we're
22	MR. TAMBADOU: Okay. The
23	problem is that TLC and (inaudible)
24	work fare and state is taking my
25	money from my garage. They told me

1	Proceedings - April 18, 2013
2	I'm back and my boss don't give me
3	no car. And I have four receipts,
4	and you can look at it.
5	CHAIRMAN YASSKY: I'm going
6	to ask you to give the receipts to
7	the inspector and we will take
8	them, but I'm going to ask that
9	your testimony be concluded now and
10	we hear from the next witness. I
11	very much appreciate your taking
12	the time to be here. Thank you.
13	MR. TAMBADOU: Okay. Help
14	me. I can work for four days, but
15	now they tell me, they have to give
16	me
17	CHAIRMAN YASSKY: Sir, sir,
18	I'm sorry. You're out of time for
19	your testimony. Please give your
20	material to the Inspector. Thank
21	you, sir.
22	Asim oh, my goodness,
23	Mr. Simmons.
24	MR. SIMMONS: How are you
25	doing?

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CHAIRMAN YASSKY: I'm going
great.
MR. SIMMONS: Good
afternoon, everybody. My name is
Beresford Simmons, and I'm a member
of the Taxi Workers Alliance, and
I'm going to be short and brief
because everything that everybody
says here today, you know, as a
senior driver in the industry, I
totally agree with most of them,
those that you could understand,
especially, Ms. Bhairavi Desai,
okay, because we are the ones who
bring the complaint to the Taxi
Workers Alliance. So she explained
everything to you.
So all I'm asking the
Commissioners to do is, basically,
before you make any decisions on
voting on these rules, please go
over them again because these
drivers are suffering very bad.
And we just got a raise, thank you

1	Proceedings - April 18, 2013
2	to you guys, thank you very much,
3	but you can't give it to us in one
4	hand and take it back. (Applause.)
5	Thank you very much.
6	CHAIRMAN YASSKY: Thank you,
7	Mr. Simmons.
8	Okay. Come forward, sir.
9	MR. K. KARIM: My name is
10	Karim, Kazi Karim. I believe my
11	name has been called on the list, I
12	think.
13	CHAIRMAN YASSKY: Mohammed
14	Karim?
15	MR. KARIM: "Kazi Karim."
16	CHAIRMAN YASSKY: Well, why
17	don't you go ahead. Kazi Karim, I
18	see it here.
19	MR. K. KARIM: Thank you
20	very much.
21	So, almost five months ago,
22	there was an accident involved,
23	just a side mirror broken, and
24	there is a (inaudible) and there is
25	a police report. (Inaudible) when

1	Proceedings - April 18, 2013
2	I handed the police report to my
3	garage, my garage has taken
4	signature in blank form. Then I
5	told them, why have you taken my
б	signature in blank form? They told
7	me, okay, if you take the time to
8	fill out this one, okay, you cannot
9	come to work then get the form.
10	(Inaudible.) The garage has taken
11	the signature in blank form, and
12	they have given me the form, they
13	have made the report.
14	CHAIRMAN YASSKY: Sir, you
15	know what? I'm thinking, have you
16	spoken to our complaint person
17	about this, about your case?
18	MR. K. KARIM: Yes.
19	CHAIRMAN YASSKY: Mr. Ross?
20	MR. K. KARIM: Yeah.
21	CHAIRMAN YASSKY: You have?
22	MR. K. KARIM: Yeah.
23	CHAIRMAN YASSKY: So he's
24	familiar with the details?
25	MR. K. KARIM: Yes.

