

TRANSCRIPT OF THE
NEW YORK CITY
TAXI & LIMOUSINE COMMISSION

Thursday, June 19, 2014
33 BEAVER STREET
COMMISSION HEARING ROOM, 19TH FLOOR
BOROUGH OF MANHATTAN

STENO-KATH REPORTING SERVICES, LTD.
139 Mamaroneck Avenue
Mamaroneck, New York 10543
(212)95-DEPOS (953-3767)*(914)381-2061
Fax: 914)381-2064
Email: stenokat@verizon.net

Taxi and Limousine Commission Meeting
June 19, 2014

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HEARING CONVENED AT 9:40 A.M.

COMMISSIONERS PRESENT:

- Meera Joshi, The Chair
- Elias Arout
- Frank Carone
- Edward Gonzales
- Nora Constance Marino (present for general meeting)
- Iris Weinshall

ALSO PRESENT:

- Chris Wilson, Assistant General Counsel
- Christopher Tormey, Director of Applicant Licensing
- Jo Rausen, Director of Technology Programs
- Staff
- The Public
- The Press

Reported by:
Kari L. Reed

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June 19, 2014

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2 THE CHAIR: It's now 9:40, almost
3 9:40, and we're going to open our public
4 meeting. And the first item on the agenda is
5 a motion to move into executive session. All
6 in favor?

7 (Chorus of ayes)

8 THE CHAIR: Aye. So with that,
9 we'll move into executive session to review
10 an appeal from a discretionary revocation
11 licensee, Mohamed Diallo.

12 (Whereupon, an executive session
13 was begun at 9:40 a.m.)

14 (Recess taken)

15 (Whereupon, the Commissioners
16 returned from executive session and the
17 following proceedings commenced at 9:55 a.m.)

18 THE CHAIR: Good morning. It's
19 now 9:55 and we are going to continue with
20 our public session.

21 In the executive session the
22 Commission reviewed a discretionary -- or an
23 appeal from a discretionary revocation, and
24 it was the unanimous decision of the
25 Commission to reinstate the OATH Judge's

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recommendation, which is for licensee Mohamed Diallo to reinstate a 45 day suspension and \$1,500 fine. And, in addition, the Commission has ordered that the licensee attend a six month anger management program. Previously the agency had modified the OATH's Judge's recommendation and revoked Mr. Diallo's license. So his license will now be reinstated, but he'll have a 45 day suspension.

Next we'll move to the chairs' reports, and I'm just going to give you a few updates from last month.

We have in the upcoming weeks a few information fairs on the Green Taxi program. It's for passengers as well as for potential purchasers. There's one in Queens, June 23rd; Manhattan, June 25th; Brooklyn, June 26th; Staten Island, June 30th, and the Bronx, July 7th. And we have some fliers, we can put them in the back, as well as the information is posted on our Web site.

In the past couple weeks we did -- we were -- participated in a hearing at City

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Council on the Green Taxi program, and we also submitted to the state a disabled accessibility plan, outlining the agency's goals to create a more accessible fleet, yellow, green and livery, throughout New York City. And that plan is now with the state, and they will consider it for 60 days, and we should hear back from them by the end -- by mid August.

On enforcement. Year-to-date we've issued 913 street hail livery summonses against drivers or owners, and that is for street hail livery vehicles that are in the exclusionary zone picking up hail customers. And on seizures, which is illegal car service by wholly unlicensed vehicles, calendar year-to-date we've done 3,800 seizures.

Vision Zero. We've continued to attend town halls. And in the last month we attended one on May 22nd in the Bronx and June 3rd in Rockaway. And we have some upcoming in the Bronx, June 24 -- I'm sorry, June 24th in Queens, and in the Bronx tonight there will be one at Parkchester Library.

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2 Also in the last week four pieces
3 of legislation were passed by City Council
4 that give the TLC additional tools to
5 penalize drivers who are reckless and unsafe.
6 All of them relate to drivers that are
7 involved in serious crashes that involve
8 critical injury, three of them do, and one of
9 them requires the TLC to provide additional
10 information on its Web site and to the public
11 on crash data involving TLC licensed
12 vehicles. Those have been passed by City
13 Council. There was a hearing held a week ago
14 at City Hall, and the mayor is expected to
15 sign them in the upcoming weeks.

16 And today we have on our agenda
17 another important TLC Vision Zero initiative,
18 and that is a proposed -- before the
19 Commission is a proposed pilot to test
20 vehicle safety technology, that will really
21 allow us to find out how this technology
22 works in the for-hire industry. And there's
23 really three categories of technology. Black
24 boxes, which record data and, most
25 importantly, how a vehicle -- vehicle data

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prior to a crash. Alerting technology, which tells the driver when they are going above a certain speed limit. And speed governing technology, which actually stops the car from going above certain speed limits. So we are going to hear a presentation on that before the Commission votes on the proposed pilot.

We also have two rules packages up for hearing and vote. One of them is on a lifetime exception to our education rule, our taxi school, and the other one is really a technical amendment to our rules to memorialize a practice in insurance requirements by putting it into a rule, and that simply is to put the vehicle identification numbers of covered vehicles on the dec page of an umbrella policy.

So with that we are going to move to adoption of the minutes. All in favor of adopting the minutes from the May 15th, 2014 Commission meeting?

(Chorus of ayes)

THE CHAIR: Aye. So with that, the minutes are unanimously adopted. And now

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we'll hear about base applications.

Good morning.

MR. TORMEY: Good morning. My name is Christopher -- good morning. My name is Chris Tormey. I'm the Director of Applicant Licensing with the Taxi and Limousine Commission. The following bases are being recommended for approval this month in your package, with three for denial.

THE CHAIR: So all in favor of accepting the approvals and denials?

COMM. MARINO: Can you just tell us why the denials?

MR. TORMEY: They didn't meet their outstanding requirements in time. Some had less than ten vehicles, different rules infractions, so they didn't meet the requirements.

COMM. MARINO: But they can reapply if they want?

MR. TORMEY: They can.

Any other questions?

THE CHAIR: Okay. All in favor of the approvals and denials?

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(Chorus of ayes)

THE CHAIR: Aye. So those are
unanimously approved and denied. Thank you.

MR. TORMEY: Thank you.

THE CHAIR: If Jo Rausen is
available, I'd like to move straight to our
black box pilot resolution.

Since we have a minute while she
enters the room, I'm going to let Chris
Wilson just give a summary of what the actual
resolution is before the pilot present --
before the presentation of the pilot.

MR. WILSON: The resolution will
do -- will authorize the pilot for a one year
period. Participants will have to enter into
an MOU with the MO -- with the TLC regarding
their participation in the pilot.

Participants will be required to submit
security and privacy plans as part of their
pilot proposal. Any participant with the
technology capturing passenger images or
video will be required to post warnings to
passengers. Participants must also submit
cost information and describe how the

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technology proposed will increase passenger and public safety. There should be no cost to drivers from the proposal. Participants will be required to report to the Commission regularly with data summarizing speed and speeding events, braking and hard braking events, acceleration and hard acceleration, collision events, algorithmic scoring, and a summary of all complaints related to the pilot program received from drivers, owners and passengers.

The Commission itself will prepare a report within four months of the conclusion of the program, summarizing the program and making conclusions and recommended rule making or not.

Participating vehicles will be exempt from certain TLC rules, including those eliminating additional equipment. Drivers participating with vehicles will be exempt from some restrictions on the use of electronic communications devices, but only insofar as these relate to the technology being piloted. And data obtained during the

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pilot will not be used for TLC enforcement,
although the data maybe reviewed in the event
of a serious crash that captures data
regarding that crash.

The final resolution was -- for
action was posted in the Commission's Web
site and transmitted to the Commissioners as
required by Local Law on June 16th.

THE CHAIR: Okay. And Jo's here
right now, good timing.

MS. RAUSEN: Is there a clicker?
Good morning. My name is Jo Rausen. I'm the
Director of Technology Programs here at the
TLC. This morning I'll be briefing you on
the vehicle safety technology pilot program
resolution that's before you today.

This pilot program would allow all
of the industries that we regulate to put
various vehicle safety technologies into
service, and would enable the TLC to evaluate
the effectiveness of these technologies at
reducing crashes and dangerous driving
behaviors.

This pilot program is one of the

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many TLC initiatives outlined in Mayor de Blasio's Vision Zero action plan. Vision Zero is a wide reaching program to eliminate traffic fatalities in New York City that calls for street redesigns led by the Department of Transportation, public education campaigns, stepped up NYPD enforcement against the most dangerous driving behaviors, and increased vigilance on the part of all drivers, pedestrians and cyclists, to ensure that lives are not lost or forever altered due to preventable traffic crashes. Vehicle technologies like the ones proposed in the pilot present an excellent opportunity to improve the safety of TLC regulated industries by changing the everyday environment that drivers experience, and providing them with the tools to become even safer drivers.

While most TLC drivers are safe drivers already, they drive so many miles each year, and are such a big part of the City's traffic flow, that any improvements to their driving habits could help change the

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tone of driving in New York City. By testing these technologies on a pilot basis, we will have the opportunity to obtain data to measure the impact that these technologies have on safety. We will also have the opportunity to gain feedback on them from the industry and from the public, and identify any implementation issues in a real world, for-hire application in New York City.

Based on the types of companies that responded to two safety technology requests for information that TLC released earlier this year, we expect pilot technologies to fall into three main categories. Black boxes record vehicle data and can identify events such as speeding and hard braking, which can indicate aggressive driving. These devices can be useful for analyzing the events that surrounded a crash, and have been found to cause drivers to be more cautious just by knowing that they're installed. They can also be used as a tool to provide drivers with feedback about their driving.

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Many commercial fleets such as FedEx and UPS use recording devices to promote safety. Some insurance companies, like Progressive, allow companies to use these devices to demonstrate their driving behavior and qualify for discounts. City vehicles, including TLC's own service vehicles, are also getting these types of data recorders installed as a part of Vision Zero. And TLC volunteered to be the first agency to get them installed in our fleet. In addition, some TLC regulated FHV fleets have begun to install black boxes in their cars already.

Driver alert systems take black box data recorders a step further and alert drivers when they're speeding or when there is something in their path. This live feedback can help drivers drive more safely, and over time drivers tend to get fewer alerts because they've positively modified their behaviors in response to the alerts. These types of systems are already in use in Dubai taxis, warning drivers when they exceed

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a certain speed limit for 60 seconds.

Speed governors are devices that actually limit the speed that the vehicle can travel. They can be relatively simple and cap a vehicle's speed at a set speed limit, such as 55 miles per hour, or they can limit speeds at different levels in different geographic areas based on geofencing. Speed governors are already required in all commercial vehicles over 3.5 tons, and coaches with more than nine seats in the European Union.

Some of these technologies integrate with cameras that may face outwards towards the front of the vehicle, backwards towards the back of the vehicle, or inwards towards the driver. These are already in use in some New York City FHV's, and assist with determining the circumstances surrounding a crash and expediting insurance proceedings.

This footage can also be helpful in identifying the offenders when drivers are victims of crimes, and has been used to exonerate drivers who have been falsely

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accused of wrong doing. In Russia and South Korea, these types of things are extremely common.

Vision Zero applies to all New Yorkers and all TLC regulated vehicles. So technology companies that apply to participate may partner with owners of FHV's, yellow taxis, borough taxis, commuter vans, fleets, bases, or individual driver/owners. They official pilot program participants will be the technology companies. TLC will evaluate their proposals and, if approved, they will enter into a memorandum of understanding with the TLC, further detailing the provisions in the resolution before you today.

Approved participating technology companies will identify owners of TLC regulated vehicles or businesses who wish to pilot their technologies. And these parties will agree on who will bear the cost of the pilot program, if any.

In any case where data are (sic) being collected, measures to protect privacy

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are very important. The pilot resolution contains various privacy protections. First, privacy policies and protections will be one of the criteria on which the TLC will evaluate all proposals. Technologies that do not adequately protect driver and passenger privacy, such as unauthorized access, will not be approved.

Second, both vehicle owners and drivers must consent to participate. This is an optional pilot.

Third, for technologies involving cameras, TLC will require stickers in the vehicles notifying passengers that the cameras are present.

Fourth, TLC will not use pilot data for enforcement. The point of this pilot is for the TLC and the industry to learn. So it's important that pioneering drivers are not penalized.

Finally, for technologies involving cameras, TLC will not review video except in the evaluation of circumstances surrounding serious crashes. Most video,

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2 therefore, will not be reviewed.

3 In preparing for this program, the
4 TLC benefited from several conversations with
5 the New York Civil Liberties Union, whose
6 input helped shape the privacy provisions in
7 the resolution before you today.

8 We believe that the TLC will learn
9 a great deal from this pilot. Our primary
10 vehicle sources will be crash records derived
11 from DMV accident reports, data collected by
12 the safety technologies, and feedback from
13 technology companies and TLC licensees that
14 participate in the pilot. The goal of the
15 pilot is to determine whether these
16 technologies reduce the incidence of serious
17 crashes. Therefore, a key indicator of the
18 success of the technology will be whether the
19 crash rates differ between drivers with and
20 without safety technologies, and drivers with
21 different types of safety technology. Our
22 research and evaluation division will look at
23 things such as pilot program drivers as
24 compared to non-pilot program drivers, and
25 pilot program drivers as compared to their

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2 own past records, looking for evidence of
3 improvement over time.

4 In addition to crash rates, we'll
5 examine whether there is evidence that
6 technologies are reducing the incidence of
7 dangerous behaviors commonly associated with
8 crashes. For example, we can look to see if
9 drivers with a speeding alert system speed
10 less frequently over time. We can compare
11 the effectiveness of different types of
12 technologies by looking at whether drivers
13 with one technology reduce their speeding or
14 hard braking more over time as compared to
15 other groups.

16 We will also examine what types of
17 behaviors are most highly correlated with
18 crashes. For example, if we find that
19 drivers who were speeding are more likely to
20 get into serious crashes, but we find that
21 hard braking is not highly associated with
22 crashes amongst our regulated vehicles, it
23 will help us prioritize what types of
24 technologies and policies would be more
25 helpful in the future.