1	Proceedings - April 18, 2013
2	CHAIRMAN YASSKY: Are you
3	sure? So, this is still an open
4	case with us?
5	MR. K. KARIM: Yes.
6	CHAIRMAN YASSKY: Okay,
7	thank you. Then, I guess, if you'd
8	like to conclude, but what I would
9	like is that we can, again, make
10	I can consult with our
11	investigations team and understand
12	the details of your case and make
13	sure it is handled. Okay?
14	MR. K. KARIM: Okay, thank
15	you.
16	CHAIRMAN YASSKY: Thank you,
17	sir.
18	So Asim Akhtar and Biju
19	Matthew are the last two people
20	signed here.
21	MR. RICHARDSON: I'm sorry,
22	my name is Ryan Richardson. I was
23	called, I think, before
24	CHAIRMAN YASSKY: You were,
25	I know.

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2	MR. RICHARDSON: when I
3	was downstairs and they weren't
4	letting us in.
5	So my name's Ryan
6	Richardson. I'm staff at the New
7	York Taxi Workers Alliance, and my
8	role there, one of the things that
9	I do is when folks come to us with
10	complaints about their garage or
11	broker overcharging, I handle
12	intakes with those and I work with
13	Mr. Ross on getting those
14	complaints moved forward.
15	I want to speak to today
16	about the retaliation penalty
17	because I know from talking to so
18	many drivers that there is a real
19	concern about the fear of
20	retaliation and about the fear of
21	losing people's incomes. You know,
22	it's not easy to get a new car, and
23	so when people are at very real
24	risk of being taken off their car,
25	having their medallion removed, all

1	Proceedings - April 18, 2013
2	these kinds of things that can
3	happen, that keeps people from
4	filing complaints.
5	And I think that the TLC has
6	taken some great steps towards
7	regulating both sides of the
8	industry. And I have some really
9	serious concerns about the proposal
10	to reduce the fine from \$10,000 to
11	\$1,000. I think that if the TLC is
12	serious about making sure that the
13	lease cap rules are enforced and
14	making sure that drivers are
15	actually willing to come forward
16	and file those complaints, that
17	retaliation, the fine or
18	retaliation and the enforcement of
19	that rule needs to be serious.
20	(Applause.)
21	MS. DeARCY: Can I ask you a
22	question?
23	MR. RICHARDSON: Yes.
24	MS. DeARCY: If you were to
25	interpret the rules such that the

1	Proceedings - April 18, 2013
2	way it's written, it's \$1,000 for
3	the as it's proposed, it's
4	\$1,000 for the first offense,
5	\$10,000 for the second offense.
6	If that rule were
7	interpreted such as the second
8	offense was not a second offense
9	for the same driver, but the second
10	offense by the owner, would that
11	change your view of having the
12	graduated penalty from 1,000 to
13	10,000 such that would that
14	address your concerns at all?
15	MR. RICHARDSON: It would
16	not because for the driver who's
17	filing that first complaint, right,
18	if there's not a strong penalty for
19	the garage, that driver will have
20	lost their job.
21	And I think I have some
22	questions about the wording of the
23	rule also. Is it a first penalty
24	for a particular medallion, is it a
25	first complaint by a particular

1	Proceedings - April 18, 2013
2	individual, is it an agent? I
3	think there's a lot of
4	MS. DeARCY: Right. I
5	agree, yes.
6	MR. RICHARDSON: stuff
7	that's not specified in there that
8	needs to be cleared up, but I don't
9	think that's a changing it to
10	\$1,000 for the first offense is
11	going to mean, that driver that
12	there will be no consequence for
13	the owners who retaliate against
14	drivers.
15	And I think, you know, I
16	think that the penalty should be
17	changed by a factor of 10, but I
18	personally would like to see it
19	changed by a factor of 10 in the
20	other direction that one of the
21	brothers here you know, maybe,
22	first offense, \$10,000, second
23	offense, \$100,000. (Applause.)
24	Because it's the only thing
25	that's going to keep these garages

1	Proceedings - April 18, 2013
2	and brokers from doing the
3	overcharges that they've been doing
4	consistently with the rules, with
5	the old rules, with the new rules.
6	This stuff has not changed.
7	There are still, many, many
8	overcharges going on, an epidemic
9	of overcharges. And real serious
10	enforcement is only going to be
11	possible if drivers are comfortable
12	and feel like they can come forward
13	and be protected. And I think
14	that's just, you know, a reality
15	(Applause.)
16	MS. DeARCY: Yes.
17	MR. OKYERE: Good afternoon.
18	My name is Vincent Okyere, and I've
19	been driving a cab since 2000. And
20	recently, (inaudible) car and
21	driving a yellow. And I had a
22	partner, who is no more working
23	there. I had summer vacation, and
24	I went out
25	CHAIRMAN YASSKY: Sir, I'm

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2	going to just interrupt for
3	logistical purposes.
4	Is there anyone here in the
5	room whose name's been I have
б	called everybody who signed up. Is
7	there anyone whose name I've called
8	so I understand kind of where we
9	are? Is there anyone whose name
10	I've called who's not yet spoken?
11	I've got one hand over there oh,
12	we have two hands over. Okay.
13	We will hear you and the
14	remaining two, and at that point we
15	will conclude the hearing.
16	Yes. Thank you, sir.
17	MR. OKYERE: So what
18	happened was that I was driving
19	this car with my partner, six days
20	a week, and I traveled, I went back
21	home to Guiana. That's my home.
22	And when I came back one afternoon,
23	they told me that and incident
24	happened with the windshield of
25	this vehicle. It wasn't something

Proceedings - April 18, 2013 1 2 that involved in an accident or collision with another car. And I 3 asked them, why, what happened? 4 And they told me that on the 16th 5 6 somebody reported to them that this 7 windshield has cracked. And honestly, I've been 8 9 driving this car and I never hit 10 anybody or anything that happens 11 with right in front of me. So I parked the car and the guy moved 12 13 the vehicle somewhere in January 14 because I left on the 28 of 15 January, and he told me that when he moved the car in the morning, he 16 17 saw like a little crack on 18 the windshield. Okay. (Inaudible.) Just tell them when 19 20 you come back. Okay. 21 And so I drove this car 22 continuous (inaudible) 28th of January and they didn't ask me 23 24 anything. As soon as a came back 25 in February, they said that I was

Proceedings - April 18, 2013 1 2 involved in an accident. So I was 3 wondering, what happened? And then they said, okay, finally, you're 4 going to pay for it. And I knew 5 6 that it didn't happen on my shift, 7 and so they ended up taking \$220 from me, as I'm speaking now. 8 We are left with \$19 to come out. 9 10 Unfortunately, (inaudible) giving 11 some permission to the Taxi Alliance that they should work it 12 13 out for me. 14 And so, my question is, 15 please don't pass this rule. Going to be heard, one thing most of us 16 17 have been saying, most of drivers, 18 they are afraid of coming forward, number 1. Most of the drivers have 19 20 been overcrowded with (inaudible), 21 and the cars that they have, the

drivers at that point make no
complaint or come forward and speak
up. The next time you want to get
in a cab and go out. That's one

1	Proceedings - April 18, 2013
2	side of it.
3	And secondly, I'm just
4	giving the suggestion that if it
5	can be possible TLC make a standard
б	rule that all the cabs be equipped
7	with cameras, because the drivers
8	(inaudible) once in a while.
9	Some of the passengers, you
10	are not allowed to lock their
11	doors, but then they get and decide
12	to get out without even paying.
13	That happened two weeks ago. The
14	lady get out of the car.
15	(Inaudible), I don't need a
16	receipt. And so no, no problem.
17	Swipe your card. You don't need a
18	I'll print it out or leave it
19	after this. She is not swiping and
20	the cab ended up calling the
21	police. And finally the lady came
22	back forced her to swipe the card.
23	(Inaudible.)
24	So if possible, they should
25	make a standard that all the cars