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2 Although safety is the primary
3 motivation behind testing these technologies,
4 we also want to understand the other values
5 that they bring to drivers and owners. For
6 example, some of these technologies help
7 drivers improve fuel efficiency, or can
8 remotely provide vehicle owners with
9 maintenance alerts, such as an activation of
10 a check engine alert.

11 Safety technologies can also
12 sometimes help drivers get lower insurance
13 rates. One industry player told us that he
14 appreciates getting an alert when one of his
15 drivers gets in a crash. He can reach out to
16 the driver to see if he needs help, and take
17 other steps necessary after the crash.

18 Finally, we'll also be learning
19 what challenges exist with these
20 technologies, and whether they are a good fit
21 for all TLC regulated industries or -- as
22 they are -- or with some modification.

23 Going forward, we envision the
24 next following steps. First, you will have
25 the opportunity to vote on the resolution

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2 today. If it passes, the TLC will publish a
3 template MOU outlining further details for
4 companies interested in participating. At
5 that time TLC will be then accepting
6 proposals from technology companies. TLC
7 will evaluate the proposals on a rolling
8 basis. The pilot will officially launch when
9 the first approved technology goes into
10 service. Additional companies may join the
11 program while it's in progress. The pilot
12 will end a year after the first technology
13 goes into service. We will report our
14 findings to you every four months and at the
15 conclusion of the pilot. We hope that this
16 program will help identify which technologies
17 are most effective at preventing crashes and
18 saving lives, and look forward to working
19 with the technology companies, the industry,
20 and with you to learn more about their
21 effectiveness in New York City's for-hire
22 industries.

23 Thank you very much for
24 considering this pilot program resolution,
25 and I'm happy to answer any questions you may

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2 have at this time.

3 COMM. WEINSHALL: I have a
4 question. How many vehicles do you plan on
5 putting these black boxes in?

6 MS. RAUSEN: We're going to leave
7 that up to the partnerships that the
8 technology companies can make with industry
9 partners. So however many, you know,
10 volunteers want to actually participate with
11 them are welcome to participate in the pilot.

12 COMM. WEINSHALL: But you hope
13 that there will be a big enough group so that
14 you --

15 MS. RAUSEN: Correct.

16 COMM. WEINSHALL: -- will be able
17 to get a good data --

18 MS. RAUSEN: Correct.

19 COMM. WEINSHALL: -- that will
20 come in.

21 MS. RAUSEN: Any data is good
22 data, but yes, obviously the more data that
23 we can collect, the more conclusions that we
24 can draw.

25 COMM. WEINSHALL: And you're going

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2 to try and put these in an array of cars, not
3 just one --

4 MS. RAUSEN: Correct. Correct.

5 COMM. WEINSHALL: -- vehicle,
6 you're going to try and get -- make sure
7 they're in all different vehicles?

8 MS. RAUSEN: Yes. We would love
9 to see them in all of the different types of
10 vehicles, because they all have different
11 patterns and rules and things that they
12 follow, so we would love to see that.

13 COMM. WEINSHALL: And would the
14 company be responsible for installing the
15 black box and then taking it out and doing
16 any repairs that are necessary?

17 MS. RAUSEN: Yes, that's correct.

18 COMM. WEINSHALL: Thank you.

19 MS. RAUSEN: No problem.

20 COMM. GONZALES: Okay, I have a
21 question. Can you elaborate a little bit on
22 what the participant's selection criteria
23 will be, like how we are going to decide
24 on --

25 MS. RAUSEN: Sure. Sure. So we

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2 are going to -- we're going to have them
3 submit a proposal that basically speaks to
4 how does their technology meet the goals of
5 Vision Zero and safety. So it will describe
6 what the technology does and what the safety
7 goals are. They will have to produce a
8 privacy plan that will talk about specific
9 risks related to their technology in vehicles
10 and how they're mitigated, as well as a
11 security plan that talks about how they're
12 going to safeguard the data and make sure
13 there's not unauthorized access. And then
14 we'll do some testing of our own. We'll
15 actually take a look at it in vehicles,
16 similar to what we do with all of our
17 technology programs with the EL pilot, and
18 even with T-PEP and L-PEP we do testing and
19 we take a look and see how they work and make
20 sure that they're not interfering with any of
21 the other operations of the vehicles, like
22 the T-PEP if it's in a yellow taxi or the
23 roof light or any other equipment that's
24 required to be in the vehicles. So we'll be
25 reviewing both, you know, proposals as to how

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it's going to work, as well as doing our own testing of the solutions.

COMM. GONZALES: Okay. Thank you.

MS. RAUSEN: Any other questions?

MR. WILSON: Are there any other questions from the Commissioners?

(No response)

MR. WILSON: Are we ready to vote? Okay. Do you want me to do a roll call? Okay.

Commissioner Carone?

COMM. CARONE: Yes.

MR. WILSON: Commissioner Arout?

COMM. AROUT: Yes.

MR. WILSON: Commissioner Joshi?

THE CHAIR: Yes.

MR. WILSON: Commissioner Weinshall?

COMM. WEINSHALL: Yes.

MR. WILSON: Commissioner Gonzales?

COMM. GONZALES: Yes.

MR. WILSON: Commissioner Marino?

COMM. MARINO: Yes.

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2 MR. WILSON: Thank you.

3 THE CHAIR: The resolution is
4 adopted with a unanimous vote.

5 Next --

6 COMM. WEINSHALL: Can I, I'm
7 sorry, I should have asked you this when you
8 gave your report, and I was remiss, I was on
9 my iPhone. So I have noticed, because I
10 travel around the city a lot for my job, that
11 there are a number of taxi garages that have
12 many new Taxi of Tomorrows in their
13 facilities. And some of them look as though
14 they are hacking them up, they are getting
15 them ready.

16 COMM. MARINO: Iris, is your mike
17 on?

18 COMM. WEINSHALL: Yeah, it is on.
19 But they are getting them ready to go on the
20 street and I've seen some on the street. Can
21 you sort of give us a update as to --

22 THE CHAIR: Sure.

23 COMM. WEINSHALL: -- the numbers
24 and fleets voluntarily buying these cabs and
25 what's going on?

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2 THE CHAIR: Sure. The Taxi of
3 Tomorrow, the NV200 taxi, is an authorized
4 taxi model, so anyone who purchases one can
5 hack it up and put it into service. So the
6 ones that you see in service are done on a
7 voluntary basis. People have chosen that
8 vehicle among 16 other models that they could
9 have chosen. They chose to buy the Taxi of
10 Tomorrow. To date we have 238 Taxi of
11 Tomorrows in service. And they are probably
12 about at sort of an increasing rate, but even
13 this week I think there were about nine or
14 ten a day were coming in to be hacked up.

15 COMM. WEINSHALL: Okay. Thank
16 you.

17 THE CHAIR: Next on the agenda is
18 a rule package amending certain requirements
19 for insurance paperwork that is submitted to
20 licensing prior to getting your TLC license.
21 We have a hearing first on the rule and then
22 we can, if the Commission is ready, move to a
23 vote. So first on our speaker list is Joseph
24 Gatti, BCC Group.

25 MR. WILSON: Perhaps before

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Mr. Gatti begins I'll just give a quick summary of the rule for the benefit of the Commissioners and the audience. The rule is intended to aid Commission staff in reviewing insurance policies provided as proof of insurance by licensees. Notably, the rule doesn't change current TLC standards for amounts of liability to be provided. Currently \$100,000 per occurrence and \$300,000 per occurrence for bodily injury and death for taxis in most for-hire vehicles, with higher limits for larger for-hire vehicles. In developing the rules, the TLC consulted with insurers and brokers, and we believe that most will have no difficulty in complying with the standards. In fact, several of the insurers told us that in fact they will have no difficulty in complying with the standards.

Specifically under the rules, the declaration page for an insurance policy submitted must include: The level of insurance provided for personal injury protection; the level of insurance provided

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2 for bodily injury and death; the name of the
3 registered vehicle owner, who must be the
4 licensee as the named insured; policy dates
5 identical to those in the certificate of
6 insurance; a policy number identical to that
7 on the certificate of insurance; and, if the
8 registered vehicle owner is submitting a
9 policy for more than one vehicle and a
10 schedule of the vehicle identification
11 numbers is provided, it will be accepted only
12 if the name of the insured -- if the named
13 insured is the same on both the certificate
14 and the declaration page. In addition, the
15 rules provide that the schedule of vehicles
16 must tie each vehicle by VIN number to the
17 type of insurance provided, the insurer must
18 be authorized to provide coverage in New York
19 state, and no report forms will be
20 authorized.

21 Finally, for black cars, luxury
22 limousines and certain larger livery
23 vehicles, base umbrella policies will not be
24 accepted as proof of additional coverage in
25 excess of TLC's regular limits, unless the

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2 base actually owns those vehicles.

3 The rules were published in the
4 City Record on May 14, 2014, and comments
5 were due June 13th, 2014. Two comments were
6 received, which were forwarded to the
7 Commission. No changes have been proposed to
8 the rule as originally published. The final
9 rule for action was posted on the
10 Commission's Web site and transmitted to
11 Commissioners as required by Local Law on
12 June 16th.

13 COMM. MARINO: I have a question
14 before you continue. You said that the
15 limits right now are one hundred, three
16 hundred, the limits right now are one
17 hundred, three hundred for regular cars and
18 you said they're greater for larger cars.
19 Can you be more specific?

20 MR. WILSON: Sure. Our for-hire
21 vehicle rules provide that -- so those are
22 the limits for taxis and most for-hire
23 vehicles. And then --

24 COMM. MARINO: I think it's the
25 larger vehicles, the limos, what's the limit

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2 on that?

3 MR. WILSON: Correct. Let me give
4 you those, I've just got to find them.

5 So for for-hire vehicles with a
6 seating capacity of nine to 15 passengers,
7 it's a minimum liability for bodily injury
8 and death of one million five hundred
9 thousand. And then for luxury limousines --

10 COMM. MARINO: Hold on, a single
11 limit, one point five?

12 MR. WILSON: A single limit of one
13 point five.

14 COMM. MARINO: Okay.

15 MR. WILSON: And then for luxury
16 limousines with a seating capacity of less
17 than nine, it's a single limit of one point
18 five million.

19 COMM. MARINO: So they're both one
20 point five million?

21 MR. WILSON: Excuse me?

22 COMM. MARINO: So they're both one
23 point five million?

24 MR. WILSON: Yes. Oh, excuse me,
25 no, no. For one to eight it's five hundred

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2 per person and a \$1,000,000 per occurrence
3 for the luxury limousines.

4 COMM. MARINO: I'm sorry, five
5 hundred what?

6 MR. WILSON: Five hundred per
7 person and \$1,000,000 per occurrence on
8 limousines for one to eight passengers.

9 COMM. MARINO: So five hundred/one
10 million for one to eight, and one point five
11 single limit for nine plus, and one
12 hundred/three hundred for everything else;
13 correct?

14 MR. WILSON: And then -- yes. And
15 then for luxury limousines which seat 16 to
16 20 passengers, it's a single limit of five
17 million.

18 COMM. MARINO: All right. I have
19 questions, but perhaps we'll listen first.

20 MR. GATTI: And I have copies of
21 this if you want, anybody wanted them.

22 MR. WILSON: Yes.

23 THE CHAIR: You can give it to the
24 inspector there.

25 MR. GATTI: Good morning,

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2 Commissioners. My name is Joseph Gatti, and
3 I'm the Executive Vice President and Chief
4 Operating Officer of the BCC Group, which is
5 an insurance brokerage firm, consulting and
6 underwriting, here in the city. I have
7 almost 30 years --

8 THE CHAIR: Do you mind just
9 speaking a little louder?

10 MR. GATTI: I'm sorry.

11 THE CHAIR: Thank you.

12 MR. GATTI: I have almost 30 years
13 of experience in the insurance industry. And
14 I have worked for companies, local companies,
15 such as AIG, AI and Willis. My resume is
16 attached for your reference. And I'm here to
17 testify against the proposed changes in the
18 TLC's rules regarding insurance requirements,
19 which would, among other things, prohibit the
20 use of excess insurance to meet the TLC
21 insurance requirements, as you just stated.

22 Using excess insurance provides
23 TLC licensed businesses and drivers an
24 affordable way to meet TLC requirements,
25 while providing adequate protection for the

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2 public. Excess auto liability is a
3 statutorily approved form of insurance by the
4 New York State Department of Financial
5 Services. And until about 18 months it was
6 also --

7 COMM. MARINO: Louder, slower.

8 MR. GATTI: The excess liability
9 is statutorily approved by the insurance --
10 New York State Department of Financial
11 Services, and until about 18 months ago it
12 was also accepted by the TLC. Excess auto
13 liability insurance is accepted by
14 regulatorily (sic) authorities for taxi and
15 for-hire across the United States and in New
16 York state.

17 Our policies specifically
18 identifies the vehicle and the driver, and
19 provides 24/7 coverage to the vehicle. Our
20 declaration page clearly states the level of
21 insurance provided for bodily injury and/or
22 death. The insurance carrier has been
23 authorized by the state and federal
24 government to write excess auto liability in
25 New York state. Each individual vehicle is

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issued their own policy with one policy number which matches the insured on the dec page and the certificates of insurance that are issued. Our declaration page clearly states the effective date of coverage.

There is an important aspect that has not been addressed. Our policy and our insurance company is an A rated carrier, and our reinsurer is an A plus fifteen, excellent, with five billion in assets, to cover claims. Our primary carriers are NR, and they don't have the size, reserves, experience and support as the well-established carriers in our program. In addition, the primary carriers do not have enough capacity or surplus to meet the demands of the new rules mandating the higher limits. Therefore, our excess program would provide a lower cost option, with full coverage for the increased demand.

We are also approved by our insurance carriers to write higher limits for medallion owners. It is voluntary. Some have decided to purchase that to cover

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2 catastrophic losses.