1	Proceedings - April 18, 2013
2	be equipped with cameras so if the
3	person goes out, fine the person
4	back. Thank you. (Applause.)
5	THE PEOPLE. That's right.
6	CHAIRMAN YASSKY: You, sir,
7	were Vincent Okyere, O-K-Y-E-R-E,
8	is that correct?
9	MR. OKYERE: Yes, sir.
10	CHAIRMAN YASSKY: Thank you,
11	sir.
12	Okay, please.
13	MR. AKHTAR: Hi,
14	Commissioner, my name is Asim
15	Akhtar. I've been driving a cab
16	for past eight years.
17	I just want to talk about
18	two points about the weekly lease.
19	We're on the receiving ends. It's
20	the garages who decide that they
21	want to give us a weekly car or
22	they want to give us on a daily
23	basis. I mean this is our
24	occupa you know, we don't have
25	the power to choose that, you know,

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2	if we want to be weekly driver or
3	if we want to be a daily based. So
4	I think that by creating this
5	loophole, you're (inaudible) the
6	weekly lease. So I think, everyone
7	will end up paying some shift.
8	My second point is that if
9	drivers overcharge a passenger by
10	\$10, our license gets revoked.
11	Your license is revoked. And on
12	the other hand, if a garage
13	retaliates against you, you're just
14	going to fine them \$1,000?
15	(Applause.) And if I file a
16	complaint against a garage, they
17	will set example out of me.
18	You know, people other
19	drivers who will see that there was
20	overcharges and this driver made a
21	complaint, what happened to him?
22	And it's not that there are
23	different garages who have
24	different set of rules. Every
25	single garage across the board has

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2	the same rule. The same. They
3	will charge you the same. It's not
4	that one garage will give you a
5	weekly, another garage will give
6	you a daily base, a lease is we
7	can't choose which is the good
8	garage, which is the bad garage.
9	They are the same across the board,
10	the same (inaudible.) (Applause.)
11	So the driver feels
12	pressured if they come and file a
13	complaint that, okay, they are
14	going to file a complaint, but if
15	they get fired, the other garages
16	will go and be the same.
17	So I mean, you know, please
18	vote "no." And the retaliation, I
19	really \$1,000 is really going to
20	discourage drivers to coming
21	forward. It should go up, it
22	should not come down. (Applause.)
23	CHAIRMAN YASSKY: I'm sorry,
24	sir, did you give your name? No,
25	could you

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2	MR. AKHTAR: Asim Akhtar.
3	CHAIRMAN YASSKY: A-S-I-M,
4	A-K-H-T-A-R?
5	MR. AKHTAR: Yes.
6	CHAIRMAN YASSKY: Thank you,
7	sir.
8	And your name, sir?
9	MR. MATHEW: Biju Mathew.
10	I'm one of the cofounders of the
11	Taxi Workers Alliance and a member
12	of the organizing committee. I've
13	been working in the industry for
14	over 17 years at this point.
15	All of these rule changes
16	that are proposed are fundamentally
17	connected to each other. One must
18	understand these rules as a
19	reaction to what was done with the
20	fare increase and the rules passed
21	then. This is an industry that is
22	coming back, a backlash against a
23	series of progressive steps that
24	this Commission took just a few
25	months less than a year ago.

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2	(Applause.)
3	If we don't place this
4	within that fundamental structure
5	that this is a backlash, we are not
6	doing justice. And the reason I'm
7	insisting in placing it within that
8	fundamental structure backlash is
9	simply because of the fact that
10	what happened with the last set of
11	rule changes is that, for the first
12	time, there was an attempt to
13	produce a balance. Not that the
14	balance has been finally produced,
15	but be moved in the right
16	direction. And already, we are
17	seeing the kind of pressure that's
18	coming back.
19	It's important for us,
20	therefore, to understand, look at
21	the whole set of rule changes
22	proposed and understand the links
23	between them. We the TLC says
24	it wants to promote steady drivers
25	that give excellent service to the