3 Many of the TLC licensed entities
4 are small businesses that are the foundation
5 of this great city. By prohibiting the use
6 of excess insurance to meet TLC's insurance
7 requirements, you will deprive many of these
8 small businesses of the lower cost option and
9 reduce competition. This rule may have the
10 unintended consequences of driving home --
11 driving TLC regulated business and
12 individuals from seeking TLC licensing
13 because they cannot meet their insurance
14 requirements. We will also surely reduce the
15 choices that TLC drivers have, and
16 businesses, and raise insurance policies
17 because of the lack of competition. I
18 respectfully ask that you not approve this
19 rule change prohibiting the use of excess
20 insurance.

21 THE CHAIR: Thank you.

22 Next, Sergio Sanchez, Luxury Base
23 Operators Association.

24 MR. SANCHEZ: Good morning. My
25 name is Sergio Sanchez. I'm the President of

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the Luxury Base Operators Association, a trade association for luxury limousine bases. LBOA represents over 3,200 drivers in the luxury limousine industry. I am a third generation yellow cab driver. And I have been in the for-hire industry myself for over 27 years.

The TLC rules governing insurance requirements for the different segments of the industry are antiquated and do not reflect how luxury limousine bases operate today. Limousine bases used to operate the larger stretch limousines, but the days of those larger limousines has passed. Today, luxury bases operate approximately over 3,000 vehicles. Of the 3,000 vehicles, 2,500 of them are sedans and SUVs, the exact same vehicles operated by black car bases. Yet, insurance requirements for limousine vehicles with a capacity of one to eight passengers is \$500,000 per person and \$1,000,000 per occurrence, versus the \$100,000 per person and \$300,000 per occurrence for black car vehicles. As discussed, the luxury vehicle,

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2 the limousine vehicles, are the same as the
3 black car vehicles.

4 THE CHAIR: I just want to clarify
5 for the record.

6 MR. SANCHEZ: Yeah.

7 THE CHAIR: Today the rule that's
8 before -- the amendment to the rule --

9 MR. SANCHEZ: Yes.

10 THE CHAIR: -- that's before the
11 Commission --

12 MR. SANCHEZ: I'm getting there.

13 THE CHAIR: Yeah, it doesn't
14 change at all the minimum requirements or
15 address minimum insurance requirements.

16 MR. SANCHEZ: No, I understand
17 that. I'm just making the analogy that it's
18 the same business model.

19 THE CHAIR: Okay.

20 MR. SANCHEZ: So why the
21 difference in insurance.

22 THE CHAIR: That may be another
23 rule another day, but it's not today's rule.

24 MR. SANCHEZ: Good enough. Good
25 enough.

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THE CHAIR: Thank you.

MR. SANCHEZ: I'll move on.

I'm not testifying that the limousine bases should not put -- not be put in the same category of black cars. There are reasons to keep these two categories separate. The proposed rule change eliminate excess insurance, as discussed. Because of the higher insurance, our drivers pay approximately \$5,400 per year for insurance, versus 44 for black cars. Drivers pay the insurance premiums, and paying an extra \$1,000 per year at \$100 is significant, \$100 a month is significant. The practical effect of the different insurance premiums is that drivers for limousine bases are choosing to leave portions of the industry and move their segment with lower insurance requirements. Limousine bases used to be able to work with drivers to obtain insurance to meet TLC requirement at a lower cost with the excess insurance, but can no longer do that if the rule goes through. Limousine bases are in an extreme disadvantage competing with qualified

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drivers because of the insurance disparity.

Excess insurance provides a way for many drivers to meet the insurance requirements at a lower cost. Eliminating the use of excess insurance would further compound the higher cost of insurance facing luxury drivers by eliminating a viable lower cost option. I urge you to please reject the changes to the insurance requirements and to review current insurance requirements for luxury bases, which do not make any sense today.

Thank you for your time, and I'm available for any questions. Anybody?

MR. WILSON: Thank you.

The next speaker is Bill Gorton from Ben's Limousines.

MR. GORTON: Good morning, Commissioners. My name is Bill Gorton, and I am the chauffeur manager for Ben's Limousine, which is a licensed luxury base with the Taxi and Limousine Commission. I have over 30 years of experience in working in the business. I am here to provide comments

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against the proposed rule change, which
would, among other things, prohibit the use
of excess insurance for drivers and others to
meet the TLC's insurance requirements.

Although I am here to comment on
the rule prohibiting the use of excess
insurance, I first would like to just simply
explain the background of the industry. As
my colleague mentioned, many years ago
limousines were the large vehicles that we
know as limousines. But the bases today
don't operate that way. They use SUVs and
sedans as their prime vehicle. One major
difference between limousine bases and black
car bases is the limousine vehicle does not
require the base standard markings. This is
a significant appeal to our clients, being
unmarked.

However, despite using the same
vehicles, drivers affiliated with luxury
bases must have higher insurance requirements
than their fellow drivers who affiliate with
black car bases. Drivers for limousine bases
pay \$1,200 to \$1,500 a year more for

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insurance than those who work with black car bases. This is fundamentally unfair and puts drivers for limousine bases at a severe disadvantage to serve the same purpose, and serve no purpose because of the insurance.

Most limousine companies are small businesses, and are hurt by the higher insurance requirements and the cost of providing higher insurance. By accepting excess insurance to help meet TLC requirements, luxury bases had a way to assist the vehicle owner/driver to meet the higher costs. Excess insurance made the playing field equal.

As a chauffeur manager for Ben's Limo, it is part of my job to recruit new drivers. The task has become harder and harder as many drivers realize they can work for a black car company and have no increase of the cost of insurance, while drivers for our base, a luxury base, have to have that higher requirement. Currently there are only two, and I repeat two, companies that offer this higher insurance in the state of New

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York. Two. That is a big hump to go over. The biggest obstacle when recruiting drivers who used to drive for black car companies is that unless they are insured by one of these two companies, they then have to cancel their existing insurance, are forced for a pay out, have to file new paperwork, and pay the increased cost.

MR. WILSON: Mr. Gorton, can I ask you to wrap up?

MR. GORTON: Yes. Okay. I urge you to keep the excess insurance policy and don't change it. Thank you.

MR. WILSON: Thank you. And the next speaker is Michael Katzman from the Pro-Tech Agency.

MR. KATZMAN: Good morning, Commissioners. My name is Michael Katzman, and I am the president and CEO of Pro-Tech Agency. It's a New York City based, full-service insurance brokerage company. I have been in the insurance business personally over 40 years as an owner and

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operator of my own insurance agencies and
businesses.

During all the years in business I
have always represented the consumer on their
various business entities, which is why I
felt the necessity to testify before the
Commission against the proposed rule changes
prohibiting the purchase of excess insurance.
Whether intentional or not, this change will
hurt the small business people trying to make
a living in the for-hire vehicle industry.

The Commission requires certain
vehicles to have \$1,000,000 of auto liability
limits to protect the public riding in these
vehicles. Yet, by making this rule change,
it would make it so difficult that the vast
majority of drivers cannot find companies
that are willing to provide them with the
limit of liability coverage. The demand for
the insurance far outweighs the supply. As
you heard my predecessor say, there are two
companies that are doing it, and I believe
these companies have reached their maximum
limits on issuing a million dollars.

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I understand that there is a company ready, willing and able to provide the insurance so that these for-hire vehicles can meet the TLC's \$1,000,000 requirement where necessary. The company has an A rating, backed by an A plus rated insurance company. These are the highest ratings that you can get in the insurance industry. In addition, the company is approved in the state of New York by the Department of Financial Services insurance department.

I can't understand why this Commission would seek to exclude this important excess coverage, which would be a direct penalty to be imposed on the common small business owner by impeding and excluding a whole segment of potential business for which they can't qualify because they can't attain the required coverage. This is both unfair and unjust, and it should not be passed by this Commission.

In a great city such as New York, which just elected a mayor who stood for the common people, the small, hard working

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2 citizens, there can be no justification to
3 limit their ability to make a living even
4 further. The costs involved in the livery
5 business are way too high as is, and to limit
6 the ability to compete in all areas would not
7 be in the best interests of the city or
8 public or the people trying to provide the
9 coverage.

10 I implore you as a fair minded --
11 as fair minded protectors of the public to
12 vote down this unfair rule change that would
13 exclude excess auto liability insurance for
14 being used to meet the TLC's requirements.

15 Thank you for your time. Any
16 questions? I'll be happy to --

17 MR. WILSON: Thank you.

18 The next speaker is Frank Caponi
19 of Cavallino Risk Management.

20 (No response)

21 MR. WILSON: The next speaker
22 after that -- if Mr. Caponi comes in, we'll
23 call him -- is Phillip Hom of Windels Marx.

24 MR. HOM: Good morning,
25 Commissioners. My name is Phillip Hom, and

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I'm an attorney with Windels Marx. And I had sent in comments last week, so you have them, it's the same letter that's going around right now, so I'm going to make this brief and just summarize my points.

We're here to provide comments on behalf of our client, the BCC Group, which testified just a few minutes ago, to oppose the change to the TLC rules which would prohibit the use of excess insurance policies to meet the TLC's insurance requirements. I have three main points.

The first point is, you know, we believe that such a rule change would be preempted under state law, whether explicitly or implicitly. The TLC rules right now regarding insurance specifically reference the state law, the Vehicle and Traffic Law section 370, and under VTL section 370 it specifically says that you can meet insurance requirements for for-hire vehicles by using a combination of bonds or policies. Currently there's nothing in the TLC rules that says that you can't use this combination until you

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2 pass, you know, pass or consider this rule
3 that's up for consideration right now. Until
4 about a year and a half ago TLC did accept
5 excess policies, and then my understanding is
6 they stopped accepting this policy -- this
7 excess insurance without any notice, which I
8 believe is probably preempted by state law.

9 The second point I'd like to make
10 is people in the industry and people from
11 insurance companies have told me that this
12 policy change was made, as I said before,
13 without notice, and it's, you know, until,
14 you know, you wait until now to pass the
15 rules. So it seems like it's just being done
16 backwards. And it's problematic because it
17 shows that the TLC probably shouldn't have
18 made that policy change in the first place.

19 And my last point is that there
20 are, as, you know, many people before me have
21 testified, there are a lot of people in the
22 industry who have, you know, thousands of
23 limousine operators who are waiting for the
24 TLC to accept excess insurance to help them
25 fulfill this \$1,000,000 insurance coverage

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2 requirement. This provides them a less
3 expensive way to meet the insurance
4 requirements that they otherwise would not be
5 able to satisfy. And we're confident that,
6 you know, the insurance companies working
7 with the TLC can make excess insurance work
8 if there are any issues.

9 Thank you for listening to my
10 comments.

11 MR. WILSON: Thank you.

12 The last, next speaker listed is
13 Ethan Gerber from the Greater New York Taxi
14 Association.

15 COMM. MARINO: Can I just ask the
16 chair a question? Is that true, that we
17 stopped accepting excess before this rule has
18 gone into effect?

19 THE CHAIR: Two years ago or maybe
20 longer, we notified people that they had to
21 have certain information on the dec page.
22 That had always been a requirement, but we
23 were officially notifying people that were
24 not complying with that. And this rule
25 memorializes that practice that's been in

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2 effect for two years.

3 COMM. MARINO: But not -- but
4 having something in the dec sheet is not the
5 same as rejecting excess insurance, so I'm
6 just trying to clarify that.

7 THE CHAIR: Well, if -- we reject
8 insurance if it doesn't have the vehicle
9 identification information on the dec page,
10 the insureds on the dec page, a base policy
11 that doesn't cover -- that covers vehicles
12 that are not owned by the base. So whatever
13 name you want to give the insurance that we
14 reject, it's really those characteristics
15 that we are looking for.

16 COMM. MARINO: Okay.

17 AUDIENCE MEMBER: The answer is
18 yes.

19 COMM. MARINO: Okay, thank you.

20 MR. GERBER: Good morning. I'm
21 Ethan Gerber from the Greater New York Taxi
22 Association. I'll be very brief.

23 The rule at first sets out what
24 its intention is. The second part of the
25 rule recognizes bonds and recognizes

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2 policies. The third part of the rule sets
3 only what a policy is supposed to be stating
4 and what that requirement is. It doesn't
5 address the bonds, and we would like
6 clarification from this Commission that this
7 does not address bonds. That's all.

8 THE CHAIR: Thank you.

9 MR. GERBER: If we could get that
10 clarification.

11 MR. WILSON: The next speaker is
12 Pat Russo from Windels Marx.

13 MR. RUSSO: Good morning,
14 Commissioners. I'm here to address just some
15 of the questions that just happened in the
16 colloquy. But first I want to say the stated
17 basis and purpose of the rule today is to
18 address several bullet points as it's been
19 proposed. The elimination of excess
20 insurance does not get to that point.
21 There's no rational basis to pursue this when
22 declaration pages from insurance companies
23 not only can be presented to licensing to
24 address each and every one of these points on
25 page two, but in the last year, through

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personal experience of our firm, we've presented them. So this is really today a matter of form over substance. And that form has been rejected. The more fundamental question is, what kind of insurance is being provided, what kind of coverage is being provided, and what kind of companies. This doesn't even address the issue of ratings of insurance companies, which both folks from the insurance industry spoke of.

Today's rule adversely affects drivers, specifically those in the independent contractor model who want to work in the luxury limousine bases. It's eliminating from them the possibility of a cheaper alternative to provide the same insurance coverage and the same protections to the TLC, the passenger and other drivers. What really today does is promote a duopoly, where a limited number of insurance companies can go forth and provide this coverage as it's set forth, even though, again, what's been presented in the last year in terms of forms, in terms of samples, meets each and

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every one of these requirements. So what today's rule does is it throws out the baby with the bath water, and it doesn't address what you're trying to do in the stated basis and the purpose.