Proceedings - April 18, 2013 1 2 citizens of New York City and to 3 those who visit the city. Who didn't give excellent service? 4 Those were steady drivers, those 5 6 were career drivers. And a career 7 driver is encouraged by the weekly lease because that's the structure 8 9 by which she makes that little 10 penny that he can save and feed his 11 family. (Applause.) 12 THE PEOPLE: Yeah. 13 MR. MATHEW: What they're 14 attempting to do is take the weekly 15 lease away by this insistence on the -- by taking away the seventh 16 17 day which was the last of the rule 18 changes available to the driver. You should have all been 19 downstairs. All the drivers were 20 21 not allowed up here because of the 22 capacity problem. You should have heard the stories. I spoke -- just 23 24 finished speaking to a driver who 25 said that he's forced to take the

1	Proceedings - April 18, 2013
2	seventh shift right now under the
3	table. Right? He wants to
4	complain, but he's asking me the
5	question, will I be affected if I
6	complain? I tell him, no, it's a
7	\$10,000 fine if the garage
8	retaliates. He said, no, but it's
9	going to be 1,000.
10	So the structure is that
11	they are overcharging right now and
12	we have to understand that the
13	regular structure that the TLC
14	attempted to bring in last year has
15	still not done all of the job that
16	it's meant do. (Applause.)
17	And the conditions
18	(inaudible) from the owners for the
19	last how many last several
20	decades when we make one corrective
21	step, even before the corrective
22	step has the time to catch
23	traction, we can't rule back.
24	That's precisely what they're
25	trying to do here.

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2	So the lease overcharging
3	that's going on right now rampantly
4	is connected to the fact of the
5	fine that will be levied on a
6	garage if there's overchar if
7	there's retaliation. These two
8	cannot be pulled apart.
9	And finally, if those two
10	don't work as the third window that
11	they're trying to open up through
12	this whole idea that a driver must
13	pay for the repair, where does it
14	come in? I don't own the
15	equipment. How would I pay why
16	should I be the person paying for
17	something that I don't own
18	especially when the garages are all
19	self-insured. Right?
20	I mean, we have to
21	understand, this as a fundamental
22	attempt to destroy what the TLC did
23	last year. And unless we
24	understand the (inaudible), we will
25	never make it right. Thank you.

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2	(Applause.)
3	CHAIRMAN YASSKY: Thank you.
4	I want to just thank, first
5	of all, thank the Commissioners for
6	your, as always, very diligent
7	work. I want to thank all of the
8	folks from the Taxi Workers
9	Alliance and from the industry and
10	the public, if they are here, who
11	are not just in this room, but in
12	the overflow room, and the folks
13	who were downstairs and were not
14	able to fit in to either this room
15	or the overflow room.
16	I know for a taxi driver who
17	does not earn a great deal of money
18	to begin with, time is money.
19	(Applause.)
20	THE PEOPLE: That's right.
21	CHAIRMAN YASSKY: And if
22	you're working six 12-hour shifts
23	already, then you don't have a
24	great deal of time to spare to come
25	and participate in a hearing like

1	Proceedings - April 18, 2013
2	this. I just want to give you a
3	word of appreciation and gratitude
4	that you took your time to help us
5	do our work here today.
6	So thank you. This hearing
7	is adjourned.
8	(Applause.)
9	(At 12:39 p.m. the hearing
10	concludes.)
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1 2 CERTIFICATION 3 STATE OF NEW YORK) 4) ss.: COUNTY OF NEW YORK) 5 6 I, MARGARET CRANE, a 7 Notary Public within and for the State of New York, do hereby 8 9 certify: 10 I reported the proceedings 11 in the within-entitled matter, and 12 that the within transcript is a true record of such proceedings. 13 14 I further certify that I am 15 not related to any of the parties to this action by blood or marriage 16 17 and that I am in no way interested in the outcome of this matter. 18 19 IN WITNESS WHEREOF, I have hereunto set my hand this 21st day 20 21 of April, 2013. 22 MARGARET CRANE 23 24 25

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