So the history of it in the last eighteen months is, insurance companies have presented and continue to present in dialogue with the TLC to meet each and every one of these requirements. By promoting these rules today and by voting on them today, you will be in effect eliminating a viable alternative, a cheaper alternative that meets all those requirements, that has been in business for years. And this is the first time that I can think of that the Commission has actually gone forward and eliminated a viable industry, a viable source of business, a viable protection for drivers and small businesses alike, just to achieve a goal that it cannot otherwise achieve by stipulating and concerning what declaration pages include, which is actually what your rule is trying to get at. So I think we'd like to

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continue that dialogue, and we strongly urge
you to either postpone the vote or actually
deny the proposed rules.

Thank you.

MR. WILSON: Thank you.

And the final speaker is Mr. Osman
Chowdhury.

MR. CHOWDHURY: Hello, good
afternoon, everybody. My name is Osman
Chowdhury. I also have to say that the
insurance has not only has -- I'm here to
talk about the Zero Vision policy of Bill de
Blasio. I'm talking about the Zero Vision
policy of Bill de Blasio. But what's going
on right now, and it's still going on,
because there are some places that don't have
any green arrow sign, at the intersection of
20 Park Avenue, 20 Third Avenue, 11 7th
Avenue does not have a green arrow. People
cannot, motorists cannot go across the
street. And you need to take action,
because if the police start to crack down,
the drivers are going to lose their licenses,
and very soon. And I also have a --

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2 THE CHAIR: Thank you. Today's
3 hearing is on the rule amending -- the
4 proposed rule to amend our insurance
5 requirements.

6 MR. CHOWDHURY: Okay.

7 THE CHAIR: So there are town
8 halls that we're doing throughout the city,
9 where it sounds like what you're discussing
10 would be a perfect topic for those. So you
11 can -- somebody can meet you in the back and
12 give you a list of the next one.

13 MR. CHOWDHURY: Okay. Thank you
14 very much.

15 THE CHAIR: Thank you.

16 MR. CHOWDHURY: You're welcome.

17 MR. WILSON: Thank you.

18 Do any of the Commissioners have
19 anything they want to add or questions or --

20 COMM. MARINO: Yes, I do. I
21 don't -- I don't understand why we are -- why
22 we have a rule here that really has not only
23 the potential but it's going to have the
24 effect of eliminating excess insurance. I
25 mean I deal with insurance companies in my

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2 practice. In my law firm, 80 percent of my
3 practice deals with insurance companies.
4 Excess insurance is a great thing. I mean
5 why do we want to cut out that option for
6 people? I mean I have it on my home, I could
7 have it on my malpractice. I mean if excess
8 was cut out, for me personally it's going to
9 have a detrimental effect. A million, \$1.5
10 million in coverage is a huge nut. I mean
11 their assessment is only two companies that
12 offer that.

13 I think this is a bad rule. I
14 just, I think the intent is -- there's a good
15 intent but I think the effect is going to be
16 very negative. And I think limiting people's
17 options is not productive, it's not the
18 American way, and I am really urging my
19 colleagues to vote against this. I think the
20 rules need to be revamped. I think there's
21 good ideas here, but this is not -- this is
22 not a good plan the way this is right now.

23 COMM. GONZALES: This is
24 Commissioner Gonzales. I partially agree
25 with Commissioner Marino. I guess overall I

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2 see this rule before us to help improve on
3 the transparency of what -- both -- I guess
4 particularly in administrative issues, in
5 that it's explicit what's on the declaration
6 page, there's no ifs, ands or buts, the
7 vehicle numbers, so on and so forth. I
8 personally would probably like I guess
9 further review of, I guess what -- first I
10 have one question, we should start there.
11 With respect to the rules before us, it's
12 not -- it does not prohibit the industry from
13 obtaining umbrella insurance just for -- just
14 as incremental supplemental insurance for
15 their business and their vehicles; correct?
16 As long as they have -- they meet the --
17 they're compliant with the VIN numbers and
18 items on the declaration page; correct?

19 MR. WILSON: That's correct.

20 THE CHAIR: That's correct.

21 COMM. MARINO: I think it's going
22 to have the unintended effect of doing that.
23 That's the issue here.

24 THE CHAIR: It's correct for if
25 the base owns all of the vehicles. It's not

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2 correct for vehicles that are not owned by
3 that base.

4 COMM. GONZALES: Okay.

5 COMM. MARINO: Can you say that
6 again? It's correct if --

7 THE CHAIR: If the base owns all
8 of the vehicles that are covered under the
9 umbrella.

10 COMM. MARINO: That eliminates
11 excess.

12 THE CHAIR: But if the umbrella
13 policy covers vehicles that are not owned by
14 the base, then it will not meet the TLC
15 requirements.

16 COMM. MARINO: Well --

17 COMM. CARONE: Madam Chair, I'm
18 listening to a lot of testimony about excess
19 insurance and umbrella policies, and the
20 stated purpose of the rule doesn't address
21 eliminating those type of insurances. So I'm
22 looking at the rule and I'm reading what is
23 it that I'm really missing. And it seems
24 that there's a level of ambiguity here and a
25 lack of clarity. And when there is such

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2 ambiguity, perhaps we should table the vote
3 and clarify that. Because I don't think the
4 intention was that. You also have questions
5 from Mr. Gerber about self insurance. So to
6 the extent that we have this ambiguity,
7 perhaps we should table this vote.

8 THE CHAIR: So we can make a
9 motion to -- we actually, we have the hearing
10 today, but we can or cannot vote, that's up
11 to us. So we can just vote it at another, at
12 the next following hearing continue --

13 COMM. WEINSHALL: So we don't have
14 to make a motion to table?

15 THE CHAIR: No, we don't have to
16 have a motion to table. So the hearing is
17 closed, and we can vote on it at the next
18 meeting.

19 COMM. AROUT: I'd rather vote on
20 it now and get it over with.

21 THE CHAIR: I agree that there's
22 been some questions raised during the
23 testimony, the testimony that we heard today,
24 and definitely some ambiguity among the
25 Commissioners' understanding of the rule,

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2 that it's worthwhile to take the extra time
3 to clarify those and, if we need to, make
4 further amendments.

5 COMM. AROUT: Put it to a vote.

6 THE CHAIR: I can take a -- make a
7 motion to see who would like to vote today,
8 but it sounds from just the general
9 discussions that at least three Commission
10 members would prefer to table, which means
11 that that vote would not -- the vote would be
12 to table it.

13 COMM. MARINO: But just to be
14 clear, I think there needs to be changes in
15 these rules to address the ambiguity and
16 address these concerns.

17 THE CHAIR: I think that that's
18 the purpose of not voting today.

19 COMM. CARONE: That would be the
20 purpose for tabling it, yes.

21 COMM. MARINO: Right. But I'm
22 saying it's not just bringing the same rule
23 back next month.

24 THE CHAIR: No, I don't think we
25 would do that. Then we could vote today.

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2 COMM. MARINO: Yeah. I'm just
3 making sure, for the record.

4 COMM. GONZALES: I'd just like to
5 reemphasize, I mean, as far as the rules are
6 concerned, again, the emphasis on objectivity
7 and clarity and details, I'm, you know, for
8 that. But I do agree there's ambiguity with
9 respect to use of excess insurance and things
10 of that nature. I would like some more
11 information on that before I'm prepared to
12 vote.

13 COMM. MARINO: And I would like to
14 say if these rules are revamped at all, which
15 they should be and probably will be, I really
16 strongly urge us and our staff to do
17 everything to not limit excess insurance.
18 Excess insurance is a great thing for
19 businesses. I think having any rule that
20 even can remotely possibly excess the option
21 of purchasing excess insurance is a bad idea.
22 That's my two cents.

23 COMM. AROUT: But can I say is
24 this going to change everything else if we
25 have to not vote on this?

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THE CHAIR: No. We can --

COMM. AROUT: What do we do?

THE CHAIR: We can vote next month on this. This will allow further --

COMM. AROUT: What are we going to gain by holding it for the next meeting?

THE CHAIR: We are going to gain some clarity. There's Commission members that need additional information on the objects of the rule and whether they are being met as drafted, as well as testimony that the Commissioners just got today. We got two written submissions in testimony, but the Commissioners just today got the benefit of public testimony. So they'd like time to consider that. As well as have further discussions with staff on how the rule can be fine tuned before they're prepared to vote.

COMM. AROUT: And at the next meeting you'll vote on it, is that the schedule?

THE CHAIR: That's the schedule, yes.

Next on the agenda is a rule that

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2 would provide an exemption to taxi school for
3 licensees that have been -- obtained their
4 license before 1999, which is the year the
5 taxi school requirement came into being. It
6 would allow those people who let their
7 license lapse come in and get another license
8 without having to get -- to take taxi school
9 as long as they meet all the other licensing
10 requirements of TLC.

11 And also a question that came up
12 in comments that I just want to clarify.
13 Today, people that get a license after 1999
14 that have already taken taxi school, if they
15 do let their license lapse and they want to
16 come back in and get another license, we have
17 a record that they have attended taxi school
18 and that the requirement was met when they
19 first attended, it's transferred over, and so
20 they don't have to take taxi school for a
21 second time. That's not covered by the rule.
22 It's our current practice and we have no
23 intention on changing that.

24 COMM. WEINSHALL: So I'm unclear.
25 So if you -- before 1999 if you didn't take

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2 taxi school, you now will not be required to?

3 THE CHAIR: If you meet all the
4 other conditions of licensure, that's a good
5 driving history, a fitness review, and you
6 have no -- what's the last?

7 MR. WILSON: No outstanding fines
8 and you are back in two years.

9 THE CHAIR: No outstanding fines,
10 then you can come back within two years.
11 This was driven by discussions with the
12 industry on the difficulty of retaining
13 drivers, retaining long term drivers. And
14 sometimes drivers may leave for a year or
15 two. And in order to entice them to come
16 back to driving, removing one of those
17 obstacles, which is taxi school. So the idea
18 is because they have the life experience,
19 that will count as an equivalency to taxi
20 school. The rule eventually sunsets because
21 this is a limited group of people and over
22 time it will age out.

23 COMM. MARINO: So we're making
24 things easier for people at this point?

25 THE CHAIR: Yin and yang.

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2 COMM. WEINSHALL: Isn't there a
3 benefit to having people going to taxi
4 school?

5 THE CHAIR: Absolutely, and
6 there's still an education requirement, every
7 driver will have to take a renewal course and
8 wheelchair accessibility training, and
9 there's defensive driving courses. So there
10 are annual course requirements regardless of
11 whether you take the initial taxi school.
12 This just alleviates the initial burden of
13 having to pay for the expense of taxi school
14 to re-enter the driving world.

15 COMM. AROUT: Madam Chairlady, if
16 you don't mind, can we go right back to the
17 vote? Can you just have a raise of hands who
18 wants to go back to the board and vote on
19 this in the next meeting? I say -- I had
20 said I would like to vote this today.

21 THE CHAIR: On the insurance rule?

22 COMM. AROUT: Yes.

23 THE CHAIR: Okay. So I'll make a
24 motion. Who would like to table a vote on
25 the amendment to the insurance rules for

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today? All in favor? It looks like one, two, three, four, five out of six.

COMM. AROUT: Thank you.

THE CHAIR: And we have one speaker scheduled for the hearing on the education exemption rule.

MR. WILSON: Peter Mazer, please.

MR. MAZER: Good morning, Commissioners. Peter Mazer, General Counsel, Metropolitan Taxicab Board of Trade. You have my written comments which I submitted, and it was addressed this morning by the chair.

My concern was that the rule does not provide that those people who have taken the school requirement since January 1st of 1999 and who allow their license to lapse, that some of those people have been told by employees at Licensing that in order to reapply for the license they would be required to go back to school. I am glad for the clarification that we now have that Licensing will no longer be requiring anybody who has completed the school requirement to

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2 go back to school as long as their license
3 was voluntarily lapsed, they were not
4 addressing people that were revoked or lost
5 their licenses for other reasons. It's not
6 in the rule, it's a policy of the Commission.
7 At some point we would urge the Commission to
8 adopt that formally as a rule.

9 Thank you.

10 MR. WILSON: Thank you.

11 These rules were originally
12 published in the City Record on May 15th,
13 2014, with a comment deadline of June 16th,
14 2014. Two written comments were received,
15 which have been provided to the
16 Commissioners. There were comments from the
17 New York Taxi Workers Alliance and the
18 Metropolitan Taxicab Board of Trade. Based
19 on the comment from the New York Taxi Workers
20 Alliance, the staff recommended one change to
21 the rule as originally proposed. That was to
22 clarify. The original language in the
23 proposed rule had said that a returning
24 licensee could have no outstanding summonses
25 or fines. We removed the language about

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2 outstanding summonses, because the time for
3 those had been passed, but reduced the
4 required payment of any outstanding fines
5 before somebody is qualified to return as a
6 licensee. And the final rule for action with
7 that comment reflected was posted on the
8 Commission's Web site and transmitted to the
9 Commissioners, as required by Local Law, on
10 June 16th.

11 And are we ready for a vote? Any
12 questions, comments?

13 (No response)

14 MR. WILSON: Commissioner Carone?

15 COMM. CARONE: Yes.

16 MR. WILSON: Commissioner Arout?

17 COMM. AROUT: Yeah.

18 MR. WILSON: Commissioner Joshi?

19 THE CHAIR: Yes.

20 MR. WILSON: Commissioner

21 Weinshall?

22 COMM. WEINSHALL: Yes.

23 MR. WILSON: Commissioner

24 Gonzales?

25 COMM. GONZALES: Yes.

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MR. WILSON: Commissioner Marino?

COMM. MARINO: Yes.

MR. WILSON: Thank you. Thank
you.

THE CHAIR: That concludes our
meeting today, and the time now is 11:00 a.m.

(Time noted: 11:00 a.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

I, KARI L. REED, a Registered
Professional Reporter (Stenotype) and Notary
Public with and for the State of New York, do
hereby certify:

I reported the proceedings in the
within-entitled matter and that the within
transcript is a true record of such
proceedings.

I further certify that I am not
related, by blood or marriage, to any of the
parties in this matter and that I am in no
way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this 25th day of June,
2014.

KARI L. REED, RPR

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